

Kate Haworth

"Police interviews: how the legal process creates criminal evidence"

Abstract:

Police-suspect interviews in England & Wales go through significant transformation along their route through the criminal justice system from interview room to courtroom. What is treated as being an accused person's account in their own words, is in fact honed and shaped by the institutional procedures governing its production, processing and presentation as evidence.

Firstly, the original interview interaction is actively co-constructed by the interviewer, whose professional role requires them to tailor this talk for future contexts (e.g. Crown Prosecution Service charging decisions; judge and jury). This talk goes a step further in showing how subsequent institutional processes also become an active 'participant' in the data, first through the construction of an official written record, and then through the performative reconstruction of that record in court. This talk will demonstrate the extent to which a suspect's own account is deconstructed and reconstructed by the processes, procedures and practices of the legal system; the same system which institutionally reinforces the fiction that verbal accounts are not subject to change, and holds the suspect criminally liable when inconsistencies emerge (s.34 Criminal Justice and Public Order Act, 1994).

The talk uniquely draws on analysis of multiple stages of the legal process, from interview room to police station back offices to courtroom, using an interdisciplinary approach involving linguistic analysis of interview data, focus groups with police practitioners, and a critical socio-legal evaluation of the consequences of the research findings, focusing on the validity of the current treatment of interviews as criminal evidence.