

# Forensic Linguistics: Applying Language Analysis to Questions of Crime & The Law

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# Me:

- ▶ 2003 BA English Language, Bangor University
- ▶ 2004 MA Forensic Linguistics, Cardiff University
- ▶ 2010 PhD Forensic Linguistics, Aston University
- ▶ 2010- Research Associate/Teaching Associate, CFL;  
Freelance Forensic Linguistic Consultant

# Centre for Forensic Linguistics (CFL)

▶ <http://www.forensiclinguistics.net/>

The Centre for Forensic Linguistics at Aston University is the first of its kind in the world. We combine leading-edge research and investigative practice with teaching and training in forensic linguistics. Research at the Centre involves all aspects of forensic linguistics from how the police and the courts can best work with interpreters to the development and refinement of methods for identifying the author of disputed forensic texts. We have published widely and have lectured about our research in some 30 countries. Through high-quality research, we ensure that our undergraduate, postgraduate and professional courses, as well as our investigative work, have a solid academic foundation.

# What is forensic linguistics?

- ▶ **The study of legal texts**
  - the nature of legal language: statutes, contracts, wills
  - language reform (e.g. Plain English Movement).
- ▶ **The study of legal linguistic practices.**
  - comprehension and use of the police caution.
  - investigative interviewing.
  - interpreting issues.
  - courtroom linguistics.
- ▶ **The provision of linguistic evidence**
  - evidence of competence.
  - ascertaining meaning
  - evidence of textual origin.

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# Legal language

I, Elvis A. Presley, a resident and citizen of Shelby County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this instrument to be my last will and testament, hereby revoking any and all wills and codicils by me at any time heretofore made...

I direct my Executor, hereinafter named, to pay all of my matured debts and my funeral expenses, as well as the costs and expenses of the administration of my estate, as soon after my death as practicable...

# Legal language

I, Elvis A. Presley, a **resident and citizen** of Shelby County, Tennessee, being of **sound mind and disposing memory**, do hereby make, **publish and declare** this **instrument** to be my last **will and testament**, **hereby** revoking **any and all wills and codicils** by me at any time **heretofore** made...

I direct my **Executor**, **hereinafter** named, to pay all of my matured debts and my funeral expenses, as well as the **costs and expenses** of the administration of my estate, as soon after my death as practicable...

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# (Critical) discourse analysis of police interviews (MacLeod, 2010)



IR: and then what happened?

IE: (.) **they said "ah s- can we come back to your house"**  
(.) **and I said "ok fine it's not very often I get**  
**company" (.) didn't have a problem with it**  
(5)

IR: so how had you felt about the night so far with=

IE: =okay (.) no problems at all  
(3)

IR: **and you'd said yes because you were w- w- enjoying the**  
**c[ompany]**

IE: [yeah][I felt safe]

IR: [so then] you felt safe •hh what u:m what  
happened after that then how did you get (.) [home]

# What is forensic linguistics?

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- the nature of legal language: statutes, contracts, wills
- language reform (e.g. Plain English Movement).

## ▶ The study of legal linguistic practices.

- comprehension and use of the police caution.
- investigative interviewing.
- interpreting issues.
- courtroom linguistics.

## ▶ The provision of linguistic evidence

- evidence of competence.
- ascertaining meaning
- evidence of textual origin.

**Investigative linguistics:** the investigation of forensically interesting texts to aid investigation and or provide evidence



Questioned authorship (did the person who wrote Text A also write Text B?)



Sociolinguistic profiling (what can we say about the person who wrote this text?)



Ascertaining meaning (what does this word or phrase mean in this context?)



Forensic discourse analysis (did this person understand the conversation? Is this conversation or text as it seems?)

# Authorship analysis

- ▶ **R v Lunn – Leeds Crown Court**
- ▶ Two blackmail letters sent to elderly residents of a housing estate



LADY

I NOW KNOW FOR SURE THAT YOU HAD A PART IN THE LOSS OF MY HORSES. IT HAS TAKEN A LONG TIME TO FIND OUT BUT WE NEVER GIVE UP WHEN SOME ONE TAKES OUR PROPERTY. YOU MAY THINK THAT OUR SORT ARE LOW LIFE AND DONT MATTER, BUT YOU ARE WRONG.

WE MAY BE TRAVELLERS BUT WE ARE JUST AS GOOD AS YOU OR ANY ONE ELSE.

YOU ARE RESPONSIBLE FOR TWO OF THE HORSES AT £600 per horse, so lady you owe us £1200. we know who else is responsible and we will sort it out with them for the other £1200.

we are back in the area and will remain here til we get our compensation, its only right. you took so you pay, it was not yours to take,

how would you like it if we took your dog ?

we do a drive by twice a day for scrap, and we know you walk your dog.

w also know the cars you own and we have followed you to your caravan. You stole from us and we take that very seriously.

NOW HERE IS WHAT YOU DO UNLESS YOU WANT TROUBLE?



# R v Lunn

Exhibit SC-1

1

HELLO RICHARD .....

WE KNOW WHAT YOU HAVE DONE ?

WE HAVE BEEN THROUGH YOUR PAPERS AND HAVE BEEN WATCHING YOU FOR SOME TIME NOW.

BECAUSE WE HAVE WATCHED YOU SO CLOSELY FOR THE PAST 12 MONTHS WE

KNOW A LOT ..... SO READ VERY CAREFULLY .....

1. DO NOT INVOLVE THE POLICE
2. DO NOT INVOLVE YOUR ELDERLY MOTHER
3. DO NOT INVOLVE ANY ONE ... AND WE MEAN ANY ONE

IF YOU CAN DO THIS YOU CAN CARRY ON WITH YOUR LIFE AS IT IS ... OR ... YOU CAN GUARANTEE LIFE WILL GET VERY BAD ..... NOT ONLY WITH THE AUTHORITIES BUT ALSO WITH THE PUBLIC.

WE HAVE REMOVED MANY ITEMS FROM YOUR HOME AND FOUND THESE ITEMS VERY INTERESTING.

WHAT WE SHOULD DO KNOWING WHAT WE KNOW IS REPORT YOU

A.S.A.P TO THE AUTHORITIES AND INVOLVE THE PUBLIC ..... BUT RATHER THAN DO THAT

WE ARE PREPARED TO OFFER YOU A DEAL ..... YOU CAN ACCEPT THE DEAL OR IF YOU DECIDE

NOT TO ..... THEN WE WILL DESTROY YOUR LIFE AS YOU KNOW IT.

WE WILL RETURN ALL YOUR BELONGINGS AND YOU WILL NEVER HEAR FROM US AGAIN

YOU PAY £4000 ENGLISH POUNDS IN CASH

2

DO NOT FORGET MY FRIEND WE KNOW THAT YOU HAVE THIS CASH AND THIS IS A GOOD

OFFER CONSIDERING WHAT WE KNOW ABOUT YOU . . . . ? ?

WE ARE STILL WATCHING YOU VERY CLOSELY SO RICHARD MY FRIEND WE MUST KEEP THIS

TO OURSELVES DO NOT INVOLVE ANY ONE

OR WE WILL PROMISE TO REPORT YOU AND MAKE LIFE VERY VERY DIFICULT.

YOU MAY BE THINKING THAT WE WILL CONTACT YOU AGAIN AND WANT MORE CASH

N.O. THIS WILL NOT HAPPEN ..... YOU PAY THE £4000 YOUR ITEMS WILL BE RETURNED

AND THAT WILL BE THE END OF IT.

IF YOU DECIDE NOT TO KEEP THIS TO YOURSELF AND INVOLVE OUTSIDERS WE WILL GO

AHEAD WITH REPORTING YOU ..... WE DO NOT LOSE WE WILL STILL GET OUR FEE

BUT SADLY FOR YOU YOUR LIFE AS YOU KNOW IT ..... WILL TAKE A DRAMATIC CHANGE

IN DIRECTION !!!

WE CAN MAKE TROUBLE WITH YOUR NIEGHBOURS YOUR VILLAGE INFACCT YOUR WHOLE

COMMUNITY AND GUESS WHO WILL TAKE THE BLAME ??? YOU.....

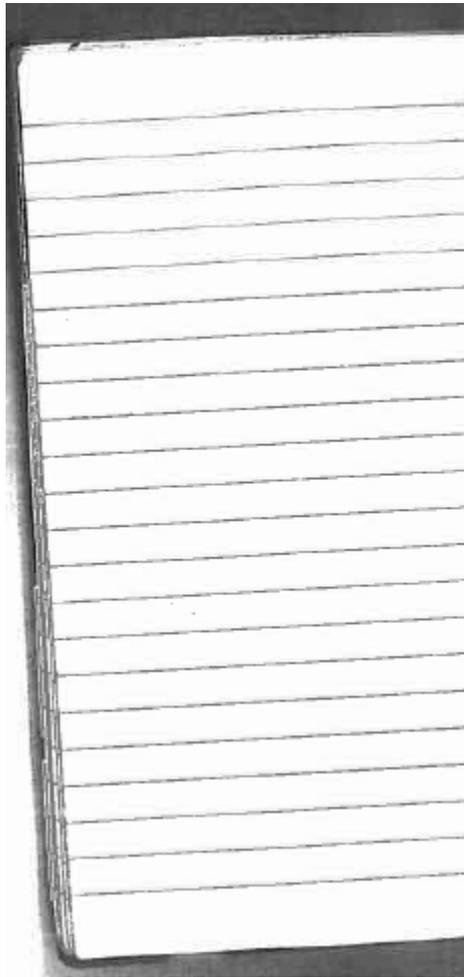
WE HAVE CONTACTS WITHIN THE MEDIA WHO WOULD .....(GIVEN THE GRAVE HEADLINES

# Authorship analysis

Typical cases of questioned authorship present a questioned writing to be compared or contrasted to the known reference writings of one or more candidate authors. Such an analysis is accomplished by examining the writing style of all available questioned and known writings.

McMenamin (2010: 163)

# R v Lunn



Notes 30th June

8.45 - Janice with  
advise from -  
Louise Fitzpatrick - 726 329  
Call made - 19.01.

Arrived at 61 at 8.45pm  
Janice went round  
back to her Mum's -  
Judy - next door neighbour  
made it very difficult  
for Janice - following  
her everywhere. Nerea  
(Enrica) Has made  
less 3ft space  
Janice entered house  
through Back Door -  
Neighbour Judy shouting  
"What are you doing?"  
"I shall phone your  
father -"  
"I'd like you to come  
out now because I  
am locking gate -"  
"This is not your  
house - I shall call  
Police -"  
"I Janice who who  
was sat in the car  
out the front got out

# R v Lunn

*Table 2: Misspellings*

| <b>Word</b>  | <b>Q1</b>      | <b>Q2</b> | <b>K1-K12</b>                    |
|--------------|----------------|-----------|----------------------------------|
| Neighbour(s) | Nieghbours (4) | -         | Nieghbours (7)<br>Neighbours (5) |
| Ourselves    | Ourselvs       | -         | Ourselvs (5)                     |
| Elderly      | Elderley (3)   | -         | -                                |
| Difficult    | Dificult       | -         | Difficult                        |
| Careful      | Carefull       | -         | Careful (5)                      |
| Personal     | Personnal      | -         | Personal (13)                    |
| Hear         | Hear           | Here      | -                                |
| Affected     | -              | -         | Effectd                          |

# R v Lunn

Table 3: Compound words

| Item      | Q1          | Q2          | K1-<br>K12  |
|-----------|-------------|-------------|-------------|
| Infact    | 1<br>(100%) | -           | 5<br>(100%) |
| In fact   | 0<br>(0%)   | -           | 0<br>(0%)   |
| Infront   | -           | 1<br>(100%) | 5<br>(100%) |
| In front  | -           | 0<br>(0%)   | 0<br>(0%)   |
| Anytime   | -           | -           | 3<br>(60%)  |
| Any time  | -           | -           | 2<br>(40%)  |
| Anymore   | -           | -           | 1<br>(100%) |
| Any more  | -           | -           | 0<br>(0%)   |
| Anyone    | 4<br>(50%)  | 0<br>(0%)   | 8<br>(89%)  |
| Any one   | 4<br>(50%)  | 4<br>(100%) | 1<br>(11%)  |
| Whatever  | -           | -           | 0<br>(0%)   |
| What ever | -           | -           | 1<br>(100%) |

# R v Lunn

Google search results:

- ▶ nieghbours: 962,000 hits
- ▶ nieghbours + ourselves: 409 hits
- ▶ nieghbours + ourselves + infact + infront: 113 hits

# R v Lunn

Based on my linguistic analyses I conclude the following:

- There are multiple points of linguistic consistency between the two questioned documents, with both texts containing examples of the same highly marked choices.
- There are no significant points of inconsistency between the two questioned documents that cannot be explained by the different modes used to produce the documents.
- There are multiple points of linguistic consistency between the questioned documents on the one hand, and the known writings on the other, with both sets containing examples of the same highly marked choices.
- There are no significant points of inconsistency between the questioned documents on the one hand and the known writings on the other that cannot be explained by the different modes used to produce the documents.
- This provides evidence to support the position that the author of K1-K12 is also the author of Q1 and Q2.



# Authorship analysis: R v Birks

## **Amanda Birks**

Died 17<sup>th</sup> January 2009, Stoke-on-Trent, UK.

House fire - Christopher Birks rescued children but could not rescue Amanda.



## **Evidence of murder?**

No smoke inhalation.

No attempt at escape.

Wearing outside clothes in bed.

## **Evidence of timing?**

Amanda sent SMS text messages throughout the day until 19:48.

Amanda Birk's  
texting style.

No use by CB

'ad' for 'had'

'don't' for 'don't'

Rare use by CB

't' for 'the'

'bak' for 'back'

'av' for 'have'

'wud' for 'would'

Some use by CB

'w' for 'with'

'wil' for 'will'

'y' for 'yes'

'wen' for 'when'

Messages sent from AB's phone  
17/1/09

I love u my gorgeous sexy babe!

Xxx

00:40:00

Got go fetch milly. Val cant cope w

her x

10:04:00

Wen r u up 4a repeat performance?

X x

11:39:00

Wot do think? Cant believe theres!

X x

11:49:00

Txt me, talkin with chris. X x

12:07:00

About your route, spk lata, talkin  
with chris. X x

12:10:00

U wen u filled ur application in. X x

12:39:00

Christopher Birk's  
texting style.

No use by AB

'2' for 'to'

with no trailing space

'4' for 'for'

with no trailing space

'wiv' for 'with'

'jst' for 'just'

'dnt' for 'dont'

Rare use by AB

Use of ',' (comma)

'4get' for 'forget'

'thanx' for 'thanks'

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texting style.

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Rare use by CB

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'av' for 'have'

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Some use by CB

'w' for 'with'

'wil' for 'will'

'y' for 'yes'

'wen' for 'when'

Messages sent from AB's phone  
17/1/09

Am talkin **wiv** chris, am confused.

Ur 2 young **4me**. X x

12:39:00

Txt u lata. X x

12:41:00

Chris is sayin the same, giv me  
space, u know wot i think of u. X

12:54:00

Not sure yet, am **jst** talkin **wiv** chris  
so will txt u lata, dont worry.

13:02:02

**Dnt** kno, need think, am goin relax  
in bath then go sleep, really tired. X

14:03:00

Will do when i wake up, so tired.  
Need talk 2 chris. Still hav feelins

**4him**. X

14:05:00

Christopher Birk's  
texting style.

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with no trailing space

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Some use by CB

'w' for 'with'

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'y' for 'yes'

'wen' for 'when'

Messages sent from AB's phone  
17/1/09

Sorry just want time **2think**. Been  
talkin **2chris** so tryin get my head  
**2getha!** R u out with wayne **2nite?** X  
17:32:00

**Thanx** tim, i just want chris talk **2me**  
right, he needs learn not take his  
stresses out on me, then we can b  
happy. X  
17:37:00

Goin stay in and look through my  
aromatherapy books, **2tired** u hav fun.  
Xx  
18:11:00

Dont really want talk, am shattered,  
nan says i shud sort it, we had a talk n  
probably will, he just needs talk **2me**  
better! Xx  
19:34:00

Weve come so far, had a great xmas,  
things just ontop of us, think we need a  
holiday. Xx  
19:34:00

Christopher Birk's  
texting style.

No use by AB

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with no trailing space

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Rare use by AB

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# Forensic discourse analysis – ‘textual origin’.

- ▶ **Her Majesty’s Advocate (HMA) v O’Brien – Glasgow Sherriff Court**
  - ▶ 8 police witness statements in the names of four individual officers;
  - ▶ 4 collected 2012 as part of original investigation;
  - ▶ 4 collected 2013 in response to official complaint against police lodged by the defendant



# HMA v O'Brien

## 01 Mack

Eventually we were granted access to the flat by the now accused Marcus O'Brien after repeatedly knocking on the door. Immediately I could see that the now accused O'Brien was under the influence of alcohol. After the accused allowed us into the flat he began trying to talk over PC Allan who was explaining the reason why the police were again in attendance at the accuseds address. As PC Allan was speaking to the accused he repeatedly stated "I'VE STAYED HERE FOR YEARS" he then began to tense up his arms and clench his fists and shouted "NAEBODY HAS HAD A FUCKING PROBLEM WITH ME BEFORE"

I warned the accused regarding his conduct and told him to calm down to which the accused replied

"GET TAE FUCK OUT MA HOUSE" and then with both hands pushed me to the chest causing me to stumble backwards. PC Allan immediately took hold of one of the accuseds arms and attempted to handcuff the accused but the accused continued to be aggressive and pulled his arms away from PC Allan and began lashing out with his arms. PC Capon and myself then assisted PC Allan in taking hold of the accused and I was able to handcuff the accused

As I took hold of the now accused O'Brien the living room door within the property swung open and I observed approx 6 people within with one male being held back the now accused Martin Wilson. The accused Wilson was attempting to enter the hallway area where we were with the accused O'Brien. He was aggressive in demeanour with one hand in a clenched fist and was attempting to engage PC Allan and Schofield in a fight whilst being held back by another male within the.

Due to the aggressive behaviour of the accused Wilson and the number of people within the living room I observed PC Allan rack his police issue baton into a high profile stance and shouted "GET BACK" which made the accused Wilson step back several paces. PC Allan then broadcast for urgent assistance at our locus.

At this time the accused O'Brien lunged forward attempting to head butt myself, however I was able to avoid the attempted strike and with the assistance of PC Capon I placed the accused O'Brien in the prone position.

Upon being placed in the prone position the accused O'Brien began kicking out with his feet attempting to kick PC Capon and myself. Whilst I was on the ground attempting to restrain the

## 03 Allan

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I warned the accused regarding his conduct and told him to calm down to which the accused replied

"GET TAE FUCK OUT MA HOUSE" and then with both hands pushed the police witness Mack to the chest causing him to stumble backwards. I immediately took hold of one of the accuseds arms and attempted to handcuff the accused but the accused continued to be aggressive and pulled his

arms away from myself and began lashing out with his arms. PC Capon and Mack then assisted myself in taking hold of the accused and we were able to handcuff the accused.

At this point the living room door within the property swung open and I observed approx 6 people within with one male being held back the now accused Martin Wilson. The accused Wilson was attempting to enter the hallway area where we were with the accused O'Brien. He was aggressive in demeanour with one hand in a clenched fist and was attempting to engage myself and the police witness Schofield in a fight whilst being held back by another male within the.

Due to the aggressive behaviour of the accused Wilson and the number of people within the living room I drew and racked my police issue baton into a high profile stance and shouted "GET BACK" which made the accused Wilson step back several paces. I then broadcast for urgent assistance at our locus.

At this time the accused O'Brien lunged forward attempting to head butt the police witness Mack and the accused O'Brien was placed in the prone position.

Upon being placed in the prone position the accused O'Brien began kicking out with his feet attempting to kick the police witnesses Capon and Mack.

# HMA v O'Brien

(a)

I drew and racked my police issue baton into a high profile stance and *shouted* "GET BACK" (O3)

(b)

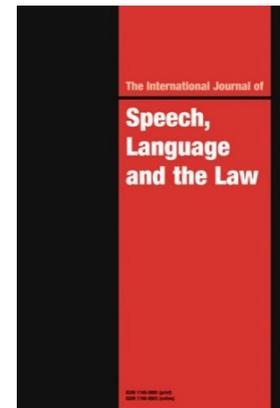
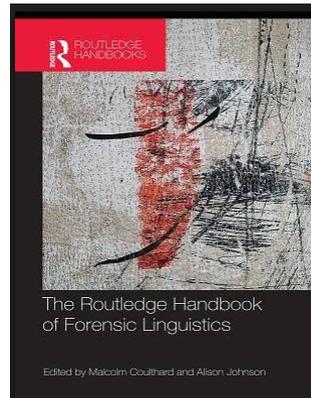
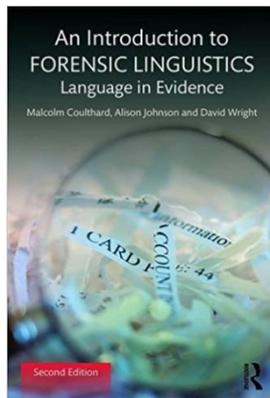
I observed PC Allan rack his police issue baton into a high profile stance and *shouted* "GET BACK" (O1)

# Disciplines employed by forensic linguistics

- ▶ grammar,
- ▶ semantics,
- ▶ pragmatics,
- ▶ sociolinguistics,
- ▶ linguistics of the individual speaker,
- ▶ discourse analysis
- ▶ corpus linguistics
- ▶ ethnography
- ▶ computational linguistics,
- ▶ psycholinguistics,
- ▶ morphology,
- ▶ EFL studies,
- ▶ translation studies,
- ▶ language acquisition,

# Further reading

- ▶ Coulthard, M., Johnson, A. and Wright, D. (2016) *Language in Evidence. An Introduction to Forensic Linguistics (2<sup>nd</sup> edition)*, Routledge.
- ▶ Coulthard, M. & Johnson, A. (eds) (2010) *The Routledge Handbook of Forensic Linguistics*.
- ▶ Papers from *The International Journal of Speech, Language and the Law* (IJSLL) <https://journals.equinoxpub.com/index.php/IJSLL>
- ▶ Papers from *Language and Law/ Linguagem e Direito* (free) <http://tinyurl.com/linguagem-direito>.



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