

SILENCE IN POLICE INTERVIEWS: AN ANALYSIS OF STRUCTURE AND POWER

By

SARAH HOWARD

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To my sister, a true master of silence

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Sarah Howard

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This work argues that while many believe silence to be empty and meaningless, it can function as a responsorial indirect speech act. It claims that this misunderstanding of the phenomenon is what creates the difficulties surrounding silence in the U.S. legal system. By applying Searle's (1969, 1975) theory of direct and indirect speech acts, we establish conversational silence as a response. This work applies our concept of silence to police interviews and examines the role of silence by first applying the data to Sacks, Schegloff, and Jefferson's (1974) model of turn structure. This provides evidence to silence functioning as a response and suggests modifying the model to include conversational silence as it better represents all participants in the exchange. Next we examine how this theory and model affect our understanding of issues of voice and power in police interviews. This work shows that effective use of silence actually empowers the suspect during the evidentiary police interview in addition to shielding them from coercion.

CHAPTER 1 INTRODUCTION

Typically, we do not consider silence to be part of a conversation, or at least not part of a comfortable and felicitous conversation. This is generally due to associating conversation with words, sounds (or a representation of those word and sounds, such as Sign), and meaning. During an exchange, meaning is the most important aspect as any production of sounds or sound patterns that lack meaning is considered separate from the concept of Language and by extension, conversation. Silence, on the other hand, is frequently paired with quiet and with nothingness. It has even been described as a void, an empty conversational space that lacks any outward appearance of meaning (Sacks, Schegloff, and Jefferson; 1974; Bilmes, 1994; Kurzon, 1995, 1998, 2007). However, if we examine silence more meticulously, we will see that it, in fact, functions consistently as a response.

To illustrate this, I will be focusing on the dialogue found in police interviews. The police interview is a very important part of the legal process, in that what a person says, or does not say, during the interview can change the course of the rest of their lives. This exchange has an immensely high level of importance to at least one of its participants and yet is structured similarly to a daily, casual conversation. This juxtaposition allows us to analyze aspects of dialogue that otherwise may be difficult to encounter naturally.

To demonstrate the complexities of a police interview, consider what must occur during the average conversational exchange for it to be considered successful or felicitous. Just on a general level, one needs to know when to speak, when not to speak and when to backchannel, all in addition to understanding what is being said or implied.

Add to that the stress and importance of the police interview and you have magnified the need for each of those criteria to be felicitous. Ainsworth (2008) explains that for the most part this is fairly straightforward, so long as the participants understand, or even simply know, the legal “verbal recipe” that is needed in order to achieve their goals (p. 2). Frequently, successful negotiation of daily conversation and discourse involves more than an understanding of literal meaning. We often infer a speaker’s intended meaning, either due to indirect speech acts or other contextual clues and phenomena. One of these phenomena is silence, but how silence is used and understood varies from frame to frame. It can be used between friends in daily conversation as a form of humor, as a rejection after a request, and at times it can even be meaningless, such as the silence we see in the frame of religious activities and meditation. In the context of a police interview, however, it is meant to act as a linguistic shield (Ainsworth, 2008).

In the United States, silence has a very complex role in the legal system. It is supposed to protect the participants, the process, and the results, as well as be adeptly used in a context where the average participant has little experience. This lack of experience can lead to a participant unintentionally using silence in an infelicitous way, potentially preventing them from accomplishing whatever they were striving for (Ainsworth, 2008). The normal parameters for using silence, as well understanding it, do not seem to apply, most likely because those being questioned are told explicitly that they have the right to employ silence whenever they deem it necessary. In “day-to-day” conversation, however, we are not given explicit instructions on when, or why, to use silence. This difference creates a curious shift in its use and understanding that raises many questions.

Firstly, we will examine we will examine the mechanics of the exchange by analyzing how silence affects turn structure. If it is indeed a response, this should be reflected in the structure of the conversation and we should see some similarities between an intentional usage of silence and the conventional utterance. This will also be show in any repair strategies and negotiation of meaning after silence occurs in the interview.

Next, we will attempt to define what constitutes an effective use of silence within the police interview. Effective usage should act as a linguistic shield. Its effectiveness will also affect the manifestation of the suspect's voice and help illustrate who holds the power within the interview.

I would like to note that this work does not assume that the analysis of this project will be universal, as it does not take into account data from areas outside of the U.S., nor various subcultures, where silence may be affected by cultural or legal differences.

The rest of the paper will be organized as follows: Chapter 2 will provide a brief history on the highlights of silence in the legal system. Chapter 3 will discuss the methodology of the data collection and its analysis. Following this, Chapter 4 will seek to show that silence can be more meaningful than Sacks, Schegloff and Jefferson's (1974) concept of a lapse (4.1), and can in fact function as an indirect speech act or a response (4.2). In Chapter 5, we will provide an analysis of turn structure in police interviews, applying our theory, developed in Chapter 4. Next, in Chapter 6 we will examine how voice and power are reflected in the dialogue's structure and in how silence is used. Finally, Chapter 7 will provide a final discussion of our findings.

CHAPTER 2 SILENCE AND THE UNITED STATES LEGAL SYSTEM

The root of the controversy surrounding silence and the U.S. legal system actually arises from the Fifth Amendment of the U.S. Constitution which states, “No person [...] shall be compelled in any criminal case to be a witness against himself” (U.S. Const. amend. V). This section of the amendment was intended to guarantee that American citizens could not be forced, threatened, or coerced to say or do anything that would incriminate themselves during trial (Butler, 2011). However, this amendment proved to be challenging for the legal system and at times difficult to implement, because the courts not only want to protect the rights of citizens but to ensure that justice is, and can be, served (Butler, 2011). Before the creation of the *Miranda Warning*, there were many cases in which suspects believed that their constitutional rights, specifically their Fifth Amendment rights, had been violated and often, people who were taken into custody may not have known or understood this amendment well enough so as to take full advantage of it and use it while being questioned by the police (Miranda, 1966). This lack of understanding has devastating repercussions on a criminal investigation as it could result in removing a confession from the court hearing or trial, if the judge found that the confession had been given under duress.

While discussion of the Fifth Amendment is nothing new to the Supreme Court, our concern with silence and police interviews chiefly begins with the Court’s findings in *Miranda v. Arizona*, 384 U.S. 436 (1966). In this case, Ernesto Miranda was being prosecuted for the kidnapping and rape of an 18-year-old girl in Arizona in 1963. After some investigation, the police interrogated Miranda without informing him that he had a right to legal counsel or that he could not be forced to say anything that would

incriminate him. During the course of the interrogation, Miranda confessed to the charges. However, his lawyer later objected to use of the confession during the trial on the grounds that his confession was given under coercion. The objection was originally overruled and Miranda was convicted of the charges. Miranda appealed his conviction and his case made its way to the Supreme Court where it was heard along with *Vignera v. New York* and *Westover v. California*, both of who were citing similar violations (Miranda, 1966). The Court decided that the prosecution cannot use any statements or confessions that are given during a custodial interview if no “procedural safeguards” are employed (Miranda, 1966, p.1612). These “safeguards” have now become known as the Miranda Warning.

The Supreme Court’s decision on *Miranda v. Arizona* (1966) sought to provide a preventative solution for future cases by creating the *Miranda Warning*. While the exact wording of the Miranda Warnings can vary somewhat between officers, the most commonly known script and necessary information is as follows:

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense.

(Miranda, 1966; Butler, 2011)

The Supreme Court not only created a warning that explicitly informs the individual in custody that they may employ silence, but required law enforcement to recite these warnings whenever an individual is taken into custody. The idea was that this would not only protect the rights of the citizens and ensure that any of their statements would be made voluntarily, but that it would also protect the judicial process and ensure that future statements would be admissible in court (Miranda, 1966,

p.1612). If the suspect could shield himself from coercion with silence, then it becomes much more likely that his statements are voluntary.

Miranda v. Arizona and the Miranda Warning also explicitly introduced silence into the frame of the police interview, along with a range of new difficulties. One such situation is found in *Doyle v. Ohio*, 426 U.S. 610 (1976). In this case, after being arrested and mirandized, the defendant chose to remain silent while being asked for an explanation of his actions. However, he did choose to share his version of the events during the trial. The prosecution then questioned the defendant as to why he chose to remain silent during his interview but give a statement in court and in doing so, questioned the validity of his testimony (Doyle, 1976). The Court found that the defendant's silence could not be assumed to be deception without violating his rights, and thus should only be seen as an invocation of his Miranda rights (Doyle, 1976). This also meant that his silence could not be used against him in court. The Court stated that using silence against a defendant would then mean that any suspect would be placed between remaining silent, and being assumed to be guilty, or saying something that may be in some way incriminating, even if they are innocent, thereby forcing self-incrimination (Doyle, 1976).

The debates surrounding the Miranda rights, warnings, and the use of silence continue today, with cases like *Salinas v. Texas*, 133 S.Ct. 2174 (2013) being heard as recently as this past year. Even now, we argue when we are allowed to make inferences from silence and when (or even if) it invokes the Fifth Amendment. In *Berghuis v. Thompkins*, 130 S. Ct. 2250 (2010), the defendant remained silent for 2 hours and 45 minutes of questioning before starting to answer orally. The Court found

that his silence was an invocation of his Fifth Amendment rights for the duration that he remained silent, and therefore was not admissible in court, but that the responses given after that time were voluntary and admissible.

In *Salinas v. Texas* (2013), the Court was notably divided on the issue of silence. While voluntarily talking to the police, and without being arrested or mirandized, the defendant was silent following a question about potential ballistic findings in relation to his gun. The Court found that due to the voluntary nature of the interview, because the defendant was free to leave at any time, and, most importantly, because the defendant did not explicitly state that he was invoking his Fifth Amendment rights, that the prosecution was allowed to question the defendant about his silence (Salinas, 2013). While this was the official opinion of the Court, Justices Breyer, Ginsburg, Sotomayor, and Kagan all dissented, believing the defendant's silence to be an invocation of his Fifth Amendment rights, especially since the court had previously found that there was no formulaic requirement for invoking these rights (Salinas, 2013, p. 2186). Clearly, the use of silence is still a difficult issue for the United States legal system, and it is entirely possible that this is due to our general lack of understanding about the phenomenon itself. I believe that if we examine how silence is employed during the police interview and how it affects the dialogue, we should be able to resolve many of the issues seen above.

CHAPTER 3 METHODOLOGY

While much of the linguistic discussion on silence is based on a strong theoretical background, many of the works make a number of assumptions and do not always supply the appropriate amount of data, and discussion of that data, to help to cement their theories. This analysis hopes to provide the necessary data and discussion in order to provide support for many of these hypotheses or to alter them where needed.

I will combine two different approaches to analyzing the data. First, I will take an explicit conversation analytical approach to the data while examining turn-taking and conversation structure so as to provide a solid foundation for the following critical discourse analysis on power and voice in an effort to confirm previous assumptions or illuminate aspects of silence and police interviews that may have been overlooked.

The data was taken from three separate recorded interviews from central Florida,. All individuals being questioned were mirandized (i.e. received the *Miranda Warnings*) either before the interview or immediately upon commencing. All names and identifying information have been changed. These particular interviews were selected because they were video-recorded and past all levels of adjudication. I chose to use video recordings instead of audio recordings to allow for a potential examination of body language, if applicable, and make it possible to separate instances of gesture from silence. For example, if a suspect shakes his head “no”, then I would not consider that to be an instance of silence. Recordings range from 1.5 hours to 7.5 hours. All participants being interviewed are labeled as S1, S2, or S3 and interviewers as P1, P2, P3, etc.

Jefferson's system of notation (1979) is used for the transcription with a few small changes. The data will be analyzed on a turn-by-turn basis, with silences being assigned to a specific participant and often being given their own conversational turn. In pure Jefferson notation, intervals of silence are not attributed to one speaker or another. Clearly, this would cause confusion within the discussion, so when an interval of silence is clearly attributed, through my own analysis, to one party or another it will be noted in the following way:

1 Speaker A: (0.0)

Assigning the silence to a specific speaker will allow a discussion of silence in terms of speaker ownership and note possible durational differences between silences and pausing. Genuine instances of what Sacks et al. (1974) label as gaps and lapses will still be unassigned in the transcription. This is done to distinguish those instances from intentional silences. In order to do so, lapses and gaps will be given their own line within the transcription. In an additional effort to ensure that we can easily distinguish between lapses and silences every line is attributed to a participant. The following hypothetical example shows why this is necessary:

1 SA: twinkle twinkle little star how I wonder what you are
2 SA: up above the clouds so high, like a diamond in the sky
3 SA: twinkle twinkle little star how I wonder what you are
4 (1.3)
5 SB: nice job

Conventionally, the speaker is only identified at the onset of her/his turn, but if the transcription only identifies Speaker A at line 1, it might seem as if the lapse in line 4 is an intentional silence that is being attributed to Speaker A, instead of a lapse in the conversation. Therefore, each line of transcription will identify the speaker.

The data was also transcribed to reflect the speaker's speaking style and does not necessarily reflect the phonetic realization. For instance, the difference in "out to" and "outta" would reflect a difference in formal versus informal styles as opposed to a phonetic change. Therefore, the analysis puts more emphasis on stylistic changes and differences and the reader should see these as reflecting a change in register.

This analysis will also follow Sacks, Schegloff, and Jefferson's (1974) explanation of turn taking and conversation structure. They explain conversation structure to be context free, due to the fact that it remains consistent regardless of subject matter, and participants and at the same time context sensitive (p. 699). It is context sensitive in that the smaller details that may have changed slightly in the overall structure become salient markers for certain contexts (p. 700). We have already stated that while silence in a police interview functions similarly to casual and/or daily conversation, it has some minute, but important differences. Therefore, this analysis assumes that the turn structure of the police interview is roughly the same as the Sacks et al. (1974) concept of conversation, but that silence is the small detail that functions differently within this particular context.

However, one of the structural rules from their analysis needs to be amended in order to accommodate silence. They state that a conversational turn may consist of phrases, sentences, clauses or words. This work expands on that idea by claiming that a turn is simply equal to an utterance. Conventionally, silence is not considered an utterance. However, we will show silence as capable of being a response (Chapter 4) and in a police interview, the suspect is explicitly told that he or she is allowed to remain silent, thus making it a conversational device to be used within that frame. Therefore, in

the realm of a police interview, a turn may be filled by a silence, as well as phrases and words, and considering it an utterance will allow it to be seen as fulfilled conversational turn.

CHAPTER 4 SILENCE AND SPEECH ACTS

Simply introducing silence into the frame of police interviews does not necessarily elevate it to a form of utterance. However, we should not only consider the use of silence in police interviews as a response, but that it already functions this way in daily conversation, making it even more likely to function similarly in a similarly patterned frame.

Earlier, we mentioned that people are not quick to pair the concept of silence with conversation as conversations are normally thought to require words, which require sounds (or a representation of those sounds), and meaning, and it is this aspect of meaning that I stated to be the most essential. For example, production of sounds or sound patterns that lack semantic meaning, like what we see in the animal kingdom, is not considered language.

Silence is normally equated with nothingness or a void (Bilmes, 1994). Sacks, Schegloff, and Jefferson (1974) label silence as either a gap between conversational turns or an overall lapse in the conversation. They feel that it highlights problems in properly negotiating turns in conversation. While gaps and lapses in conversation most certainly occur with a great deal of frequency in conversation, Sacks et al. (1974) do not consider the possibility that a participant in a conversation may intentionally use silence within the interaction. In this section, I argue that the concept of silence as a meaningless conversational void is often a false assumption.

To first illustrate that silence not only can, but also often does, have meaning, let us look at a humorous example in the question “Do these jeans make me look fat?” Following Bilmes’ (1988) system for determining preference, we can state the response

“no” is clearly the expected and preferred response here, and “yes” can even be deemed an acceptable answer (though it is not always appreciated). Remaining silent, however, would not only send of message of “yes” but would serve to intensify it. No words are spoken, yet meaning is inferred, and a strong meaning at that. This example of a possible response choice lacked sounds, but it the quality of nothingness was far from applicable. How such silences have meaning and are understood in conversation will be explained by examining Searle’s Speech Act theory (1969) as well as Grice’s Cooperation Principle (1975).

Firstly, however, I will define what this investigation means by silence. I am not suggesting that all silence is communicative. Silence can most certainly be the complete absence of words, sounds, and meaning. We see such examples in the many religious who have taken vows of silence, in those who are meditating, or even those who are simply sitting quietly (Bilmes, 1994; Kurzon 2007). For the purposes of this paper, I am following Bilmes (1994) example and categorizing silence into several different types. Kurzon (1995, 1998, 2007) makes the distinction between intentional and unintentional silence. Unintentional silences are what Sacks et al. (1974) would consider to be lapses and gaps, as well as pauses. They can illustrate difficulty in negotiating conversation, and well as processing thoughts or planning a response. It is also worthwhile to note that these silences do not carry any intended meaning and are often what contribute to the common perception that silence is meaningless.

Intentional silence is exactly that, silence used intentionally and this can be for a multitude of reasons, some of which will follow shortly. Kurzon (1998) points out that concept of intentional silence can be broken down into even more distinct categories.

Bilmes (1994) further distinguishes between two types of what Kurzon would label as intentional silence. The first is *absolute silence*, which is characterized by an absence of speech and meaning, has no communicative intent, but is also employed intentionally. This form of silence can be found among the many religious who have taken vows of silence, in those who are meditating, or even those who are simply sitting quietly (Bilmes, 1994, p. 74-5). In this category of silence, there is not only an absence of speech and a lack of meaning, but there is also no intention to communicate.

My previous example of an intentional silence following a question should be considered the type of silence that Bilmes has named *conversational silence* (1994, p.73). He stipulates that conversational silence only occurs when speaking is pertinent (p. 74). I am taking his idea further to say that this form of silence is only found when someone is expected to speak, and knows this, but chooses not to, therefore making it a form of response.

I have explicitly added the concepts of response and choice to Bilmes' original explanation for two reasons. First, the term *conversational silence* suggests the presence of a conversation, which cannot be started by silence. For example, assume that I am in an elevator with someone and this person did not greet me right away, though I would have expected them to do so. I would then greet said person myself, under the assumption they expect me to initiate the greeting. In this context, we do not have silence, but rather a negotiation of conversational turn. After my greeting, if the person chooses not to respond, then we have conversational silence. Also, if I had

chosen not to greet this person and no attempt at conversation had occurred, I would not take their silence to have any meaning but rather to be an occurrence of absolute silence.

Explicitly stating that conversational silence is a response eliminates any possibility of misperceiving it as an infelicitous negotiation of conversational turn. Bilmes (1994) supports this idea of conversational silence as a response by illustrating that an instance of conversational silence is often assigned to the particular member of a conversation that remains silent during their conversational turn in his examination of Schegloff and Sacks (1974). In that study, silence was not assigned to a particular speaker and thus not examined as something intentional. By not doing that, this study had huge potential to misinterpret the meta-messages of the individual conversational turns, as well as misrepresent the structure of the conversation, as mentioned in Chapter 3.

My second reason for explicitly adding these terms is to help distinguish conversational silence from pausing. Even though, during a pause, speech is not present when expected, the person that is pausing does eventually intend to speak. Conversational silence is a choice the speaker makes when there is no intention to speak. Referring back to the end of my hypothetical elevator ride, my companion has chosen not speak, as opposed to having paused while considering which way to respond.

These distinctions are key parts of the definition of conversational silence, and this will become apparent as we apply different aspects of speech acts to this concept. For instance, Crown and Feldstein (1985) assumed silence to be part of Speaker A's

conversational turn and not belonging to Speaker B. This would remove any possibility of silence having meaning, though we have already seen such meanings to exist. They also did not distinguish between pausing and silence, assuming one to be the same as the other, similarly to Schegloff and Sacks (1974). Crown and Fieldstein (1985) did not consider silence to be something one would choose as a tool in conversation.

Therefore, to highlight these features (response and intent) and to prevent the same misconceptions, I have explicitly included them in my definition.

To summarize, what this paper will be calling *conversational silence* is the intentionally chosen response to some other speech act. For this section, it should be assumed that when I use the term silence, I am referring to the conversational type. Any other category of silence will be explicitly named, as will conversational silence when deemed necessary.

Searle's Speech Act Theory

With a firm classification of conversational silence now in place, we can begin to examine it in relation to speech acts. Searle's explanation of speech acts is based on the belief that a conversation is actually a carrying out of different actions in accordance with certain rules (1969, p. 29). These actions are commonly called speech acts. Searle considers them to be the basic unit of linguistic communication, and further defines them as "the production or issuance of the symbol or word or sentence" (p. 16).

In accordance with Searle, it is not enough to say that speech acts are governed by rules. He specifies that speech acts are governed by constitutive rules, which "create or define new forms of behavior" (p. 33, 37). For instance, using Searle's formula for

constitutive rules, *X counts as Y in context C*, we can posit that an utterance (X) counts as a request (Y) in the context of an attempt to make the addressee do some act (C) (p. 36).

We have already discussed silence in much the same way. We defined conversational silence as the intentionally chosen response, to some other speech act, of refraining from speech. This can easily be reformatted to say that silence (X) counts as conversational silence (Y) in the context of a response with in a conversation (C). By the same token we can state that silence (X) counts as absolute silence (Y) in the contexts that lack communication (C). While these examples support Searle's explanation of constitutive rules, they do not serve to establish silence as a speech act, only as a subcategory of an overarching theme of silence. In these examples, we are only defining the larger categories of silence, and not explaining how silence can perform as a specific speech act, such as a refusal.

The challenge comes in attempting to create such a rule as all attempts conflict with our notion of silence. For example, we may say any of the following:

1. Conversational silence counts as an utterance in the context that no sounds are produced.
2. Conversational silence counts as communication in the context of conversational response.
3. Silence counts as an assertion in the context of an attempt to prevent the addressee from doing something.

None of these examples establish silence as an independently functioning speech act. Example (1) serves to relate the concepts of utterance and conversational silence, or perhaps even establish conversational silence as a type of utterance in much the same way we established it as a type of silence. The idea of a potential "null

utterance” is similar to other areas of language that contains null components such as null morphemes in morphology and null heads in syntax. While this helps to circumvent the problems the term utterance could potentially cause (a speech act is frequently defined as a type of utterance) in equating silence with speech acts, it does nothing to establish silence as a speech act in its own right. In the much the same vein, (2) only serves to establish as a form of communication and while this is yet again helpful, it does not actually create a specific speech act that is conversational silence. Finally, (3) also fails to establish silence as its own speech act although it does associate it with an already existing speech act.

These few examples of constitutive rules help to suggest that a constitutive rule cannot be made to establish silence as a new form of speech act behavior. Searle stated that failure to create a satisfactory constitutive rule is evidence against the speech act hypothesis (1969, p. 37). For Searle, this was in regard to his theory of speech act as a whole, for which he was able to successfully create the necessary rules to support his hypothesis. In this instance however, the lack of a constitutive rule that could establish conversational silence as its own form of speech act suggests that it is not a speech act in its own right.

Indirect Speech Acts

It is important to remember that just because conversational silence could not be established as its own form of speech act does not mean that it has no relation to speech act theory. There are actually two main categories of speech acts, direct and indirect. Direct speech acts are defined as having only one illocutionary force and that force matches the literal meaning of what has been said (Searle, 1975). To contrast, the illocutionary force of indirect speech acts does not match the literal meaning.

This is illustrated in our original example of responding to the question, “Do these jeans make me look fat,” with silence. As there are no words, there is no literal meaning; this is perhaps why many do not assume silence to carry any linguistic weight. However, as we saw earlier, there is still meaning taken from that silence. That meaning, regardless of its interpretation, is the primary force.

This explanation alone is enough to illustrate that what we have established as conversational silence does not exist within the limits of a direct speech act. A direct speech act requires that the literal utterance and illocutionary force be one in the same, but this cannot be true of conversational silence. If it were, there would be no illocutionary force since there was no literal utterance. However, if we reexamine example (3), *silence counts as an assertion in the context of an attempt to prevent the addressee from doing something*, we see even further evidence that conversational silence does in fact function in accordance with indirect speech acts.

Firstly, the constitutive rule (which is also the essential condition) for a warning is simply that an utterance (X) counts as a warning (Y) in the context of an attempt to prevent the addressee from doing something (C). The only difference in the essential condition of a warning and example (3) is the use of utterance instead of silence. In following that both statements are true, this suggests that an utterance and conversational silence are parts of the same entity. In fact, this potential equality has already been established in example (1) that states conversational silence counts as an utterance in the context that no sounds are produced. It therefore follows that since silence is now established as a form of utterance, it can replace the essential form to create the more specified behavior we see in example (3).

Indirect speech acts also rely heavily on negotiation of the Cooperative Principle and Grice's maxims to be understood. Searle uses a series of ten steps to illustrate this process of negotiation with the proposal "Let's go to the movies tonight" and the response "I have to study for an exam" (1975, p. 61, 63). In the example below, I follow the same process that Searle (1975) uses, substituting conversational silence for Searle's response, to show how understanding silence is the same as understanding any other indirect illocutionary act.

- Step 1: I have made a proposal to Y, and in response he has not said anything (*Facts about the conversation*).
- Step 2: I assume that Y is participating in the conversation and that therefore his remark is intended to be relevant (*principles of conversational cooperation*).
- Step 3: A relevant response must be one of acceptance, rejection, counterproposal, further discussion, etc. (*theory of speech acts*).
- Step 4: But his literal response was not one of these, and so was not a relevant response (*inference from Steps 1 and 3*).
- Step 5: Therefore, he probably means more than he says. Assuming that his silence is relevant, his primary illocutionary point must differ from his literal one (*inference from Steps 2 and 4*).

These few steps illustrate how an addressee can come to the conclusion that someone's silence has meaning. Some will note that Searle continues this process until he has come to a specific explanation of how the indirect speech act is understood, but the complete understanding of the rest of this process requires that for the moment we pause here. This is because one must check a response against which of Grice's maxims have been flouted. For instance, in Step 6 of Searle's original example the addressee is examining how the speaker has flouted the maxim of quantity and in Step 7 relating that analysis back to the situation.

This is somewhat challenging with silence as almost all of the maxims are flouted. The maxim of quantity requires that the speaker give their contribution as much information as is required, which the speaker has not done in that they have not literally contributed any information. The maxim of quality has been violated in sense of lying by omission. While the speaker has not responded falsely, they have not responded with truth either, and thus silence counts as a violation. The maxim of Manner is violated, as conversational silence is ambiguous and obscure.

As always, the maxim of relation gives us a certain amount of difficulty, and that is mainly because it lacks a clear definition. Lack of definition aside, silence could easily be said to be relevant, because nothing was said that was irrelevant, and the reverse is also possible, as nothing relevant was said either. However, in my earlier decision on the maxim of quality, we set a precedent of omission counting as a flouting of the maxim. By the same standard, we will say that the maxim of relation was flouted as nothing relevant was contributed. This follows Reinhart (1980) as irrelevance is frequently found when the maxims of quantity and manner have been violated.

Returning to Searle's steps for understanding an indirect speech act, we see that there is no salient maxim to examine in order to understand the primary illocutionary force. The addressee must instead examine the conditions for text coherence as well as the conditions for derived interpretation. According to Reinhart (1980), a coherent text must have cohesion, consistency and relevance. However, even when the relevance conditions have been violated, one can still interpret a given text so long as the

conditions for cohesion are upheld (p. 165). Essentially, as long as no new topic is introduced, the addressee can still successfully interpret the primary illocutionary force with relative ease.

This brings us to the sixth and seventh steps, which are as follows:

- Step 6: I know that Y's silence is related to my proposal, because no new topic was introduced (conditions for derived interpretation).
- Step 7: Therefore, the primary force is a response to my proposal.

I have explicitly stated Step 7 to show that conversational silence is understood as a form of utterance and not as a pause or as absolute silence. How this form of utterance is interpreted may appear to be dependent on the psychology of the addressee. However, conversational silence is actually interpreted by what conversation analysts call *type-R preference* (Bilmes, 1988).

The general notion of preference stipulates that there are at least three alternative responses to an utterance. There is at the one preferred response (X), at least one non-preferred response (Y), and a response that does not involve X or Y (N). Type-R preference is simply where if X is preferred, N implies Y (Bilmes 1988). With these stipulations in mind, if acceptance is the preferred response to a proposal, and therefore counts as X, then conversational silence would be seen as N and imply refusal, which is Y. This idea is supported by Bilmes (1988) who states, "Because an acceptance is preferred [to an invitation], an absence of response suggests refusal" (p.166).

This not only holds true for proposals/invitations, but also for requests for information. Going back to the original example, "Do these jeans make me look fat," when I introduced the question, I stated that the preferred response was "no." According

to type R preference, that would make the response “no” count as X. “Yes” would count as Y, because it is the non-preferred response. Silence would count as N since it is neither X nor Y and when used would imply Y. Thus, we can see how someone would take silence to mean “yes” in response to this question. This explanation lends support to silence functioning as an indirect speech act, because it shows conversational silence as functioning in another category.

Therefore, we need finally finish our process for understanding an indirect speech act, so that we can see the final steps in how conversational silence is understood.

- Step 8: The preferred response to my proposal would be acceptance.
- Step 9: Y’s silence implies refusal (preference theory).
- Step 10: Therefore, Y’s primary illocutionary force is probably to reject the proposal (inference from Steps 8 and 9).

Discussion

In Searle’s original mapping of the steps involved in processing an indirect speech act, he was able to mainly rely on speech act theory and inference. With conversational silence, this has not been the case. The process quickly became increasingly complex, and required the inclusion of at least two more pragmatic theories to begin to illustrate it. That being said, it does provide a solid foundation for understanding conversational silence as a type of utterance and as a response in a daily conversation.

While to many, it seems strange to equate silence to a speech act, since it is clearly not speech; it may be helpful to think of this type of indirect speech act to make use of anti-speech, instead of making use of silence. As we showed above, this type of

silence is communicative and can be applied to speech act theory, so while our terminology is awkward at best, our application and realizations are sound and should not be discredited due to a lack of creative nomenclature.

When relating silence and our expansions of speech act theory to the frame of police interviews, my theoretical analysis still holds true, though the introduction of a new speech event requires direct explanation.

Bilmes' (1994) categories appear to present a problem for categorizing the silences found in police interviews. When a person chooses to remain silent during a police interview, it is clearly intentional, so I am not debating that aspect; it is also responsorial as it follows a statement or response directed at the participant. However, I am assuming the interlocutor is not intending to communicate or to impart any information, whatsoever. Although it is possible that information could still be inferred, the data will show that this is not usually the case.

This does not mean that the intentional silences we see during the police interview, however, are devoid of any meaning. Kurzon (1995) examines silence in the legal system as part of an adjacency sequence. He explains how its meaning is interpreted by relating the intention behind silence to the concept of intentions in speech acts. He states that silence in police interviews can be understood to mean "I may/must not tell you" or "I shall/will not tell you," but that beyond that interpretation, the silence is does not give any of the requested information (Kurzon, 1995).

Therefore the intentional silences seen in police interviews seem to fall into a grey area. They are similar to conversational silence in that they are responsorial and intentionally employed during the conversational turn and that they do in fact have some

meaning. At the same time, these intentional silences are similar to absolute silence in that it does not intend to supply any of the requested information.

This confusion is commented on by Kurzon (2007) and Bruneau (1973) who agree that psychological silences, which we can interpret as those pauses, gaps, and lapses we see in Sacks et al. (1974) and possibly even as instances of absolute silence, are often difficult to separate from interactive silences, which is what we are calling conversational silence. If we return to our formula for what constitutes conversational silence and what constitutes absolute silence, while applying Kurzon's (1995) examination of intended meaning, we can actually suggest a solution to this conundrum. For conversational silence, silence (X) counts as conversational silence (Y) in the context of an intentional response within a conversation (C); and for absolute silence, silence (X) counts as absolute silence (Y) in the context that it is intentional and lacks communication (C). When we examine it this way, we can clearly see that the silences we encounter in police interviews cannot actually fit into both contexts.

Because Kurzon (1995) explained the interpreted meanings of silences in police interrogations, we cannot say that these examples lack communication; they simply lack the preferred information. Since these examples are, to some degree, communicative, they still fall within the realm of conversational silence.

To summarize, what this analysis will be calling *conversational silence* is the intentionally chosen response to some other speech act of refraining from speech. For the remainder of this work, it should be assumed that when I use the term silence, I am referring to the conversational type. Any other category of silence will be explicitly named, as will conversational silence when deemed necessary.

CHAPTER 5 SILENCE AND TURN STRUCTURE

Before any discussion of in police interviews can begin, we must examine its structure. We will first discuss Georgina Heydon's (2004) of participant framework structure and then illustrate why silence is a problem for it. We will then begin to apply Sacks, Schegloff, and Jefferson's (1974) theory of conversational turn structure to the data, while interpreting silence as a response.

Heydon's (2004) examination of the conversational structure of police interviews focused on participant framework structure. She states that the police prefer a suspect to take on the roles of author, animator and principal, as defined by Goffman (1974). The suspects fit Goffman's (1974) definition of *author*, in that they, ideally, create the narrative on their own, without influence from the police investigator. The suspect is also considered the *animator* because they are producing the narrative and the *principal* because the narrative is produced voluntarily and the suspect is therefore responsible for it. Heydon labels this position as SR3, meaning that the suspect creates and produces the utterances as well as being responsible for the attitudes they express (Heydon, 2004). When this happens, the suspect's confession, or testimony, typically occurs in the form of narrative, with little or no participation from the investigator. Heydon explains that this is preferred as it ensures the confession or testimony was given voluntarily (2004, p.31). The investigator also does not want to influence the suspect in anyway, so they try to keep their participation to a minimum and place all three participant roles on the suspect. Extracts 1 and 2 help to illustrate this framework.

In line 3, S1 begins his narration. We can see that he has assumed all three participant roles in that he has expanded on P1's statement in line 2. We can also see

that this is the preferred framework for the interview in line 9 where P1 answers with a non-verbal gesture. Heydon (2004) points out that interjecting and interrupting during the interview can prevent the SR3 framework from recurring (p. 42). If, at the conscious or subconscious level, P1 is aware of this, his shrug signifies that he is acknowledging what S1 is saying, but in not verbally communicating he does not do or say anything that could cause S1 relinquish the floor. Lines 3 – 8 are an example of narration by the suspect. Clearly, this is not the “ideal” narration as it is not a confession, but there is the possibility that it could generate one or give at least some information. This is why P1 responds with a gesture in line 9, so that S1 can continue in the same fashion.

Extract 1

- 1 S1: (ain't) anything gonna help me out
- 2 P1: anything gonna help you out? ((shrugs))
- 3 S1: you know what I'm sayin' like,
- 4 S1: even if I make a story up for you,
- 5 S1: and tell you oh yeah look this is what happened,
- 6 S1: >duh-duh-duh-duh-duh<
- 7 S1: how's that gonna help me, no way.
- 8 S1: there ain' no way thas gonna help me.
- 9 P1: ((shrug))
- 10 S1: (sure) (may-) ((shrug)) I can't sit here and lie to you,
- 11 P1: [I'm not askin' you ta lie to me]
- 12 S1: [you know what I'm sayin']
- 13 P1: I'm [askin' you] to tell the truth.
- 14 S1: [an' tell you,]=
- 15 S1: =that this is goin' on, dis is the dude gave it to me ya know,
- 16 S1: this n' that. Where d- ha- how is even that gonna help me.
- 17 P1: I don't think there was a dude that gave it to ya
- 18 P1: I think you got it.

In fact, P1 only interjects when it relates to dishonesty. In lines 11- 14, we see a lot of overlap where P1 is clarifying that he wants S1 to give the true sequence of events, and not fabricated or hypothetical ones. In Heydon (2004), there are examples of investigators interrupting the narration, usually with a question, when they felt they

needed the suspect to say some detail on record. It is important to note that in those situations, the investigator had background information. Here this does not seem to be the case. Apart from clarifying that he is looking for the truth, P1 allows S1 to continue until it becomes clear that S1 is implying that his narration is either hypothetical or false. When this happens (lines 15-18), P1 takes on the three participant roles and offers his own ideas.

Heydon (2004) states that while S3R is the ideal during the police interview, there are interviews where the investigator must take on a more active role. Such an example occurs when the suspect chooses to remain silent. Extract 2 illustrates an interview where the suspect invokes their right to silence by using *intentional silence*, and thereby blocks the SR3 framework.

As we can see, S1 is no longer fulfilling the S3R framework. In fact, it appears now that the roles have reversed. S1 is only responding with silence and P1 is filling all three roles of author, animator, and principal. While this is clearly not the ideal format, it does highlight the preference for a participant to fill all three roles during that interview.

Kidwell and González Martínez (2010) discuss a similar approach to police interviews, which they label a 'soft accusation'. In the soft accusation, the investigator fills all three roles by giving the suspect a hypothetical situation or telling the suspect about himself. In this method the investigator speaks much more than the suspect by taking significantly longer turns. This method functions contrary to Heydon's (2004) findings as it does not attempt to elicit a narrative and limits the suspect's opportunities to speak. Kidwell and González Martínez (2010) state that by limiting the suspect, this leads to a "smoother interactional pathway to a subject's admission of guilt" (p. 66).

During a 'soft accusation', the interviewer gives his own narrative, either about himself or a hypothetical situation that implies the interviewer has certain condemning knowledge. While Kidwell and González Martínez (2010) could be seen to show a similar preference for narrative like that we see in Heydon (2004), a large difference is in the amount the two approaches prefer the suspect to speak.

Extract 2

- 1 P1: don't play me for a fool man, I'll talk to ya man to man I'm not
- 2 P1: gonna sit here and treat ya like a:- like a pu:nk, or like ya know, like
- 3 P1: you're some kid and I'ma come in here tryin'a act like your dad, I'm
- 4 P1: not doin' that. I'm talkin' ta you straight up.
- 5 S1: (1.7)
- 6 P1: but give me the same courtesy. people do stupid things.
- 7 S1: (4.0)
- 8 P1: people do stupid things all the time people have *bills*. people have
- 9 P1: unexpected expenses. people need ta get out of 'em.
- 10 S1: (6.4)
- 11 P1: I'm just sayin' man,
- 12 S1: (2.5)
- 13 P1: valid excuses ya know, that doesn't make it right, but- (1.7) ya
- 14 P1: know, I could- (1.1) sympathize at least that people get into a
- 15 P1: situation where they do somethin' that maybe there not proud
- 16 P1: of, or maybe they *regret* what I can't sympathize with- what I
- 17 P1: can't (1.1) even you know, (1.6) think any less than horribly
- 18 P1: on, is- is when somebody does somethin' like that, and then
- 19 P1: they don' man up then they jus' try to say ya know:, somethin:
- 20 P1: (1.0) that doesn't make any sense.
- 21 S1: (4.6)
- 22 P1: people do stupid things.
- 23 S1: (18.25)
- 24 P1: I mean jus- jus tell me whats up man,
- 25 S1: (4.4)
- 26 S1: °°I don't know nothin'

In extract 2, we see P1 taking longer turns and providing hypothetical scenarios, but he is not attempting to constrain S1 in any way, and he is not following the 'soft accusation' approach, as defined in Kidwell and González Martínez (2010), but is fulfilling the roles of author, animator, and principal in an effort to keep the interview

flowing. I posit this as being due firstly to what he's saying. In lines 1-4 and 13-20, he is approaching S1 as an equal or as someone who wants to help S1. P1 is displaying his empathy for others who have broken the law. Critically, he is not, in this extract, mentioning his previous experiences with similar crimes or suspects.

We can also see that P1 is not restricting S1's responses, or his opportunities to do so, by the turn structure of the exchange. There is some compelling evidence for determining that what we see in lines 5, 7, and 10 are not pauses by P1, but intentional silences by S1. First, each of P1's preceding statements is semantically complete. In each statement, P1 has expressed a complete thought, which has no overt implications of being an opener to a longer statement.

Heydon (2011) describes the police interview as being designed to maintain an "inflexible" adjacency sequence (p. 2311). This inflexibility forces the suspect to respond to each statement as if it were the first part of an adjacency pair. Heydon (2011) explains how P1's statements can be seen to be complete and require a response in lines 4, 9, and 20. It is also why the exchange seems closely related to the 'soft accusation' method. In Heydon (2011), the interview is a series of question and answer adjacency pairs and accusation-response pairs. For P1's turns to fit into that format, then they must belong to accusation-response, as his syntax and intonation show that he is not asking a question toward S1. Instead, P1 offers hypothetical situations that would give S1 an 'understandable' reason for his actions. These hypotheticals are also very close to Kidwell and González Martínez (2010) inclusion of 'loaded questions' in that if S1 doesn't answer carefully, he could potentially incriminate himself. Therefore,

P1 is continuing the adjacency sequence with the first part of accusation pairs in each of his turns and likewise, S1 is completing the second half of the pair with silence.

Previous studies have found that transcription itself can frequently bias data analysis (Ochs, 1979). Ochs (1979) discussed non-verbal behaviors being over-looked in transcription. Conversational silence is one such example. In Extract 2.1, I have transcribed the data from Extract 2 traditionally in order to show the differences in the two methods and we can see the two transcriptions have a distinctly different shape.

Extract 2.1

1 P1: don't play me for a fool man, I'll talk to ya man to man I'm not
2 gonna sit here and treat ya like a:- like a pu:nk, or like ya know,
3 like you're some kid and I'ma come in here tryin'a act like your
4 dad, I'm not doin' that. I'm talkin' ta you straight up. (1.7) but give
5 me the same courtesy. people do stupid things.
6 (4.0)
7 P1: people do stupid things all the time people have *bills*. people
8 have unexpected expenses. people need ta get out of 'em.
9 (6.4)
10 P1: I'm just sayin' man, (2.5) valid excuses ya know, that doesn't
11 make it right, but- (1.7) ya know, I could- (1.1) sympathize at
12 least that people get into a situation where they do somethin'
13 that maybe there not proud of, or maybe they *regret* what I can't
14 sympathize with- what I can't (1.1) even you know, (1.6) think
15 any less than horribly on, is- is when somebody does somethin'
16 like that, and then they don' man up then they jus' try to say ya
17 know:, somethin: (1.0) that doesn't make any sense.
18 (4.6)
19 P1: people do stupid things.
20 (18.25)
21 P1: I mean jus- jus tell me whats up man,
22 (4.4)
23 S1: °°I don't know nothin'

In this transcription, S1 plays almost no role until the very last line and the adjacency sequence that is clearly visible in Extract 2, is only visible in lines 21 – 23, though even here it appears infelicitous. Extract 2.1 hides the adjacency sequence and

makes it appear to only be an adjacency pair, which doesn't agree with Heydon's (2011) findings where the entire interview is a series of adjacency pairs. Extract 2 is much more capable of highlighting that series.

Extract 2.1 also serves to bias the data and solely due to its format is unjust on the side of S1, the suspect. As noted previously (Chapter 2), S1 has been explicitly told that he can remain silent, and this has turned silence from a passive, subconscious occurrence into an active, conscious decision. Extract 2.1 does not reflect S1's true level of activity. It also does not reflect our discussion from Chapter 4, stating that conversational silence is a response. In order to reflect S1's conversational decisions and to reflect our theory, this paper has broken with convention and transcribed the interviews as in Extracts 1 and 2.

Of course, not every moment that lacks speech should be contributed to conversational silence. As Kurzon (2007) pointed out, it can be difficult to distinguish absolute silence from conversational silence, potentially making the distinctions between S1's silences in Extract 2 appear arbitrary, but there are clues in P1's discourse to show us that these silences are truly S1's responses and not the lapses and pauses we see in Extract 2.1.

Wallace Chafe (1979) explains how the flow of speech reflects a person's flow of thought. He explains that memories and thoughts are island-like in nature and these islands are reflected in our speech through pauses and other types of hesitations. According to Chafe (1979), these pauses tend to occur at 'island' boundaries and are usually followed by a hesitation. We clearly see this in lines 13 – 20 of Extract 2. In line 13, P1 pauses for 1.7 seconds and follows this pause with the phrase "ya know," which

is a hesitational, pause filler. We see the same thing occur in line 17, where the filler is followed by a second pause. Though the other pauses in lines 14 and 20 are not immediately followed by fillers, they do occur within one or two words of a pause filler, indicating that they are part of the same hesitation. Following Chafe (1979), these pauses indicate that P1 is linking different memories together and the frequency and length of his pauses indicate that they cover either a wide range of time or events.

These pauses are also different within the flow of the dialogue than S1's silences. Chafe (1979) explains that when a speaker links multiple islands together we see the patterns of pausing and hesitations discussed above. However, when a speaker has reached the closing point, of either the thought or the memory, there is typically a falling intonation contour. In the transcription, this contour is indicated with a period. The silences in lines 5, 7, 10, 21 and 23 of Extract 2 are all preceded by a phrase that ends in this contour, and the silences in 5, 7, and 10 all occur after two instances of phrases ending in that contour. In Chafe (1979) series like these are used to indicate that the unit, not just the phrase, is coming to an end. In P1's longer turns, which occur in lines 1 – 4 and lines 13 – 20 of Extract 2, there is much leading intonation, marked with a comma, but we do not see the falling intonation, which Chafe (1979) uses to mark the end of a syntactic or semantic unit, until the end of his turn. In Extract 2, the falling intonation is functioning to mark not only a syntactic boundary, but a turn boundary as well. Because P1 has so clearly closed his turn, we can state that the silences that occur after these boundary markers not only belong to S1, but are his conversational turn as well.

Extract 3

29 S3: I have a conscience=
30 P4: =*where* did he get shot
31 S3: (5.1)
32 P5: That just a simple question. That's- in fact if thas al-
33 S3: =I:: don't know ma'am
34 P5: how did he get back in the car. If you're tellin' us he did not get
35 P5: shot in the car, who put him in the car
36 S3: (6.8)
37 P5: did you at least put him in the car and *try* and get him help?
38 S3: (2.6) he ma- he got to the hospital
39 P5: did you at least *put him in the car* and *try* to get him help.
40 S3: he got to the hospital
41 P5: answer the question. Did you at least put him in the car and
42 P5: try to get him help. Yes or no
43 S3: (49.3)
44 S3: ((looks up)) guess not, he dead
45 P5: well we know you didn't take him to the hospital, (2.2) but you
46 P5: tried.
47 S3: (8.7)
48 P5: are you blaming yourself that he didn't make it↑
49 S3: (6.9)
50 P5: do you feel like you could have done something differently to
51 P5: help him survive?
52 S3: (6.8)
53 P5: If you'da stopped at a fire station:, or called nine-one-on:e,
54 S3: (3.6)
55 P5: rather than drive him all the way back home?
56 S3: (12.3)
57 S3: what you want me to do pull up to the hospital an:: say that he
58 S3: went to go do somethin' an some body killed him↑ that's what
59 S3: you want?
60 P5: what I-
61 S3: you want me to say that I drove him there? I didn't know where
62 S3: he was goin. [I don't] *know* his people
63 P5: [°ok]

Adjacency sequences, preference for the S3R framework, and the application of Chafe's (1979) explanation of language flow are not only applicable to Extract 2. We also find all three phenomena in Extract 3. After briefly illustrating that these phenomena are frequent occurrences, we will use Extract 3 to show how this method of

analysis is more in harmony with the Sacks et al. (1974) analysis of turn taking in conversation than analyses that do not assign silence to a conversational turn.

The adjacency pairs in Extract 3 are actually easier to see than those in Extract 2, as the vast majority of P5's turns, as well as P4's turn in this excerpt are questions. One could make the argument that line 31 is actually a lapse instead of silence, however P5's reaction to this shows that she understands S3's silence to mean some version of "I will/must not tell you" as suggested by Kurzon (1995) in Chapter 4. Because P5 took meaning from S3's silence, we know that it is in fact an instance of conversational silence and not a lapse.

The adjacency sequence is also geared toward allowing S3 to take the position of S3R. P4 and P5 primarily ask questions that require more than a yes or no answer. This is to ensure that S3 supplies the desired narration without too much of their influence. In lines 57-59 and lines 61 and 62, S3 does appear to be in the beginning stages of narration, primarily because he is not silent and is directly addressing what has been said to him, and at that point the investigators take minimal turns to allow him the floor.

Extract 3 can also make use of Chafe's (1979) interface between flow of thought and flow of language. In line 45, we see a pause by P5 that follows an instance of leading intonation, indicating that she is connecting two thoughts. In line 26 we have another pause, though this time it is from S3 instead of an investigator. Here, S3 is not connecting thoughts, but deciding on a focus for his sentence (Chafe, 1979, p.167). The pause, followed by his cutting off his original start off, indicates that what we see in line

26 is simply a hesitation rather than an instance of conversational silence, even though it is relatively long compared to the pauses we have seen in previous extracts.

This few and brief examples show how the phenomenon discussed for Extract 2 are actually part of a larger pattern in relation to police interviews. This pattern would also be virtually impossible to discuss without analyzing the exchange within the Sacks et al. (1974) model of turn structure or without recognizing silence as a legitimate response.

Similarly to our discussion of Extract 2 and 2.1, Extract 3 is more in harmony with the Sacks et al. (1974) analysis of turn taking in conversation than a more traditional transcription, like the one found Extract 3.1. Extract 3.1 does not overtly violate the Sacks et al. (1974) model, but Extract 3 is simply a better fit. For the sake of space, we will only discuss the parts where Extract 3 is a distinctly better fit than Extract 3.1. Extract 3 is still preferential in the other areas of the model, but the difference is not as notable with this specific data.

Part (4) of the model states, “[t]ransitions (from one turn to the next) with no gap and no overlap are common. Together with transitions characterized by a slight gap or slight overlap, they make up the vast majority of transitions” (Sacks et al., 1974, p.700-1). In Extract 3.1, gaps appear to be fairly common, and these should not be considered slight either as the shortest is 3.6 seconds. Comparatively, in Extract 3, we only have one potential gap, which we have already discussed as S3’s hesitation. Acknowledging silence as a response shows the interview to flow much more smoothly than a traditional analysis would be able to indicate. An analysis of Extract 3.1 would have to conclude that the exchange in a police interview is much more disjointed than that of a

casual conversation, while we can see in Extract 3 that the participants are actually working quite well together, at least on a mechanical level, since S3 is not providing the preferred responses.

Extract 3.1

29 S3: I have a conscience=
30 P4: =*where* did he get shot
31 (5.1)
32 P5: That just a simple question. That's- in fact if thas al-
33 S3: =I:: don't know ma'am
34 P5: how did he get back in the car. If you're tellin' us he did not get
35 shot in the car, who put him in the car
36 (6.8)
37 P5: did you at least put him in the car and *try* and get him help?
38 S3: (2.6) he ma- he got to the hospital
39 P5: did you at least *put him in the car* and *try* to get him help.
40 S3: he got to the hospital
41 P5: answer the question. Did you at least put him in the care and
42 try to get him help. Yes or no
43 (49.3)
44 S3: ((looks up)) guess not, he dead
45 P5: well we know you didn't take him to the hospital, (2.2) but you
46 tried.
47 (8.7)
48 P5: are you blaming yourself that he didn't make it↑
49 (6.9)
50 P5: do you feel like you could have done something differently to
51 help him survive?
52 (6.8)
53 P5: If you'da stopped at a fire station:, or called nine-one-on:e,
54 (3.6)
55 P5: rather than drive him all the way back home?
56 (12.3)
57 S3: what you want me to do pull up to the hospital an:: say that he
58 went to go do somethin' an some body killed him↑ that's what you
59 want?
60 P5: what I-
61 S3: you want me to say that I drove him there? I didn't know where
62 he was goin. [I don't] *know* his people
P5: [°ok]

This analysis of part (4) also directly affects parts (12) and (13), regarding the use of turn-allocation techniques (Sacks et al., 1974, p.701). In both extracts, there is definite use of speaker selects next. However, in Extract 3.1, the numerous lapses imply that the technique fails in lines 37, 48, 50, 53, and 55 and the speaker has to continue with his turn in order to continue the exchange. Again, in Extract 3, we see that the turn is actually passed to S3. Extract 3 also shows P5 as self-selecting for all of the turns that follow silence as opposed to being stuck in the same turn.

This expansion, in turn, affects part (1), which states “[s]peaker-change recurs, or at least occurs” (Sacks et al., 1974, p.700). The preference for Extract 3 instead of Extract 3.1 in regard to this part of the model is fairly clear. In Extract 3, we have regularly recurring speaker-change, which in this analysis is better understood as the turn being passed to another participant, while in Extract 3.1 speaker-change only occurs twice

Finally part (14) explains that the model also has repair mechanisms for problems with turn taking (Sacks et al., 1974, p.701). It follows that if the model prefers minimal gaps, their abundance in Extract 3.1 would lead to some form of repair but no mechanism is employed. In Extract 3 there is no need for a repair mechanism since there are no gaps, so it makes sense that we do not find any.

Discussion: This transcription of police interviews was designed to better see silence as a response, following Ochs’ (1979) discussion of transcription theory. The current analysis of the turn structure of police interviews shows the necessity of recognizing silence as a response for the speech event in order to understand the true level of participation from the suspect. This allows police interviews to better correspond

with previous research data and theories. Recognizing silence allows the analyst to fully see and understand the role of the suspect remaining silent as opposed to their role being hidden by traditional methods.

Analyzing the data this way also require us to reexamine other aspects of the discourse that lie outside of the scope of structure. Of primary interest in this work is how this structure affects our understanding of power and voice in police interviews. We now need to question who is in control of the interview as well as what this structure can show us about powerless speech during police interviews. We also need to examine if using silence weakens or strengthens the subject's voice.

CHAPTER 6 SILENCE, VOICE, AND POWER

After defining conversational silence as a form of response, we reevaluated our transcription methods so that the turn structure of an exchange would reflect our theory. In doing so we saw a difference in how much the suspect was participating in the interview and realized that he had a significantly more active role. Further analysis of this structure then revealed that our previous understanding of voice and power needed to be reevaluated. Previously we had based this understanding on a structure where the suspect was barely present and this new structure then leads us to reevaluate the power relations in a police interview.

It is hard to separate any discussion of police interviews from the concept of power. Heydon (2004, 2011), Ainsworth (2008), Haworth (2006), and Shuy (1998) all note that interrogation is in itself coercive by nature because it isolates the suspect from the outside world. The incommunicado setting alone does not make an interrogation coercive; the institutional backing of the police force gives the investigating officer immense power over the suspect. The investigating officer is the representative of the law and thereby represents what controls society. This asymmetry between investigator and suspect is not lost on the United States legal system. In *Miranda v. Arizona*, the Supreme Court noted that the evidentiary interview “exacts a heavy toll on individual liberty and trades on the weakness of the individual” (Miranda, 1966, p. 1618). They created the Miranda Warning specifically to attenuate this power inequality, but many have argued that it has not given as much power to the suspect nor limited the investigators as much as the Court intended.

Ainsworth (2008) argues that within the legal system, a speaker needs to fully understand what language is required in order to achieve a desired result, and that acting without that understanding can create various unwanted and unanticipated outcomes (p. 2). In other words, the ability of any speaker to achieve desired outcomes within in the legal system is an issue of voice. Jan Blommaert defines voice as a speaker's ability to make him or herself understood (2005; p. 68). Therefore, for a speaker to have a voice, in the legal system, they need some knowledge of what constitutes a "legally felicitous" speech act (Ainsworth, 2008).

Issues of voice occur when something that functions one way in a particular context either loses that function or gains a new one in a different context. We noted different uses of silence earlier (Chapter 4), many of which imparted meaning but none of which functioned the way silence does in an interview, which is to act as a linguistic shield. While the suspect is not trying to impart information by remaining silent, they are trying to accomplish *something* by employing it, even if it is to simply imply "I will/must not answer," as in Kurzon (1995).

It follows then, that those with less knowledge or training of the legal system would be at a disadvantage, and the Miranda Warning illustrates as much. As stated previously, the Miranda Warning attempts to provide the suspect with the necessary information not only to make an informed decision about speaking or not speaking but how to participate in the interaction as well. It seems straightforward that after being informed of the right to remain silent, the suspect would understand that remaining silent would not waive his Fifth Amendment rights, however, as discussed more in depth in Chapter 2, *Salinas v. Texas*, which occurred as recently as 2013, illustrates that

invoking Fifth Amendment rights and remaining silent are two different things. The Court found that one must say something akin to “I am invoking my Fifth Amendment rights,” and that remaining silent only guarantees protects the suspect for as long as they choose to remain so (Salinas, 2013).

The differences between the use of language in everyday contexts versus the use of languages in the frame of the legal system, and specifically in the police interview, create inequality between the interviewer and the suspect. Blommaert explains, “*differences* in the use of language are quickly, and quite systematically, translated into *inequalities* between speakers” (original emphasis) (2005; p. 71). This is especially true in the police interview, which is designed to keep the suspect “off balance” (Miranda, 1966, p. 1617). Here, the investigators take advantage of various inequalities to elicit a confession from the suspect. All of the inequalities are able to occur because the suspect has left their own speech community and is attempting to communicate in a community where the functions of various speech acts are not only different, but also relatively inaccessible without guidance.

Many of the inequalities are psychological in nature. For example, the suspect is removed from any setting where they may feel in control or comfortable, such as their own home, and is placed in a room that could be considered “home turf” for the investigator (Shuy, 1998). The suspect is separated from society and unable to communicate with anyone apart from the investigators or legal counsel (Shuy, 1998). All of this is to take away things that may make the suspect feel empowered or in control of the exchange (Shuy, 1998). All of these factors contribute to an imbalance of power

during the interview. Wang (2006) defines power as what allows someone to control another and reach his or her own goals, and this work will be following that concept.

Linguistically, the interview is also formatted so that the suspect is in a relatively powerless position during the exchange. It is not meant to be an 'ideal dialogue' where both participants are able to contribute with out any limitations, but an exchange where the suspect participates in exactly the manner the police officer prefers (Wang, 2006). While the Miranda Warning does attempt to reconcile some the power inequality, the portion of the interview that is focused on obtaining new information or a confession is designed to augment any potential inequalities (Ainsworth, 2008).

As mentioned in Sections 4 and 5, the interview is set up as an adjacency sequence, generally comprised of question and answer pairs (Heydon, 2011; Kurzon, 1995). Wang (2006) contends the more powerful member of the exchange, the investigator, uses questions to wield power over the suspect, who is the less powerful member (p. 529). As a result, the suspect typically speaks in a powerless register, meaning their speech contains more hedges, hesitations, and indirect speech acts than the powerful register (Ainsworth, 2005). The powerless register puts the suspect at a disadvantage, not only because the powerless register is associated with guilt, but also because the Court prefers direct speech acts and because of this, often overlooks indirect speech acts and conversational implicature (Ainsworth, 2008). This is shown in Extract 4.

In Extract 4, we have two instances where the suspect has voiced his desire to make a phone call. In the first example, the suspect mentions the need to call his mother. P4 does not question this need, nor ask why he would want to do so. This

suggests that she has inferred why he would like to do so, assumedly to begin the process of obtaining legal counsel. P4 ignores his request in order to “go through the procedure,” meaning the Miranda Warning.

Extract 4

88 S3: I just wanna know if I am under arrest so I can know if I need to
89 S3: call my mom or not.
90 P4: (2.1) °ok. well you'll gimmie a chance to go through the procedure?
. .
(96 lines omitted)
. .
186 S3: I didn't say anything. I didn't tell you that, you're tellin me that you
187 S3: know that.
188 P4: is that not what happened?
189 S3: (1.3)
190 P5: Are we lyin?
191 S3: ma'am
192 P5: are we lying?
193 S3: I didn't say you were lyin↑
194 P5: ok
195 S3: but I'm not sayin that I'm lyin either, all I'm sayin is I wanna know
196 S3: what's goin on. If: [[like I said] if I'm arrested, I would like to call my
197 P5: [we're askin you-]
198 S3: mom so she can get an attorney.
199 (3.4)
200 P5: [[ok
201 S3: [[other than that,
202 P4: well you came here in- in handcuffs. Yes [you're-
203 S3: [that's what I'm sayin,
204 S3: I came here in handcuffs!=
205 P5: =[[you're under a- you're under arrest
206 P4: =[[you're definitely- you're definitely under arrest
207 S3: okay then↓
208 P5: so what would you like to do
209 S3: (2.4)
210 P4: you gotta talk to us Jimmy.
211 S3: why I gotta talk to you.

In the second instance (lines 195 – 198), which takes place after the Miranda Warning, the suspect expressly mentions an attorney in relation to calling his mother. This time, the investigating officers choose to answer his question about being arrested

and do not directly address his wanting an attorney. After they clarify that he is under arrest the investigators ask what he would like to do. Again, they do not directly mention the attorney but do provide an opportunity for him to ask directly. When S3 responds with silence, they ignore previous implications that he would like an attorney present. In neither instance does the suspect directly state the he would like an attorney present during questioning and as a result, the investigators continue with the interview.

Ainsworth (2008) gives similar examples where suspects have asked for legal counsel through an indirect speech act, or have implied they do not wish to speak until counsel has arrived, and these indirect utterances were ignored. Conversational implicatures like these are prevalent in casual exchanges, but in the frame of police interviews, they lose their usual function, to request. This functional loss is not explicitly stated the way silence's functional gain is done, or even stated at all. This creates a lack of voice for the suspect, who uses indirect speech acts during the interview to request something, such as legal counsel. The indirect speech acts discussed in Extract 4 support this. Extract 4 suggests that when a suspect uses indirect speech acts such as those above, or communicates in the powerless register as seen in Ainsworth (2008), they put themselves at a disadvantage in the frame of the police interview.

In Extract 4, S3 does not lack voice. His investigators clearly understand him, as is illustrated when they provide him with the opportunity to directly ask for an attorney, so his ability to make himself understood is intact. Rather, S3 lacks power. He is not able to control his investigators or achieve his goal (acquiring an attorney). Therefore, while S3 doesn't realize that indirect speech acts have lost their function, he is still understood so he still has a voice, albeit weakened. Those indirect speech acts have

also placed him in a powerless position where he cannot complete his goals.

Conversely, P4 and P5 should be seen as powerful as they can block S3's goals as well as achieve their own (continuing the interview).

In Chapter 4, we established that silence can function as an indirect speech act, so it follows that remaining silent during the evidentiary interview should continue this trend of powerlessness. Heydon (2006) found that when a suspect does not directly and overtly deny an accusation, the investigator infers said accusation to be the truth. She states that while none of the suspects in her study took advantage of their right to silence, she assumes that Bilmes' (1988) notion of preference would cause the same result thus, after encountering conversational silence, the investigator would infer their accusation to be correct. If we apply that to our discussion of voice and power, this should remove the suspect's voice and power in that their silence attempts to prevent the spread of information but instead is used as affirmation.

Contrastingly, the data used for this study does not show this. It also shows that silence, while an indirect speech act, appears to function differently than the indirect speech acts in Ainsworth (2008) in that it does not restrict the suspect to the powerless register.

In Extract 4, we stated that S3 was powerless because he could not achieve his goals and that his investigators were powerful because they controlled him by blocking his goals and achieving their own. If we apply these same criteria to Extract 5, we can see that the inhabitants of the powerful and powerless positions have changed. Here, P2's goal is to elicit S2's confession, or at least some form of a statement. This is made clear in line 132, where P2 directly asks for S2's version of events. S2 immediately

responds with a question (“what night”) but after this, he only responds with silence.

This prevents P2 from achieving his goal. As long as S2 is silent, P2 cannot obtain a confession.

Extract 5

- 132 P2: Eric what happened that night man↓
133 S2: what night
134 P2: (3.4) that the way- is that the road you wanna go down?
135 S2: (5.57)
136 P2: is that the chance is that the *gamble* you wanna take with the rest
137 P2: of your life?
138 S2: (15.1)
139 P2: you need to tell it Eric. everybody else has. you don't wanna be
140 P2: the one guy out there that hasn't.
141 S2: (10.1)
142 S2: I ain't do nuttin ((drinks water))
143 P2: you're gonna be the *only one* out of the five people that were
144 P2: involved in this that are gonna sit there and say I didn't do nothing.
145 S2: (5.1)
146 P2: that's the island that yer gonna be on.
147 S2: (11.73)
148 P2: and that's the path you're gonna choose right↑
149 P2: life's about choices Eric. kay. you decided to be there that night.
150 S2: (4.4)
151 P2: for *whatever* reason.
152 S2: (3.78)
153 P2: and you bl- now you're deciding- you decided to allow Mark
154 P2: Jones to trade his life for yours.
155 S2: (13.5)
156 P2: you do not wanna be the only person that doesn't – tell what
157 P2: happened. cause everybody's telling their side, bu- but their makin
158 P2: it sound the best for them as they possibly can, right↓
159 S2: (5.3)
160 P2: it wasn't me:, it was Eric Anderson that was-
161 P2: it was *his* deal.
162 S2: (6.5)
163 P2: that what you want a jury to hear? or do you want them to hear
164 P2: your side↓
165 S2: (27.6)
166 P2: really don't wanna go down that road Eric

Determining whether or not silence empowers S2 is more difficult. Part of what empowered P4 and P5 in Extract 4 was that they were able to prevent S3 from achieving his own goals. In Extract 5, S2 does that with P2, but to say that S2 has power in the exchange, he must be achieving his own goals.

Previously, we stated that conversational silence can be understood to mean “I will/must not speak to you” (Kurzon, 1995). That sentiment could also be understood as the goal of S2. This is not to say there are not other motivations for silence. S2 could also simply not want to cooperate; making his goal to not do whatever P2 wants him to do. However, that goal would require the realization of the original goal, “I will/must not speak to you.” Therefore we can posit that S2’s goal is to not speak, and by remaining silent, he has achieved his goal. This shows that while spoken indirect speech acts follow Ainsworth (2008) and are representative of powerless language, conversational silence is an example of an indirect speech act that is not powerless.

Extract 6

- 17 P1: I don't think there was a dude that gave it to ya
18 P1: I think you got it.
19 S1: (5.4)
20 P1: straight from the source.
21 S1: (1.9)
22 P1: think I'm lookin' at the dude right now that's what I think.
23 P1: nah, you didn't go get it from a dude,
24 S1: (1.6)
25 P1: you got it from the plant.
26 S1: (10.1)
27 P1: y:ou and I both know I'm right
28 S1: hm↑
29 P1: I said you and I both know I'm right↑
30 S1: (1.8) °that's not my weed
31 P1: (3.5)
32 S1: °°that's not my weed.

This idea is strengthened by applying Heydon's (2006) assumptions to Extract 6. For all but his last two turns, S1 responds to all of P1's accusations with silence and as Heydon (2006) suggested, P1 continues as if the accusation from the previous turn was true. However, as long as S1 remains silent, P1's presuppositions do not take away S1's voice or power. Similarly to Extract 5, while S1 remains silent, P1 cannot achieve his goals, which are presumably to have S1 make a statement. Also S1 is accomplishing his goal of "I must/will not speak to you." While S1 is silent, he retains the more powerful position in the exchange. However, when S1 responds orally, the roles immediately reverse. In line 30, S1 denies ownership of the drugs, but does not directly deny P1's accusations. Here, in a complete reversal, P1 remains silent following S1's denial. S1 then repeats his denial. S1 has, at least momentarily, lost his power in these two turns because he has been controlled by P1 and helped P1 to achieve his own goals. Extracts 5 and 6 suggest that the most powerful linguistic approach to the police interview is simply to remain silent.

As long as the suspect uses silence, they occupy the more powerful position during the exchange. This is opposite of what we intuitively assume. Because the police officer can potentially determine the rest of the suspect's life, and because society holds those who enforce the law in high esteem, we expect the police officer to be the more powerful participant during the evidentiary interviews.

Ladegaard (2009) encountered a similar situation between teachers and students. In his study, the teachers were conducting interviews with their students in which the students were forced to participate. He expected the teachers to be more in control of the exchanges than the students, but what he found was that the students

used various resistance techniques to undermine the teacher (i.e. low volume, silence, and regional dialect) and thus, for the interaction, the students removed the teacher's power and occupied the more powerful position themselves.

The present study is similar to Ladegaard (2009) in many ways. Firstly, both are examining interviews between powerfully asymmetric participants. For Ladegaard, the teachers have the prestige in society while the students do not, and in the present study there is a similar dichotomy between the police officers, who are the socially prestigious party, and the suspects. Also, these interviews are not truly voluntary. In both scenarios, neither the student nor the suspect can choose to opt-out of the exchange. They are forced to, at least mechanically, participate for as long as the institution requires. Finally, in both works we expect the participant with more social prestige (teachers/police officers) to occupy the more powerful role, yet the opposite is true. For both the present study and Ladegaard (2009), we see that power in the exchange is not determined by social norms.

This section has shown that while coercion in police interviews is a real and important concern, the Miranda Warning has in fact given the suspects a powerful resource. Silence does shield the suspect from the investigator but only for the turn it is employed. In turns where the suspect has responded with silence, we see a power shift in the suspect's favor, but when the suspect responds orally, we see the power return to the investigator.

CHAPTER 7 CONCLUSION

Previous litigation has shown that silence has proven to be a major difficulty to ensuring Fifth Amendment rights, and the present study has argued that it is because silence is little understood and underrepresented. While it is easy to assume that silence is devoid of meaning, it has turned out to have numerous and surprising effects on the police interview, if not conversation as a whole that may have more linguistic implications than originally expected.

Following the typology of silence established by Bilmes (1994) and Kurzon (1995, 1998, 2007), we sought to establish a theory of conversational silence as a response and to apply that theory to police interviews. Searle's (1969) steps for understanding an indirect speech act helped to show not only how silence could be interpreted, but how it could be employed in a general exchange and have many different uses (i.e. humor, acceptance, rejection, etc.). Searle's theory of indirect speech acts provided the foundation for conversational silence to be considered as a response.

Because silence has not been previously understood as a response, it has also been underrepresented in transcription. In transcribing instances of conversational silence as a conversational turn, following the model presented by Sacks, Schegloff, and Jefferson (1974), we were able to better represent the suspect during the police interview and illustrated a very different structure for the sections of the interview where conversational silence occurred, as opposed to the conventional structure where silence is not assigned to a participant. This new structure suggested that we should reexamine the role of the suspect in the police interview, as they now appeared to have a more prominent and active role.

Considering the large amount of previous and current litigation created to preserve suspect's rights, it is surprising that conversational silence gives the suspect the more powerful position in the interview. However, after the Court established that silence could not be used in court as evidence against the suspect, the vast majority of cases concerning silence are not actually debating the silences that occur during the interview, but the statements that a suspect made after employing silence for a significant amount of time.

This work suggests that when transcribing any exchange, conversational silence should be assigned to a particular speaker. Conversational silence is an active choice and carries at least superficial meaning. Representing it accurately can alter our entire understanding of an exchange.

It also suggests that while the Miranda Warning has garnered heavy criticism, the linguistic tool it provides is very effective when fully understood and correctly used, though its effectiveness is limited to that specific conversational turn. This could help to solve some of the difficulties the Court is facing when someone has invoked their right to silence. If conversational silence is only effective during the turn it is used, then that right is invoked on a turn-by-turn basis unless the suspect directly states that they are invoking their right to silence.

Limitations

While illuminating, this study does have numerous limitations. Firstly, it could benefit from additional data. While the data used here is strong, it is very possible that conversational silence has more effects on the police interview than what was seen here, either because they were not present in the data or there was not enough data to recognize the pattern.

Also, this work could only make assumptions as to the psychological motivations of the participants. Future work should attempt to triangulate with participants as their reasoning or thoughts while using/experiencing conversational silence could reveal new aspects of the phenomena.

Future Research

This work opens up the floor for numerous questions and avenues of research. Firstly, this work has looked solely at silence in police interviews. Future research should also examine the effects of conversational silence in daily and casual conversation.

Also, all participants in this study were native English speakers. Future research should reexamine silence in interpreted and bilingual interviews (see Nakane, 2007, 2011). It is possible that the findings presented here are not universal, and if that is the case we need to have a better understanding of how silence functions in that context so as to ensure that Fifth Amendment rights are protected for all speakers.

Finally, future work should also examine the differences in conversational silences in police interviews when employed by first time offenders versus repeat offenders. All of the suspects in this study were repeat offenders and there was still a difference in ability to successfully employ silence. How first time offenders handle conversational silence in police interviews could not only reveal information about silence in daily conversation, but issues in voice and police interviews as well.

APPENDIX
INTERVIEWS

Interview 1

Interview 1.1

P1: Interviewer

S1: Interviewee

- 1 S1: (ain't) anything gonna help me out
- 2 P1: anything gonna help you out? ((shrugs))
- 3 S1: you know what I'm sayin' like,
- 4 S1: even if I make a story up for you,
- 5 S1: and tell you oh yeah look this is what happened,
- 6 S1: >duh-duh-duh-duh-duh<
- 7 S1: how's that gonna help me, no way.
- 8 S1: there ain' no way thas gonna help me.
- 9 P1: ((shrug))
- 10 S1: (sure) (may-) ((shrug)) I can't sit here and lie to you,
- 11 P1: [I'm not askin' you ta lie to me]
- 12 S1: [you know what I'm sayin']
- 13 P1: I'm [askin' you] to tell the truth.
- 14 S1: [an' tell you,]=
- 15 S1: =that this is goin' on, dis is the dude gave it to me ya know,
- 16 S1: this n' that. Where d- ha- how is even that gonna help me.
- 17 P1: I don't think there was a dude that gave it to ya
- 18 P1: I think you got it.
- 19 S1: (5.4)
- 20 P1: strait from the source.
- 21 S1: (1.9)
- 22 P1: think I'm lookin' at the dude right now that's what I think.
- 23 P1: nah, you didn't go get it from a dude,
- 24 S1: (1.6)
- 25 P1: you got it from the plant.
- 26 S1: (10.1)
- 27 P1: y:ou and I both know I'm right
- 28 S1: hm↑
- 29 P1: I said you and I both know I'm right↑
- 30 S1: (1.8) °that's not my weed
- 31 P1: (3.5)
- 32 S1: °°that's not my weed

Interview 1.2

P1: Interviewer

S1: Suspect

- 1 P1: don't play me for a fool man, I'll talk to ya man to man
- 2 P1: I'm not gonna sit here and treat ya like a:- like a pu:nk,
- 3 P1: or like ya know, like your some kid
- 4 P1: and I'ma come in here tryin'a act like your dad, I'm not doin' that.
- 5 P1: I'm talkin' ta you strait up.
- 6 S1: (1.7)
- 7 P1: but give me the same courtesy. people do stupid things.
- 8 S1: (4.0)
- 9 P1: people do stupid things all the time
- 10 P1: people have *bills* people have unexpected expenses
- 11 P1: people need ta get out of 'em.
- 12 S1: (6.4)
- 13 P1: I'm just sayin' man,
- 14 P1: (2.5)
- 15 P1: valid excuses ya know, that doesn't make it right, but ya
- 16 P1: know, I can, sympathize at least that people get into a
- 17 P1: situation where they do somethin' that maybe there not proud
- 18 P1: of, or maybe they *regret* what I can't sympathize with- what I
- 19 P1: can't (1.1) even you know, think any less than horribly on, is-
- 20 P1: is when somebody does somethin' like that, and then they
- 21 P1: don' man up then they jus' try to say ya know:, somethin: (1.0)
- 22 P1: that doesn't make any sense.
- 23 S1: (4.6)
- 24 P1: people do stupid things.
- 25 S1: (18.25)
- 26 P1: I mean jus- jus tell me whats up man,
- 27 S1: (4.4)
- 28 S1: °°I don't know nothin'
- 29 P1: you don't know nothin. That's not true man,
- 30 S1: (8.1)
- 31 P1: you're gonna disappoint a lot of people in your family,
- 32 P1: you're gonna disappoint a lot of people [I'm sur:e
- 33 S1: [I'm disappointing my self
- 34 P1: you're disappointing your self.

Interview 1.3

P1: Interviewer

S1: Suspect

- 1 P1: So↑, I'm not *threatening* you with that, I'm jus tellin you: that
- 2 P1: (1.9) I'm gonna keep doin what I do and if you happen to be out on
- 3 P1: bond when it hits you ya happen to be out on bond when it hits
- 4 P1: you. if you know that there's other stuff out there, and you weren't
- 5 P1: expecting to get caught tonight so my guess is you haven't
- 6 P1: covered yer tracks that well (n), I'm gonna find it.
(um)
- 7 S1: (1.14)
- 8 P1: now would be the time to lay it out there, and we get it all done,
- 9 P1: you go down there under one bo:nd, and when you bond out (1.7)
- 10 P1: you still gotta face the trial↑ when it comes and you still gotta deal
- 11 P1: with that and you still gotta deal with the consequences.
- 12 P1: *but* while you're waitin' on 'at↑ you know that I'm not gonna come
- 13 P1: up to ya one day, tap you on the shoulder and say put your hands
- 14 P1: behind your back [I gotta warrant] for your arrest
- 15 S1: [(you'd go to the) car wash]
- 16 P1: hm↑
- 17 S1: said you'd go to the car wash=
- 18 P1: =I know!
- 19 S1: I'm dere every day.
- 20 P1: I know↓
- 21 S1: all day ery day
- 22 P1: do you want me showin up at your car wash with an arrest warrant
- 23 P1: in hand, (to) lock ya up↑
- 24 S1: [for what?
- 25 P1: [f-
- 26 P1: I m- ((motions w hands))
- 27 S1: [[Dere ain' nothin'!
- 28 P1: [[ye- you-
- 29 P1: you would know better than I would.
- 30 S1: I can' go ta jail for nuttin',
- 31 P1: well,
- 32 S1: well I'm goin for weed, (I can tell you that now)
- 33 S1: cause [(I mean) I'm not blind but,
- 34 P1: [you didn't just find that weed↑
- 35 P1: thas- that's a lotta weed ya didn' jus find it,
- 36 P1: you either got some – connections that can get you weight like
- 37 P1: that, *or* you're growin' again.
- 38 S1: (4.9)
- 39 P1: those are the two options those are the only way that works
- 40 P1: now (you) say thas not you: gearin up for the weekend so you
- 41 P1: swing by the guy on the corner and say hey man hook me up I-I'm

42 P1: gonna have some friends over an party this weekend *no*
43 P1: tha(ha)t's- that's a lotta weed! that's- at's- *more* an what would be
44 P1: considered a normal amount.
45 S1: (5.9)
46 P1: So↓, one of the two things I(ve) said is true, either you're growin' or
47 P1: ya know somebody that's dealing in weight (and) probably
48 P1: growning.
49 S1: (3.16)
50 P1: that's fresh off the plant. that's grown local, that's not been:: grown
51 P1: in Mexico, (and) bailed up and shipped over here.
52 S1: (2.18)
53 P1: that's fresh
54 S1: (4.21)
55 P1: so, ((shrug)) that's where we stand so what I'm sayin' is, if there's
56 P1: somethin' there↑ (3.25) now'd be the time.
57 S1: (8.3)
58 P1: and ta top it all off I know where you *live* so↓ I know *last* time
59 P1: where you were doin it at
60 S1: Oh yeah! (man) I'm- it was- like I said, it was at the wrong place at
61 S1: the wrong time [(that's not my shit)]
62 P1: [an it- an it may be] and that may be
63 S1: I would never have nothin' in my house with (her) my girlfriend
64 S1: over there so. never. I don't go down that road
65 P1: °mk
66 (3.7)
67 S1: that's basically me goin back to jail I might as well go turn myself in
68 S1: to 3rd and 23rd and tell them to lock me up
69 (6.6)
70 P1: so where'd the weed come from (then). I mean give me somethin

Interview 2

Interview 2.1

Miranda Rights

P2: Interviewer

S2: Suspect

- 1 P2: alright ((sitting down)) Eric look up at me for a second man
- 2 S2: ((sits up and looks toward P2))
- 3 P2: mkay, I'm gonna be strait up with ya, ok↑ I'm not here ta dance
- 4 P2: around with ya or anything I know we talked before when you were
- 5 P2: in the jail but – you're charged with murder. and I'm gonna tell you
- 6 P2: why you're charged with murder, uh last week – you prolly saw
- 7 P2: where Mark was indicted by the grand jury, and – the state
- 8 P2: attorney's office announced that they were going to seek the death
- 9 P2: penalty against Mark Jones. ok↑
- 10 P2: (1.5) what Mark Jones did with that information was, him and
- 11 P2: his attorney with(in) the state attorney's office and said will you
- 12 P2: take the death penalty off the table if he gives up the other two
- 13 P2: people that were in the house.
- 14 S2: ((belch)) °scuse me
- 15 P2: and – not only did he give you up, but, he said yer the shooter.
- 16 P2: that you shot those kids. if you wanna tell me somethin different
- 17 P2: I am- I am willing to listen to that because I don't necessarily
- 18 P2: *believe* Mark Jones, he's tryin to save his *own* life obviously mkay,
- 19 P2: you have something d-different to tell me, I need to tell you what
- 20 P2: your rights are and we can talk. ok↑ but (1.6) we know what
- 21 P2: happened that night. kay, I kno:w that – you ended up havin to give
- 22 P2: Taylor Johnson your phone that night. I know that you guys had to
- 23 P2: go back in the house afterwards 'nd that two of 'em were gone and
- 24 P2: that must've not been very good for you guys. kay. but – if you
- 25 P2: have loyalty to Mark Jones he has none. towards you. and that
- 26 P2: why you're here now↑ and not- ((gestures away from self))
- 27 P2: Ya know its no coincidence that this goes on last week and that
- 28 P2: here we are, *now* with you↓ ok,
- 29 P2: so lemmie tell ya what your rights are.
- 30 (3.5)
- 31 P2: aight, Eric you have the right to remain silent do you
- 32 P2: understand 'at?
- 33 S2: ((nods))
- 34 P2: can you say it out loud for me
- 35 S2: °°mmhm
- 36 P2: jus say- can you say yes↑=
- 37 S2: =yes
- 38 P2: ok. anything you say may be used against you in court, do you

39 P2: understand that?
40 S2: ((nods))
41 P2: can you say it out loud for me↑
42 S2: yea:
43 P2: kay. you have the right to talk to attorney before and during
44 P2: questioning↓ do you understand that.
45 S2: °yes sir
46 P2: if you cannot afford an attorney and want one↓ one will be
47 P2: provided for you, before questioning without charge do you
48 P2: understand that?
49 S2: (3.2) you said what?
50 P2: if you cannot afford a lawyer, and *want* one one will be provided for
51 P2: you before questioning without charge do you understand that ↓
52 S2: ((nods)) yes
53 P2: ok, has anyone threatened you or promised you anything to get
54 P2: you to talk with me
55 S2: mm'm. mm'm. no
56 P2: ok. you wanna tell me your version of what happened that night
57 P2: Eric?
58 S2: ((drinks water))
59 S2: that last thing you said was what↑
60 P2: the last thing I just said?
61 S2: ((nods))
62 P2: I said do you want – to tell me – *your* version, of what happened
63 P2: that night. I have Mark Jones's version.
64 S2: no I'm talkin' bout, what you read to me
65 P2: the last thing I read, has anyone threatened you or promised you
66 P2: anything, to get you to talk with me.
67 S2: (4.91)
68 S2: (what about) before that
69 P2: ((checks book)) if you cannot afford a lawyer and want one, one
70 P2: will be provided for you, before questioning, without charge.
71 S2: (12.0)
72 S2: °I forget what you said
73 P2: Eric you need to do yourself a favor right here big guy,
74 P2: alright↑
75 S2: (4.3)
76 P2: Mark is trading his life for yers.
77 S2: (3.0) °(that's dumb) that- () I didn't kill nobody I idn't do nuttin'.
78 S2: if he told his – his lawyer that I did, =
79 P2: =no he didn't tell his lawyer,
80 S2: he told the state attorney?
81 P2: mmhm
82 S2: and they said I did it↑ that's why I'm here↑
83 P2: he said not only that you were there, he said that you were the
84 P2: shooter. That i-in fact you guys were just supposed to go there to

85 P2: scare 'em to try to get 'em to not come to court. and that *you* took
 86 P2: things to the next level. that was what he said his plan was just go
 87 P2: there and mess with 'em (1.2) and that *you* got outta hand.
 88 S2: ((belches)) excuse me
 89 S2: (4.8)
 90 P2: and it's not- the other thing you need to know Eric,
 91 P2: it's not just him. Ya know:, Taylor Johnson, he'd never been
 92 P2: arrested before *in his life*. and he's facing a murder charge? you
 93 P2: think *he's* gonna keep quiet? Casey Robins just had 'er baby and
 94 P2: they took it from 'er, you think she's gonna keep quiet?
 95 S2: and they said 'at I did this.
 96 P2: mkay, they weren't- they weren't at the house. ok↓
 97 S2: I'm saying – why would they say I did this
 98 P2: (ju)- cause you were there. ok. and they *know* you were there.
 99 S2: ((shakes head)) °mm-mm mm-mm
 100 S2: (5.08)
 101 S2: they was just (pud-) arrest they didn't say that-
 102 P2: See this isn't- this [isn't you] askin me questions Eric
 103 S2: [I didn't- I-]
 104 P2: [I'm asking] *you* questions, if you wanna tell me yer version
 105 S2: [I (wasn't)]
 106 P2: of what happened that night. I'm not gonna- ya can't-
 107 P2: this isn't like you asking *me* questions. [you're u- you're under]
 108 S2: [(I didn't) say anything]
 109 P2: arrest for the murder of Matt Tennant. and, Mark Jones,
 110 P2: fingered you *for* that. if you wanna tell me, and not only that
 111 P2: said you were the shooter. if you wanna tell me something different
 112 P2: I'd be *very* glad to listen to that because I don't necessarily believe
 113 P2: Mark Jones.
 114 S2: ((shakes head))
 115 P2: but this isn't you asking me questions that's not why we're here.
 116 S2: (9.44)
 117 S2: so (8.12) you said I'm not bein charged with this↑
 118 S2: (2.28) eh- what you- what you read to me I'm not bein charged with
 119 S2: without a lawyer here or, I'm being charged with it withou- without
 120 S2: a lawyer here↓
 121 P2: Y- you're under arrest for murder.=
 122 S2: =[alright]
 123 P2: [a judge-] what we did, we put the facts inside of a warrant, a
 124 P2: judge reviewed it and signed it. you're under arrest for- for murder.
 125 P2: for first degree murder.
 126 S2: °that's stupid.
 127 S2: so I need a lawyer to talk to yall, or I need a lawyer not to talk to
 128 S2: yall↓
 129 P2: i-it's it's up to *you* whether or not – you want a lawyer or not.
 130 S2: (well aren't) yall gonna gimme one

(what)

131 P2: the- the state will appoint one later on to you
132 (27.2)
133 P2: Eric what happened that night man↓
134 S2: what night
135 P2: (3.4) that the way- is that the road you wanna go down?
136 S2: (5.57)
137 P2: is that the chance is that the *gamble* you wanna take with the rest
138 P2: of your life?
139 S2: (15.1)
140 P2: you need to tell it Eric. everybody else has. you don't wanna be
141 P2: the one guy out there that hasn't.
142 S2: (10.1)
143 S2: I ain't do nuttin ((drinks water))
144 P2: you're gonna be the *only one* out of the five people that were
145 P2: involved in this that are gonna sit there and say I didn't do nothing.
146 S2: (5.1)
147 P2: that's the island that yer gonna be on.
148 S2: (11.73)
149 P2: and that's the path you're gonna choose right↑
150 P2: life's about choices Eric. kay. you decided to be there that night.
151 S2: (4.4)
152 P2: for *whatever* reason.
153 In2: (3.78)
154 P2: and you bl- now you're deciding- you decided to allow Mark
155 P2: Jones to trade his life for yours.
156 S2: (13.5)
157 P2: you do not wanna be the only person that doesn't – tell what
158 P2: happened. cause everybody's telling their side, bu- but their makin
159 P2: it sound the best for them as they possibly can, right↓
160 S2: (5.3)
161 P2: it wasn't me:, it was Eric Anderson that was-
162 P2: it was *his* deal.
163 S2: (6.5)
164 P2: that what you want a jury to hear? or do you want them to hear
165 P2: your side↓
166 S2: (27.6)
167 P2: really don't wanna go down that road Eric

Interview 2.2
P2: Interviewer
S2: Suspect

((returning to room with water))

- 1 P2: Eric how old are you
- 2 S2: ((head down on table)) (6.39)
- 3 P2: how old are you Eric↓
- 4 S2: °°° twenty six
- 5 P2: twenty: six?
- 6 S2: (3.6)
- 7 P2: you are a young man. (2.7) sit up for a second Eric
- 8 S2: ((sits up))
- 9 P2: this is the thing about this. we know the who. we know the *what*.
- 10 P2: we just don't know the why. kay,
- 11 S2: (3.7)
- 12 P2: the pulling of the trigger is what kills people right
- 13 S2: (2.8)
- 14 P2: you had no reason to pull that trigger, those people – weren't
- 15 P2: gonna testify against you, course they were gonna testify against
- 16 P2: your cousin and your friend, but (2.9) that's no reason for a guy
- 17 P2: who, has got dope charges – to get involved in a murder all of a
- 18 P2: sudden.
- 19 S2: (I wasn't on) dope charges
- 20 P2: you had- well, you had- you were in [jail for] dope ((laugh))=
- 21 S2: [no::]
- 22 S2: =weed=
- 23 P2: =weed ((laugh)) yeah.
- 24 S2: that's not dope.
- 25 P2: right well, I call it dope. you were in there for weed. McKay.
- 26 P2: you smoke a little, maybe sell a little weed,
- 27 P2: (1.3) you're not a murder.
- 28 S2: (4.34)
- 29 P2: but – I need you to tell me *why* you were out there that night.
- 30 S2: (5.18)
- 31 P2: cause Mark, Taylor, Casey, Sam, they've all told me↑
- 32 P2: (3.17) *why they* were out there,
- 33 S2: (4.89)
- 34 P2: and you don't wanna be that only guy.
- 35 S2: (20.5)
- 36 S2: all them got charged with murder. and now I'm getting charged
- 37 S2: with murder now
- 38 P2: Sam- Sam and Casey were charged with being principles (1.3) to
- 39 P2: murder. cause they were yalls look out.
- 40 S2: principles
- 41 P2: right

42 (2.27)
43 P2: you still spend the rest of your life in prison for it.
44 (3.01)
45 P2: you, Taylor, and Mark are being charged with first degree
46 P2: murder.
47 S2: I aint done nothing (with) Mark
48 (7.9)
49 P2: and you were the last one to get picked up.
50 S2: (5.0)
51 P2: an you don't wanna be the o:nly guy out there. not in this case!
52 S2: (8.5)
53 P2: I can't b- na- I'm not gonna believe anybody who tells me,
54 P2: that – this was Eric's plan, that Eric w-s-went out there
55 P2: to kill people,
56 S2: (4.0)
57 P2: now I can prove that *that's* not true. but the rest of why you were
58 P2: out there or what you thought was gonna happen, *you* need to tell
59 P2: me.
60 S2: (10.46)
61 P2: why were you out there Eric
62 S2: (2.3)
63 P2: what did you think was gonna happen.
64 S2: and what if I tell you I wasn't there
65 P2: I-I 'ave – I have too many reasons to not- to not believe that.
66 P2: and again, if you wanna go down that road of of saying I wasn't
67 P2: there, its not gonna be good for ya.
68 S2: (the thing is) you said I was there cause people said I was there
(I think its)
69 P2: (1.8) not jus- I- I mean- here's what I know about-
70 P2: about these cases Eric too, if you go in there with the
71 P2: everybody's lying on me, that's not gonna work.
72 P2: (1.7) they have no reason to lie about you.
73 S2: (9.8)
74 P2: and you're not sitting in a position right now where you can think
75 P2: how am I going to get away with this, you're *not* ok,
76 P2: you're in a position right now, its like what decision do I need to
77 P2: make that's best for my future, and my family because everybody
78 P2: else in this case has.
79 S2: (1:06:57)
80 P2: Eric I don't decide what happens to you: after tonight kay.
81 P2: the people that will decide that – state attorneys, judges juries –
82 P2: I can tell you from experience they wanna see a few things from
83 P2: uh somebody when they're deciding what the- wha- wh- what is
84 P2: gonna happen to them. first of all they wanna see honesty
85 P2: responsibility, and remorse for what's happened. not denials and
86 P2: lies.

87 S2: (4.8)
88 P2: you have to take the same steps that everybody else has in this
89 P2: case – and tell us↓ what happened that night, why *you* why
90 P2: Eric Anderson was out there you can't speak for everybody else,
91 P2: and I'm not expecting you to,
92 S2: (3.75)
93 P2: I need to know why Eric Anderson was out there that night.
94 P2: cause he was! don- don't try to say that you weren't cause that's
95 P2: not gonna work out for ya.
96 S2: (1:14:7)
97 S2: what do immunity mean
98 P2: what does what mean?
99 S2: immunity
100 P2: immunity? immunity means – that – whatever you say:↓ couldn't
101 P2: be used against you in court.
102 S2: (5.91) (why then)
103 P2: well. like a lot of times what we'll do: um, and what has happened
104 P2: in this case too, uh is people will, after they're arrested say I wanna
105 P2: tell the truth well one of the things that they're given at that point is
106 P2: immunity, where they can come in and tell the truth and not have
107 P2: to worry about anything that they say u- being used against them
108 P2: in court.
109 S2: (9.0)
110 P2: why'd you ask me about immunity.
111 S2: (called it that) on tv.
112 P2: oh yea – you don't *have* immunity Eric.
113 S2: (for knowin) nothing. that's ()
114 P2: yeah. that's what it means.

Interview 2.3

P2: Interviewer

S2: Suspect

- 1 P2: Eric it's time to be a grown man. tell the truth. ok↑
- 2 S2: (2.9)
- 3 P2: I can only sit here so long and talk with you about why you should
- 4 P2: ok↓ ultimately its up to you its your decision. If you wanna
- 5 P2: challenge us and see how much we can prove against ya I'm *more*
- 6 P2: than glad to go down that road with you. I don't have a stake in
- 7 P2: what happens to Eric Anderson after today, I could care less. I'm
- 8 P2: goin *home* and I'm gonna sleep in my own bed tonight. I'm gonna
- 9 P2: be there for a long time. ok, - you control what happens to you. to a
- 10 P2: *certain* degree. but it starts tonight, and it starts with the truth.
- 11 S2: (5.7)
- 12 P2: but if you don't wanna do that – if you wanna roll the dice, that is
- 13 P2: your decision as well?
- 14 S2: (5.4)
- 15 P2: but I'm just tellin' ya as a person who's done this for awhile, and
- 16 P2: who's had cases that invo:lve multiple people, like this one does,
- 17 P2: the one guy who stands up there and says I didn't do it and prove
- 18 P2: it? (1.5) he gets the most.
- 19 S2: (4.6)
- 20 P2: as opposed to the people that are truthful, are remorseful,
- 21 P2: like we talked about. the people that decide what *will* happen to
- 22 P2: you they wanna see those things.
- 23 S2: (5.6)
- 24 P2: but you know it's the right thing to do↓ it's the right thing to do
- 25 P2: morally, it's the right thing to do for *you*, and it's the right thing to
- 26 P2: do because everybody else has done it too. you don't need to
- 27 P2: protect anybody in this case, and you *know* that cause we've told
- 28 P2: you everybody that's there! how do we know that?
- 29 S2: (3.3)
- 30 P2: we've been workin this case for a hundred days↓ Eric. you
- 31 P2: don't need to protect anybody. Only person you need to protect is
- 32 P2: *you* at this point.
- 33 S2: (4.9)
- 34 P2: so I'm goin to ask ya Eric, look at me. *Eric* look at me.

Interview 3

Interview 3.1

P4 – Interviewer 1

P5 – Interviewer 2

P6 – Police Officer

S3 – Suspect

((door opens and P4 and P5 enter))

- 1 P4: Kenny↑
- 2 S3: °yeah↓
- 3 P4: sit up please↑ oh, you still have th-the cuffs on?
- 4 S3: yeah(hh)↓
- 5 P4: O:h↓ [shit.
- 6 P5: ((leaving room)) [°°I'll get it
- 7 (1.5)
- 8 P4: hang on a second, we gotta take those off of ya. I didn't know you
- 9 P4: still had them on
- 10 (1.6)
- 11 S3: I don' even get why there on, I was on my way down here to see
- 12 S3: you, so: why are there people slammin' me on the ground=
- 13 P4: =oh they did?
- 14 S3: ye(h)ah!
- 15 P4: (hhh)
- 16 (1.9)
- 17 S3: I got grass stains (and) everything I get slammed on the ground,
- 18 S3: put in handcuffs and (thistles) all in my face for what?
- 19 P4: (2.9) I guess you guys were driving too fast toward them? Who
- 20 P4: was [driving,] your cousin?
- 21 S3: [how]
- 22 S3: no! I pulled up- we pulled up in the driveway there's a guy runnin'
- 23 S3: around the house
- 24 P4: Oh ok. So you guys go towards him?
- 25 S3: yeah! like, what are you doin' here, like-
- 26 P5: ((returns w/ P6)) let him take those off,
- 27 P5: you gotta stand up and (put your back to the door)
(put 'em back where they were)
- 28 ((hand-cuffs being removed))
- 29 S3: thank you
- 30 P6: yep ((leaves room))
- 31 P4: alright, can you sit on that chair there [(and slide those over to me)
- 32 S3: [yes 'm
- 33 P4: thank you very much
- 34 S3: you're (welcome)
- 35 P4: thanks
- 36 P5: thank you sir

37 S3: no problem
38 P4: well, I apologize if they mistreated you. I wasn't there so
39 P4: I don't know [what happened]
40 S3: [well it wasn't] your fault [it just] that I didn't
41 P4: [yeah]
42 S3: understand why there was a guy creepin' around the house when
43 S3: we pulled up, and the next thing ya know there's a *gun* in our
44 S3: face,=
45 P4: =well-, then I guess you guys were driving towards him he didn't
46 P4: kno:w ya know=
47 S3: =[[well:]]
48 P5: =[[he-]] he got a little spooked!
49 P4: he got spooked. So then [he um,
50 P5: [then the car came
51 P5: I guess on the grass ()
52 P4: yeah=
53 S3: =yeah because he was on the fence um:: and when we pulled in
54 S3: Kevin was like who was that? and I was like, what are you
55 S3: talkin' about, and there's a guy in the corner like, peepin' over the
56 S3: fence=
57 P4: =m'hm=
58 S3: so he pulled up towards him an: yeah we jumped- we was about
59 S3: ta jump out the car, [but] when I opened my door he pulls his gun
60 P4: [m'hm]
61 S3: out
62 P4: yeah
63 S3: then I see all the other cars[↑] comin' in, and next thing you know
64 S3: they're *snatchin'* me out the car, slammin' me on the ground, *for*
65 S3: *what?*
66 P4: well, you were scared they were scared, I guess they didn'- did-
67 P4: didn't wanna take any chances so-
68 S3: (hhh)
69 P4: I apologize for that
70 S3: but I had even ((laughing)) told you I was comin' down here.
71 (3.9)
72 S3: (mhh) that's crazy[↓]
73 P4: so you had a little excitement.
74 (2.1)
75 S3: so what is this, I'm under arrest now?
76 P4: (•hh) uh(hh) >we're gonna sit down and explain everything to
77 P4: you(hh)< um: (1.9) let's see.
78 (4.0)
79 P4: °alright. We need to talk and straighten up some of the things we
80 P4: talked about yesterday cos' u::h some of it did not pan out. Ok[↑]
81 P4: (•hh) um but before we do, I have to do some administrative stuff
82 P4: so::

83 P4: where's my pen.
84 P4: >oh here it is<
85 (2.3)
86 P4: °damnit ((rustling papers))
87 (8.5)
88 S3: I just wanna know if I am under arrest so I can know if I need to
89 S3: call my mom or not.
90 P4: (2.1) °ok. well you'll gimmie a chance to go through the procedure?
91 P5: What's your u:h mom's number?
92 S3: 555,
93 P5: °°mhm
94 S3: 555,
95 P5: °mhm
96 S3: 5555.
97 P5: °°ok(h) and her first name?
98 S3: Mary.
99 P5: Mary?
100 S3: yes ma'am.
101 (2.8)
102 P5: you got your phone on you?
103 S3: no ma'am↓
104 (8.9)
105 S3: is my girl ok? cuz I don't know what they were doin' with her.
106 P5: as far as we know↑
107 P4: °°she's fine↓
108 S3: what about – Kevin
109 P4: [[[()]]
110 P5: [[what happened with Kevin?
111 S3: Oh they had him on the ground too!
112 P4: (cause they didn't know if he was armed, I'm sure)
113 (5.9)
114 S3: I mean y'all couldn't just ask me to come down here?
115 P5: we did↑
116 S3: I:: was comin! She- I told her that I had to go pick up my girlfriend
117 S3: cause I just left probation which I have the paperwork right here.
118 P5: mhm
119 S3: ((unfolding paper)) I told her I just left probation, I'm goin to the
120 S3: house to pick up my girlfriend now,
121 P5: mhm
122 S3: and once I pick her up, I'll- I'm comin straight here to pick up the
123 S3: phone. And I even called you. and told you what I was doin.
124 P4: >yeah.<=
125 P5: =alright. We'll take your statement again↓ she's gotta go through
126 P5: uh, she- y- obviously you came down here in handcuffs and you're
127 P5: in a room, so. (•hhh) we'll try this again.
128 (3.1)

129 P4: °A(h)lright. You ready?
 130 (3.5)
 131 P4: This is a statement from Kenny Johnstone↑, I always say it wrong
 132 P4: I'm sorry if I mispronounce your name=
 133 S3: =no problem=
 134 P4: uh, black male date of birth is seven nine of eighty fou:r, person
 135 P4: conducting the interview is detective Morrison, location statement
 136 P4: is being taken is, u:h Orlando police headquarters CID: room
 137 P4: number four, today's date is um eleven seven two thousand
 138 P4: eleven, the case number is four nine zero one hundred, its in
 139 P4: reference to a homicide, other person present during the interview
 140 P4: is detective Smith, beginning time, of the statement is 8:58 pm,
 141 P4: a:::nd sir↑ can you raise your right hand for me?
 142 P4: do you solemnly swear or affirm that the testimony you shall give in
 143 P4: this case shall be the truth the whole truth and nothing but the
 144 P4: truth?
 145 S3: yes ma'am.
 146 P4: ok. u:m at this time I'm gonna read you your rights before we start
 147 P4: talking ok↑ um you have the right to remain silent. Do you
 148 P4: understand?
 149 S3: yes ma'am=
 150 P4: =anything you say may be used against you in court. do you
 151 P4: understand?
 152 S3: yes ma'am
 153 P4: you have the right to talk to a lawyer before and during
 154 P4: questioning, you understand↑
 155 S3: yes ma'am
 156 P4: if you cannot afford a lawyer and want one↑ one will be provided
 157 P4: for you prio- um before questioning without charge. do you
 158 P4: understand?
 159 S3: yes ma'am
 160 P4: has anyone threatened you or promised you anything to get you to
 161 P4: talk to us today?
 162 S3: no ma'am
 163 P4: ok. (2.2) alright, um: basically today Kenny, we would like to get
 164 P4: the whole truth from you about what happened yesterday, because
 165 P4: we know for sure now that there are some things that you left out,
 166 P4: there were some things that you didn't tell us about.
 167 S3: (Look) I told you (.) we were sittin' there, we were drinkin' for
 168 S3: awhile, (yell), I'd been up all night, I went to sleep in here (.) for: I
 169 S3: don't know how long but I ain't slept since then↑ and like, I don't
 170 S3: know that was a long night for me. So yeah, I may not uh
 171 S3: remembered every single detail=
 172 P4: =well=
 173 S3: =but I still don't see what's the reason for: treatin' me like this like
 174 S3: I did somethin' wrong.

175 P4: well that's what we're tryin to determine if you didn't do anything
 176 P4: wrong why did you leave out all these important informations tha-
 177 P4: that- for example, you were the one that came and knock on
 178 P4: the door and told Tammy totake her man to the hospital. Why
 179 P4: leave that out- that's important Kenny. You know that and I know
 180 P4: that.
 181 S3: So who told you I did that?
 182 P5: we been- we *know* you did it.
 183 S3: O:kay↑
 184 P4: ok. is that not an important fact?
 185 S3: I on' know [you tell- I didn't-
 186 P4: [WITH YOUR FRIEND BEING MURDERED?
 187 S3: I didn't say anything. I didn't tell you that, you're tellin me that you
 188 S3: know that.
 189 P4: is that not what happened?
 190 S3: (1.3)
 191 P5: Are we lyin?
 192 S3: ma'am
 193 P5: are we lying?
 194 S3: I didn't say you were lyin↑
 195 P5: ok
 196 S3: but I'm not sayin that I'm lyin either, all I'm sayin is I wanna know
 197 S3: what's goin on. If: [like I said] if I'm arrested, I would like to call my
 198 P5: [we're askin you-]
 199 S3: mom so she can get an attorney.
 200 (3.4)
 201 P5: [[ok
 202 S3: [[other than that,
 203 P4: well you came here in- in handcuffs. Yes [you're-
 204 S3: [that's what I'm sayin,
 205 S3: I came here in handcuffs!=
 206 P5: =[[you're under a- you're under arrest
 207 P4: =[[you're definitely- you're definitely under arrest
 208 S3: okay then↓
 209 P5: so what would you like to do
 210 S3: (2.4)
 211 P4: you gotta talk to us Kenny.
 212 S3: why I gotta talk to you.

Video 3.2

P4 – Interviewer1

P5 – Interviewer2

P6 – Police Officer

S3 – Suspect

- 1 P5: so why'd you tell your probation officer he was shot in your car?
- 2 S3: huh?
- 3 P5: *HUH?*
- 4 S3: I told my probation officer he was *what*↑
- 5 P5: *shot* in your car
- 6 S3: I didn't tell her that he was shot in my car
- 7 P5: that's what she told us
- 8 S3: no. what I told her is when I went down there today is that I was
- 9 S3: talkin' to the po'lice I asked her: if that violates my probation or not,
- 10 S3: she told me no. as long as you weren't arrested. So wha I sai- she
- 11 S3: asked me what happened I said well, uh Tammy supposedly took
- 12 S3: him to the hospital, a:nd I heard later on that he was dead.
- 13 P5: so now [your probation officer's lying
- 14 S3: [that's what I said
- 15 S3: you can call her in here.
- 16 P5: we already talked to her.
- 17 S3: [Okay!
- 18 P5: [In fact we know *ya left* long before you told her ya left.
- 19 S3: [(is that the)]
- 20 P5: [we know] *exactly* when you left
- 21 S3: ok so when did I leave?
- 22 P5: between four and four-fifteen
- 23 S3: um actually:, when I walked out from seein' her I was still in the
- 24 S3: parkin' lot. I had to wait for Kevin Smith to come back *from* the
- 25 S3: bank. (1.4) Now: if you ask him, he should have a statement. He
- 26 S3: went to the bank, and he was supposed to come back.
- 27 S3: [I was sitting outside on the curb-]
- 28 P5: [Your probation officer told us] that you told her, that your good
- 29 P5: friend was shot and killed, in your car and she's lying.
- 30 S3: I told her that my friend is dead↑ yeah.
- 31 P5: no. she told us, you told her, I don't know where she got this
- 32 P5: information from if it didn't come from you
- 33 P5: [you're guy got shot] in your car.
- 34 S3: [what'd y'all tell me!]
- 35 S3: y'all told me that he was- that he was dead so,
- 36 S3: okay, [you just put two and two together
- 37 P5: [and you know what you got-
- 38 P5: and you what you sat in that room, and you said I can't believe you
- 39 P5: guys did this to me! and you had all these alligator tears comin'

40 P5: down your face and ya *knew* it the whole time. the whole time we
 41 P5: didn't tell ya he was dead, ya knew↓
 42 S3: Okay. So how do I know?
 43 P4: [[°cause you drove him-
 44 P5: [[CAUSE YOU DROVE THE DEAD GUY BACK TO THE HOUSE
 45 S3: y'all told me he did on the way to the hospital!
 46 P5: who- we did not tell you he died on the way to the hospital=
 47 P4: =we did not tell you [such a thing
 48 S3: [you didn't tell me he died
 49 S3: [on the way to the hospital=
 50 P4: [we did not tell you such a thing
 51 P5: =WE DID NOT
 52 S3: okay.
 53 P4: alright↑
 54 S3: okay↓
 55 S3: cause I coulda sworn that you said that's when Tammy or whoever
 56 S3: got to the hospital- matter of fact I don't even think y'all said she
 57 S3: dropped him off.
 58 P4: Kenny↓
 59 S3: no, it aint no Kenny because I know where I was at [I know] who
 60 P4: [°Kenny]
 61 S3: was done. Y'all wasn't [there. I had four guys] just come up there
 62 P5: [you weren't with Kevin]
 63 S3: and question me about this so↓
 64 P5: what four guys
 65 S3: (1.8)
 66 P4: Kenny you have no explanation why: Sal is dead in your car?
 67 P4: was it a robbery?
 68 S3: (4.7)
 69 P4: you told us yesterday that you were taking him to pick up a
 70 P4: package.
 71 S3: (2.4)
 72 P4: did you tell us that or no
 73 S3: (3.0)
 74 P4: remember that?
 75 S3: (4.3)
 76 P4: you told us you were takin' him to pick up a package, (1.6) you told
 77 P4: us that it was gonna be a drug transaction,
 78 S3: I didn't tell you it was gonna be no drug transaction=
 79 P5: =yeah ya did
 80 P4: you gave us an explanation for what [a package meant to you okay
 81 S3: [well I don- I don't remember
 82 S3: all that [like I said-
 83 P4: [where did he actually get shot Kenny, wher:e-
 84 S3: I don't know.

Video 3.3

P4 – Interviewer1

P5 – Interviewer2

P6 – Police Officer

S3 – Suspect

- 29 P5: did you set him up?
30 S3: ((looking at P5)) (4.1)
31 P5: yeah I asked you. did you set him up
32 S3: ((looks away)) (5.0)
33 P5: were they supposed to rob him and take the cash and not kill him
34 S3: ((snorts)) you tell me.
35 (3.0)
36 S3: do you know how many times I'm in the house with this man
37 S3: *alone*? you know how many times I come see him? Why the hell
38 S3: do I gotta go somewhere and set him up
39 P4: Was he robbed?=
40 S3: =That don't even make sense. [I- if I had] wanted to do it I coulda
41 P4: [did they rob him?]
42 S3: been did it.
43 (3.1)
44 S3: I'm always there with him. Not always but I go over there a lot
45 S3: A lotta times we're there by ourselves, we're there for hours,
46 S3: [there's never] been problems, we always go out together
47 P4: [so why'd you do-
48 P4: why aren't [you there for him]
49 S3: [so why you tryin'a] say that I'm doin' it=
50 P4: =why aren't you there for him when he's dead. You're supposed to
51 P4: be such a good friend.
52 S3: I will be there for him
53 P4: well you're not there now! Cause you can't even tell us where the
54 P4: shooting took place.
55 S3: ah- eh(hh)
56 P4: that much Kenny you can tell us if you have a conscience
57 S3: I have a conscience=
58 P4: =*where* did he get shot
59 S3: (5.1)
60 P5: That just a simple question. That's- in fact if thas al-
61 S3: =I:: don't know ma'am
62 P5: how did he get back in the car. If you're tellin' us he did not get
63 P5: shot in the car, who put him in the car
64 S3: (6.8)
65 P5: did you at least put him in the car and *try* and get him help?
66 S3: (2.6) he may- he got to the hospital
67 P5: did you at least *put him in the car* and *try* to get him help.
68 S3: he got to the hospital

69 P5: answer the question. Did you at least put him in the care and try
70 P5: to get him help. Yes or no
71 S3: (49.3)
72 S3: ((looks up)) guess not, he dead
73 P5: well we know you didn't take him to the hospital, (2.2) but you tried.
74 S3: (8.7)
75 P5: are you blaming yourself that he didn't make it↑
76 S3: (6.9)
77 P5: do you feel like you could have done something differently to help
78 P5: him survive?
79 S3: (6.8)
80 P5: If you'da stopped at a fire station:, or called nine-one-one,
81 S3: (3.6)
82 P5: rather than drive him all the way back home?
83 S3: (12.3)
84 S3: what you want me to do pull up to the hospital an:: say that he
85 S3: went to go do somethin' an some body killed him↑ that's what you
86 S3: want?
87 P5: what I-
88 S3: you want me to say that I drove him there? I didn't know where he
89 S3: was goin. [I don't] *know* his people
90 P5: [°ok]
91 P5: ok↑
92 S3: I don't know that.
93 P5: ok
94 (3.7)
95 P4: so you were just being a good friend by giving him a ride to do a
96 P4: drug deal.=
97 P5: =just like he asked you to in the room
98 S3: he didn't ask me to take him to a drug deal
99 P5: you told us yesterday they were goin'a pick up a package
100 P5: [an' you knew that the package was drugs
101 S3: [he said he was goin' to pick up a package.
102 P5: but you and I established *yesterday*: that you knew what that
103 P5: meant.
104 S3: usually yeah↑ you know what that mean. He's goin' to pick up a
105 S3: package, I mean-
106 P5: you saw a drug transaction in the room, you knew what it meant
107 P5: you knew what you were going to do,=
108 S3: =the package could be money, could be drugs, I don't know. I just
109 S3: know that he's scheduled somethin' to pick up from somebody.
110 P5: kay
111 S3: that's it.
112 P5: and why didn't-
113 S3: I don't *know* what it is.
114 P5: why did he want you to take him

115 S3: because he had a car[↑] I mean: the car was there. My girl and his
 116 S3: girl were sittin' in the livin' room jus chillin', [we was all there=
 117 P5: [but couldn't-
 118
 119 S3: =drinkin'
 120 P5: couldn't he get in the eclipse an: have you ride along?
 121 S3: he never goes in the eclipse anywhere every time I come over
 122 S3: there if he has to go somewhere he asks me to take him.
 123 S3: (1.8) and I always take him where ever he needs to go: an: you
 124 S3: know bring him back home, you know, when he looked at me like
 125 S3: hey can you take me to this place cause I don't feel safe or
 126 S3: whatever, and I don't know whats goin' on, need somebody to ride
 127 S3: with me. and I'll ride with him!
 128 P4: so you were supposed to have his back last night
 129 P5: and it's worked every night until last night
 130 S3: (7.6)
 131 P5: I need to know why we're working harder to solve your friend's
 132 P5: murder than you are. Please tell me that.
 133 S3: because I don't know[↑] the information that you want
 134 P5: ok, you know *enough* to help us figure it out.
 135 P4: you can tell us exactly [where you took him
 136 P5: [we have been working tirelessly on this.
 137 S3: I understand but listen, ((laughing)) I'm tryin' to tell you, I was
 138 S3: drinkin', we was (3.3) alright I was drinkin:: (4.3) nevermind
 139 P4: you can do this Kenny. You *can* help your friend.
 140 P5: just tell us where you took him we'll do the rest
 141 S3: I don't- (hhh)
 142 S3: (54.6)
 143 S3: (•hhh) I'm goin' to jail right[↑]
 144 P4: (.) yep
 145 S3: I'll take my chances there. cause I don't know what you, (2.4)
 146 P5: you don't know what
 147 S3: I don't know all the information, I don't know all the odds and ends
 148 S3: to what you wanna know.

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BIOGRAPHICAL SKETCH

Sarah majored in linguistics and focused on sociolinguistics, discourse analysis and pragmatics. She graduated with a Master of Arts from the University of Florida in the spring of 2014.