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Journal of Pragmatics

journal homepage: www.elsevier.com/locate/pragma

The suspect's statement in interaction: Responding to 'formulations' in the investigative interview

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ARTICLE INFO

Article history:

Received 5 April 2023

Received in revised form 24 November 2023

Accepted 27 November 2023

Available online 14 December 2023

Keywords:

Police investigative interview

Legal interaction

Conversation analysis

Formulations

Response preference

Transformative answers

ABSTRACT

This study explores suspects' responses to 'formulations' – retellings by police officers of what the suspect has said – in investigative interviews. It involves a data set of 73 audio recordings of interviews with suspects in Norway. Police investigators regularly 'formulate' the gist of the suspect's statement, preserving what is relevant and transforming a lay narrative into one that is legally adequate. This study focuses on response preference and forms of resistance in suspects' responses to such formulations. When police officers propose a formulation of what has been said, suspects may either confirm or disconfirm it, or do neither. The analysis shows that (1) preferred responses may take form either as minimal yes responses or repetitional responses, which confirm the candidate understanding; and (2) non-preferred responses come in two formats: as active resistance in that they explicitly reject or challenge a formulation, or as passive resistance which withholds acceptance, leading police officers to pursue an answer and seek for confirmation. By focusing on the way in which formulations function in interaction and how suspects may challenge them, the analysis explores how suspects may assert their right to 'own' and retain control over their story and how it is developed and transformed during the interview.

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1. Introduction

The main purpose of the investigative interview is for the police to find out 'what happened', whether a certain event or incident was in fact a crime, who was involved, and whether they are culpable. Suspects, when interviewed by the police, are given the opportunity to tell their side of the story, answer questions about their role and involvement in the (possible) crime, and defend themselves against allegations. Based on these interviews, along with other forensic evidence, the prosecuting authority decides whether to bring charges or not. In practice, a suspect's statement as produced in the interview is the result of a conversation between them and the police, that is, the story is produced in interaction by two (or more) participants, and it is transformed afterwards into a formal, written report by the police officer. Given the central role that the suspect's

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<https://doi.org/10.1016/j.pragma.2023.11.010>

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statement plays as documentation and evidence in the further judicial process, it is important to recognize that such statements are not produced by the suspect on his own, but rather, are created in interaction and in the end, become a summarized police version of events. In this process, the interviewing officer will often summarize and retell what a suspect is saying using so-called *formulations* of the preceding talk. Through formulations, speakers summarize the gist of what has been said and propose an understanding of what it means. Such formulations in an institutional setting like the police interview make relevant a response from the other speaker. This study investigates such responses, exploring how suspects may confirm or disconfirm candidate understandings of their talk proposed by police officers. Specifically, I investigate whether and how suspects may exert active or passive resistance against proposed formulations and how police officers respond to such resistance. By focusing on the way in which formulations are treated in interaction and the extent to which suspects may challenge them, the analysis explores how suspects may assert their right to ‘own’ and retain control over their story and how it is developed and transformed during the interview.

2. The function of formulations in the investigative interview

In the process of producing a legally adequate and relevant story in interaction, one important practice that is employed by police officers is to *formulate* what the suspect has said.

- 1 P: og så sier du atte siden han var fra sverige
and then you say that since he was from Sweden
 2 så virket han veldig sliten han også ,
he too appeared very tired

Through formulations, speakers offer a candidate understanding of other speakers' talk and propose a particular version of events by summarizing the *gist* or *upshot* of what has been said (Heritage, 1985: 100; Peräkylä, 2019: 262; Antaki, 2008: 26). Importantly, formulations in institutional contexts are not necessarily retellings of ‘what the other has said’ (the other’s talk), but rather, they may be better understood to involve retellings of ‘what has been said’ (the preceding talk). The use of formulations is rather rare in everyday conversation, but more common in institutional settings, where they have important interactional functions in that they may work to transform something another speaker has said into a version that fulfills particular institutional goals. Heritage (1985) identified several functions that formulations may have in news interviews, as instances of institutional talk. Specifically, when interviewers ‘retell’ what their interviewees have said, such formulations summarize the gist of a prior turn and with that, maintain it as the focus of a further current turn. A formulation “re-presents knowledge and experiences that are originally and primarily ‘owned’ by [the interviewee]” (Heritage, 1985: 102). Further, formulations are selective in representing some elements while discarding others, as well as explicating what had been left implicit or otherwise unsaid in the prior sequence. Finally, complex utterances and series of turns may be reduced to a single dramatic point, thus developing the interviewee’s narrative in the process (Heritage, 1985: 101–103).

Similar to in other institutional contexts, formulations in police investigative interviews have an important function in preserving, transforming and summarizing previous talk, which again works to fulfil particular institutional goals including obtaining for the record a particular understanding that is criminally relevant as well as establishing guilt and criminal intent, or *mens rea* (cf. Edwards, 2008; Stokoe and Edwards, 2008). In a recent study, Ferraz de Almeida and Drew (2020) argue that police officers’ formulations play an important role in producing a legally adequate version of events during investigative interviews of suspects. The authors show how formulations allow police officers to “a) summarize the upshot of a period or phase of questioning, b) attribute this directly to the suspect’s ‘own words’, c) construct the suspect’s confirmation as legally relevant [...], and thereby d) elicit from the suspect a form of admission” (Ferraz de Almeida and Drew, 2020: 37). Importantly, the authors argue that a key and differentiating feature of formulations in the police interview in particular, is their role in transforming the suspect’s lay narrative into a version that is legally adequate and relevant for the police’s investigation and further progress in the case (Ferraz de Almeida and Drew, 2020: 54).

Formulations are also a key element in the production of talk for an ‘overhearing audience’ (Heritage, 1985: 99). In the context of the police interview, the conversation between participants is produced not only for the two of them, but also, and importantly, a story is produced ‘for the record’, geared towards a (future) audience consisting of a variety of legal actors including the prosecution and judges. In a comprehensive study, Komter (2019) has examined how the suspect’s statement ‘travels’ from police interrogation through the trial and into court as an often very crucial piece of evidence in criminal cases. Her work shows how during the interview, concerns of coordinating talk and typing, and achieving ‘coherence’ in and ‘recordability’ of the statement affect for example police officers’ question design, and the ongoing interaction more in general (Komter, 2019: 25). Police investigators orient to (the production of) the police report, which “must contain those items that contribute to its legal adequacy, so that it may serve as a piece of evidence” (Komter, 2019: 27, cf. also Komter, 2006, 2003; Haworth, 2021, 2018; Rock, 2001; Jönsson and Linell, 1991; Byrman and Byrman, 2018 for discussions of statements’ evidential value in different jurisdictions). Komter’s (2019) and other studies show how statement taking and report writing are closely intertwined, and the use of formulations is an important element in summarizing and transforming talk not only in the ongoing interaction, but also, and importantly, for it to be legally adequate and relevant, and ‘recordable’ in the police report. In the Norwegian context, similar to elsewhere, interview reports are supposed to include a summary of the interview with information that may be used in investigation and for

prosecution, and they may often be relevant in the attribution of guilt and criminal intent. Reports are used by the police for (written) communication with various actors in a case, and they may be important as a piece of evidence both during police investigation and later on in court (Bjerknes and Williksen, 2018).¹

3. Formulations as requests for confirmation

When speakers use formulations to suggest a particular meaning or offer a candidate understanding of what another speaker has said, this involves *local editing* of the other's talk (Antaki, 2008). Such utterances invite “confirmation or disconfirmation, often also elaboration, by the next speaker” (Peräkylä, 2019: 262). Formulations are thus realized as requests for confirmation, that make relevant a particular type of response from the suspect, and they involve a preference for agreement, as discussed further below.

Formulations are often introduced by pre-formulations along the lines of ‘so what you are saying is’ or ‘you are telling me’ (Ferraz de Almeida and Drew, 2020: 37), characterizing what comes after as a formulation by the police officer of the suspect's words. Alternatively, police officers may preface with a phrase like ‘so if I understand you correctly’, which characterizes the upcoming talk more explicitly as offering the speaker's own candidate understanding of what the other has said. In a less explicit format, formulations starting with the particle ‘so’ (Nor. *så*, *altså*) mark them as inferences that, as in the cases above, are not the speaker's own creation, but they *originate* in someone else's talk rather than being a direct representation or retelling of it.² Not all formulations are preceded by pre-formulations or start with a particle like ‘so’ – they may also be produced as ‘regular’ declaratives or interrogatives. Still, formulations will be heard as requests for confirmations because of what (Hayano, 2013: 397) terms *recipient-tilted epistemic asymmetry*, that is, when one speaker makes a statement about something over which the other speaker has primary epistemic rights – i.e. a claim about something that the other speaker has said, or meant to say – the utterance will be heard as a request for confirmation (see also Levinson, 2010). In terms of sequential positioning, formulations usually occur in first position, as they initiate an adjacency pair which projects a confirmation or disconfirmation by the other speaker in second position. In some cases formulations may fulfill different sequential functions as they for example are triggered by repair initiations and occur in third position as a component in solving understanding trouble, or when they occur in so-called *hostile environments* to challenge inconsistencies in the suspect's statement (e.g. Sliedrecht et al., 2016). Such instances may involve a different preference structure. For this present study, I do not include these types of formulations but focus on formulations in first position.

4. Response preference

In the investigative interview, confirmation by the suspect of a proposed formulation is a preferred response in several ways. The context of the police interview necessarily implies a general institutional preference for agreeing and cooperating with the police – which operates on a normative and psychological, rather than a structural level. Also, confirming a formulation is preferred in terms of sequential progressivity: it furthers the progress of the ongoing interactional activity and allows the other speaker to continue, and the conversation to move on, rather than halting its progressivity through a disconfirming, dispreferred response. Beyond this, and importantly from a conversation analytical perspective, there is a structural preference for type-conformity and action alignment.

As discussed above, formulations are realized as requests for confirmation that make relevant a particular type of response: they orient both backward, by referring to preceding talk, but also forward, anticipating some form of confirmation by the other speaker in the following turn. The preferred response in second position is one that is *type-conforming* to the format of the request (Schegloff, 2007; Raymond, 2003), and one that aligns with the action-initiating turn: in this case, a preferred response confirms the prior speaker's request. Preferred responses occur more frequently and will typically be formatted as a straightforward answer (Schegloff and Lerner, 2009), that is, directly, minimally, and without delay. So, in the context of the current study, formulations produced by police officers would normally involve a preference for a response that aligns and agrees with the action-initiating turn through a minimal ‘yes’ or a more elaborate answer such as ‘yes that is what I meant’ or ‘the car was green, yes’, repeating (parts of) the formulation. The latter is an example of a so-called *repetitional response* (cf. Schegloff, 1996; Raymond, 2003; Heritage and Raymond, 2005; Stivers, 2005). Such other-repetitions in second position may function to ‘confirm’ rather than ‘affirm’ the propositional content addressed in the question (Heritage and Raymond, 2012: 192), thus asserting respondents' agency, epistemic rights and authority over the state of affairs at hand

¹ It should be noted that laws and regulations set certain limits for the admissibility of police reports as evidence in court, and suggest that it is preferable for the court to rely as much as possible on real time interviewing in the courtroom (Rachlew and Fahsing, 2015; Jahre, 2015). As a general rule, statements that are previously “made in the case” are only to be used for confrontation and not as evidence in themselves (Jahre, 2015:257). It is also acknowledged that video and sound recordings of an interview may be more reliable as evidence than the reading aloud of the written summary in the report (Jahre, 2015: 305–306). Despite this, it is common for the interview report and the summarized official version of the statement to be used, rather than the sound recording, in all stages of the criminal process and also in so-called summary judgments on confession [Nor. *tilståelsesdom*] (cf. Bjerknes and Williksen, 2018; Eriksen, 2013).

² Scandinavian languages use ‘så’ “both as a coordinating and a subordinating connective that introduces the consequence of something” (Fretheim, 2006: 82). Scandinavian ‘så’ shares historical roots with English ‘so’ as an inferential connective (Fretheim, 2006). See also Schiffrin (1987) on the inferential functions of English ‘so’ and Bolden (2009) on its use for implementing incipient actions.

(see also Lee, 2013: 426). In the case of formulations, full or partial repeats as responding actions may function specifically to confirm that an inference made by the first speaker, supposedly drawn from the interlocutor's own previous talk, is in fact correct (Heritage and Raymond, 2012:192). As such, a repetitional response is epistemically upgraded and constitutes a stronger form of acceptance as compared to a simple 'yes' or other minimal confirming responses.

While formulations involve a preference for agreement, especially in such institutional settings as the police interview (Heritage and Watson, 1979), interlocutors may also express disagreement. Disagreeing with a proposed formulation normally constitutes a dispreferred action that will typically be produced with delay, not directly, and formatted with or accompanied by accounts and mitigations (Lee and Tanaka, 2016; Sacks, 1987; Stivers et al., 2011). Disconfirming answers that do not accept a formulation may come in two forms: as *active* or as *passive* resistance (following Stivers, 2005) – or in alternative terms: *overt* or *covert* resistance (cf. Clayman, 2013). Resistance may be managed in different ways depending on how explicit the speaker is about 'what is wrong'. Active resistance includes utterances that directly question or challenge the previous turn by the other speaker. Such responses may be understood as disagreement in the traditional, straightforward sense: interlocutors disagree explicitly and directly. In the case of formulations, disagreement may be supplemented by the speaker making an alternative suggestion and/or accounting for disagreement. Such explicitly and directly disagreeing responses "make relevant a response by [the other speaker] and this feature differentiates active resistance from passive resistance" (Stivers, 2005: 47).

Passive resistance, then, has in previous research been identified to occur in the context of treatment recommendations and advice in medical settings (Stivers, 2005; Heritage and Sefi, 1992). Stivers (2005) suggests that when the participants orient to normative constraints in that they are supposed to reach agreement on a treatment decision, passive resistance or passive withholding of acceptance "will hearably constitute resistance to the proposed treatment" (p. 47) even if it is not active and explicit (e.g. 'I don't want that', 'I don't agree'). Passive resistance may take different forms, being realized either as no or non-answer responses, or as responses containing for example so-called *transformative answers* that "retroactively [adjust] the terms of the question" (Stivers and Hayashi, 2010: 5). Stivers and Hayashi (2010) distinguish between *term-transforming answers* that resist a question's design, and *agenda-transforming answers* that resist both the question's design and its agenda, and argue that transformative answers of the latter type exert stronger resistance.

5. Data and method

The data set that I use in this study consists of 73 audio and video recordings of investigative interviews with suspects conducted in the Oslo Police District between 2016 and 2020. Access to the recordings has been granted by permission of the Director of Public Prosecutions (*Riksadvokaten*), the Norwegian Centre for Research Data (former NSD – now Sikt), the Data Protection Officer (*Personvernombudet*) at the University of Oslo, and the Oslo Police District (*Oslo Politidistrikt*). Most of the interviews are conducted in interview rooms at the police station, while some are conducted on-site. The suspects are juveniles and adults questioned in relation to offences of different types and gravity. They include both native speakers and speakers of Norwegian as a second language. In the current study, I do not address issues related to language background and second-language speakers specifically (see section 7). Any names are replaced with pseudonyms. All suspects in the examples used are male, and to improve readability, they are referred to using male pronouns while female pronouns are used for interviewing officers. The extracts were transcribed in detail following conversation analytical transcription conventions (cf. Jefferson, 2004; see appendix for a transcription key).

From the data set ($n = 73$), I randomly selected a smaller set of 20 interviews to allow for closer examination. I used a conversation analytical (CA) approach to study interaction with the aim of describing people's own methods for constructing everyday life and producing orderly social interaction (cf. Heritage, 1984; Sacks, 1984). CA as a method is data-driven and guided by a "next-turn proof procedure" (Sacks et al., 1974). In the current study, I examined the data set paying attention to a range of phenomena including the sequential organization and linguistic features of talk and their embeddedness in social interaction. I searched the data for instances of formulations, identifying different types of responses produced by suspects and examining formulations' sequential positioning and local interactional function. The analysis revealed certain patterns in that suspects' responses in second position were of two main types: preferred responses confirming a proposed formulation, and dispreferred responses that do not provide confirmation. I then selected relevant examples from four interviews, each of which exhibits a different kind of response from the suspect, and analysed these in detail to examine how such different responses may function interactionally. The selected examples are meant to illustrate patterns in the data material, yet quantitative analysis is not part of the current study. Claims about the frequency of particular responses or response types are based on rough counts and perceived tendencies.

6. Analysis

In the following, I analyse a series of extracts to illustrate how suspects may respond to police officers' formulations, and discuss these in terms of response preference. The specific cases are typical examples for each response type, and they all involve formulations that are produced in first position and are similar in length (2–3 lines, or 1–3 TCUs), so that these are somewhat comparable in their design. The examples all occur at some point during follow-up questioning after the suspect has given his free statement; formulations like these are found all throughout the interview and are not restricted to for example the closing of a particular phase of the interview. The first case shows several confirming responses that function to

accept the interviewing officer's formulation, illustrating the design and function of preferred responses (section 6.1, extract 1). It is followed by several examples of resistance by suspects (section 6.2): from active and direct resistance (extract 2), to resistance formatted with more dispreference markers (extract 3), and a case of passive resistance where the suspect neither confirms nor disconfirms a proposed formulation (extract 4). The transcripts presented below begin from the production of a formulation by an interviewing officer and show how the following turns unfold. That means that the preceding talk that the formulation is (allegedly) based on, is often left out in the transcripts provided. The focus of the analysis is on the suspects' response to formulations and not necessarily on the extent to or way in which such formulations are 'correct' representations of the preceding talk (see also section 7).

6.1. Preferred responses

Preferred responses to formulations may take form either as minimal 'yes' responses or repetitional responses, which confirm a proposed candidate understanding. The following extract illustrates how a suspect confirms the accurateness of an interviewing officer's formulation through responses that perform the preferred action in a preferred format. It comes from an interview with an 18-year-old suspect who is interviewed 'on-site' outside a liquor store after having been reported by security for buying and selling alcohol to a 17-year-old. He has admitted to the crime. Towards the end of the interview and in the talk just preceding extract 1, the police officer asks the suspect a series of questions about the legal age limit for alcohol sale.

Extract 1

- 1 S: ja (0.3) det er ehm [() det er] min stor feil da .
yes (0.3) it is uhm () it is my big mistake
- 2 P: [ja så]
yeah so
- 3 P: ja så eh- bare sånn at jeg forstår det=
yeah so uh- just so that I understand=
- 4 =du du visste om at det ikke er lov
=you you knew that it is not legal
- 5 å kjøpe | drikke til| folk [som er under at]ten ,
to buy alcohol for people who are under eighteen
- 6 → S: [ja ,] [jeg visste det ,]
yes I knew that
- 7 P: m:en: og og atte at det var feil=
but and and that that it was wrong=
- 8 =men du gjorde det allikevel ?
=but you did it anyway
- 9 → S: jeg gjorde det allike[vel] ja .
I did it anyway yes
- 10 P: [ja]
yes
- 11 S: så jeg er e: det var stor feil .
so I am uh that was big mistake
- 12 P: hmhm
hmhm

The police officer's formulation in lines 4–8 is introduced as having a particular function or aim: 'so that [she] understand [s]' (line 3). This pre-formulation characterizes what follows as a request for confirmation of a candidate understanding. In lines 4–8 she produces a formulation of the suspect's answers to a series of questions he was asked just before. When the suspect initiates a first response 'yes' in line 6, this is produced directly, minimally and without delay – here even in overlap with the police officer's unfinished turn. Such mid-turn overlapping speech has been associated with the next speaker's orientation to progressivity and the content-adequacy of the current turn (Hayashi, 2013: 177, see also Schegloff, 2000): it treats the previous turn as unnecessary or redundant and signals that it is obvious that the preferred response is one that confirms the formulation. It is a preferred answer both in terms of type-conformity (a request for confirmation makes relevant a yes/no response), agreement (the preferred response is one that confirms the other speaker's proposed formulation) and progressivity (a confirming 'yes' response gives the other speaker green light to hold the floor and continue the ongoing activity). The second part of this response, 'I knew that' (line 6), comes straight after, also produced in overlap. This is an upgraded confirmation in the form of a repetitional response, copying the police officer's wording ('you knew', line 4). Through this, the suspect agrees more explicitly with the assertion that he was aware of the relevant law. Following these turns, the police officer moves on to add that while the suspect not only knew that it was 'not legal' but also that it was 'wrong' (line 7) to sell alcohol to a minor, he 'did it anyway' (line 8). Here, the formulation adds something that we do not find in the preceding question-answer sequence, namely the suspect's admission to in fact having done what he is accused of. He has stated this earlier in the interview, but here the admission is evoked and made relevant by the police officer. This final part of the formulation signals an opposition, specifically through the particles 'but' and 'anyway', and has a particularly

transformative function. The police officer's version sets the suspect's actions – what he 'did' (line 8) – up against his ability to assess the legality and possible legal consequences of his actions – what he 'knew' (line 4). Also, the use of past tense establishes reference to the specific incident and the suspect's state of knowledge at the time, rather than his current legal knowledge and the regulation of alcohol sale in general, which has implications for the assessment of intentionality or in legal terms, *mens rea* (see also Edwards, 2008). In her formulation, the police officer has taken the suspect's answers to her questions and his earlier admission, and converted these into their essence from a legal perspective. It is then particularly interesting to see the suspect's answer in line 9 'I did it anyway yes', which is a repetition of the final part of the police officer's formulation supplemented by a confirming 'yes'. By repeating the final part of the formulation in line 9, the suspect not only accepts the police officer's suggestion, but confirms its accurateness in representing what he had said (cf. Heritage and Raymond 2012) and commits more explicitly to this particular interpretation, assuming a strong epistemic stance suggesting that this is something he could have said. As for the question of criminal intent, the suspect's confirmation in line 9 functions to "consolidate the suspect's answers as being [a] (legal) admission" (Ferraz de Almeida and Drew, 2020: 50).

The police officer's formulation is now agreed to be a correct representation of the preceding talk. Finally, the suspect's addition in line 11 that 'it was a big mistake' shows how a repetitional response may function as a basis for sequence expansion (cf. Heritage and Raymond, 2012: 186). This phrasing repeats his earlier utterance in line 1 ('it is my big mistake'). With that, even in this case where he has repeatedly and explicitly confirmed the accurateness of the police officer's suggested version, he does also use the formulation as an opportunity to supplement this version with an evaluation of his own actions. This shows that he orients to this information as relevant in the context of establishing a common understanding of the suspect's account of events.

Extract 1 illustrates a pattern that is common in the data set: suspects confirm a proposed formulation with confirming responses that are produced in preferred formats, ranging from a minimal yes, to extended confirmation and repetitional responses. The latter are more explicit and stronger in confirming the accurateness of the formulation in representing the suspect's talk. Through repetitional responses, the suspect assumes a stronger epistemic stance, and such responses may be relevant in consolidating the suspect's admission. Further, they may form a basis for sequence expansion for the suspect to supplement with further comments.

6.2. Non-preferred responses

Non-preferred responses to formulations come in two formats: as *active* resistance in that they explicitly reject or challenge a formulation, or as *passive* resistance which neither confirms nor disconfirms, but rather, withholds acceptance, leading police officers to pursue an answer and seek for confirmation. The extracts below illustrate active and direct resistance (extract 2), resistance formatted with more dispreference markers (extract 3), and a case of passive resistance where the suspect neither confirms nor disconfirms a proposed formulation (extract 4).

6.2.1. Active, unmitigated resistance

Extract 2 comes from an interview with a suspect in a corpse desecration case where the suspect had supposedly brought the victim to his home, where he then died of an overdose. The following shows a sequence in which the police officer summarizes what the suspect has said in his free statement about his interaction with the victim on the day they met, before she moves on to confrontation and further questioning.

Extract 2

- 1 P: og så sier du atte siden han var fra sverige
and then you say that as he was from sweden
 2 så virket han veldig sliten han også .
he too appeared very tired
 3 (2.2)
 4→ S: nei ikke siden han var fra sverige
no not as he was from sweden
 5 (0.6)
 6 S: men eh (2.3) e::h
but uh uh
 7 (14.7)
 8 S: .mts .hH
 9 (0.3)
 10 S: eh han (0.5) virka som han eh var veldig sliten .hH
uh he appeared as if he uh was very tired .hH
 11 (1.5)
 12 S: e::h
u::h
 13 (3.5)
 14 S: ja ehH
yeah uhH

- 15 (0.2)
 16 P: mhm ,
 17 (16.1)
 18 S: det var derfor jeg eh je- e::h
that was why I uh I- uh
 19 (1.8)
 20 S: hjalp han (med)
helped him (with)
 21 (0.3)
 22 P: det var derfor du hjalp han , (0.6) mhm
that was why you helped him mhm

The formulation in line 1–2 follows a common format in that it is introduced explicitly as being a rendering of the suspect's talk ('and then you say that ...'). The police officer refers to comments made earlier by the suspect about the fact that the victim came from a neighbouring country. The formulation involves the proposition that there is a causal relation between the fact that the man was from another country and the observation that he was very tired, which is achieved through the conjunction 'as' (Nor. *siden*, line 1). Following a 2.2 s pause, the suspect explicitly rejects this phrasing in line 4 with a 'no', followed by a partial, but negated repetition ('not as') with modified intonation stressing "as" as the problematic element or trouble source in the formulation. The suspect's response is clearly a dispreferred action in that it disconfirms the proposed formulation and with that, it also constitutes a criticism of the police officer's "capacity and competence" in understanding and reproducing what the suspect has said (Heritage and Watson 1979: 144). A 2.2 s pause in line 3 preceding the suspect's utterance may be interpreted to signal that interactional trouble is coming up, but as shown in the next few lines, long pauses are frequent in this extract (e.g. lines 7, 17), so that it is not necessarily a 'marked' feature in the current context. Beyond this, the utterance in line 4 is delivered directly ('no') and is not accompanied by for example some form of mitigation, but it is extended by a specification of the trouble source. What follows after the suspect's response refuting the proposed formulation are several long pauses and some hesitation ('but uh', line 6) before the suspect moves on to repeat the claim that the victim was 'very tired' and suggests that this is why he had helped him. The police officer's repetition in line 22 functions as a receipt through repetition, and it no longer includes the suggestion that the fact that the man was tired had anything to do with his country of origin.³

The suspect's response in extract 2 is a clear example of active resistance against a proposed formulation: through a direct, unmitigated 'no', the suspect rejects the proposed formulation as incorrect. He then adds a specification of the problematic element in it, and in the following, provides an alternative that no longer includes that element. The suspect's responses here thus target a specific part of the formulation, and it appears that he is 'successful' in eliminating the trouble source, as the police officer confirms and repeats what the suspect suggests is the correct version. Disconfirming a formulation is a sensitive action, but this suspect's response suggests that this action may be interactionally easier to perform when the problem is specific. From a legal perspective, the causal relationship implied by the police investigator in her initial formulation does not appear very relevant, and the issue thus seems to be 'just' to correct a misunderstanding. The data set includes several such instances of unmitigated, active resistance that target such elements as the informational content, choice of words or phrasing of formulations at the level of syntax. Correcting those is a less sensitive action than correcting more complex misunderstandings or challenging inferences that are drawn by the other speaker (as shown later in extract 4, cf. Haakana and Kurhila, 2009 on other-correction).

6.2.2. Active, mitigated resistance

As suggested earlier, expressing disagreement with a proposed formulation constitutes a dispreferred action that will typically be produced with more delay, less directly and formatted with accounts and mitigations (Lee and Tanaka, 2016: 2) as opposed to expressing agreement. Similar to in the previous case, the suspect in extract 3 exhibits explicit resistance, but his response is formatted with several such dispreference markers. The suspect here is interviewed about a robbery, and the police investigator has asked some follow-up questions about who else was present during the incident besides the suspect.

Extract 3

- 1 P: men bare sånn at æ- på en måte skjønner de:g skjønner deg
but just so that I- in a way understand you understand you
 2 for det-
because it-
 3 (1.0)
 4 P: e:::h du var sammen med (0.3) to stykker til ,
uh you were together with two others
 5 (0.6)
 6 P: du og Chris og en som du ikke kjenner ?
you and Chris and someone you do not know

³ A more likely interpretation of the police officer's words here would be that she suggested a causal relationship between the victim being tired and the fact that he had *travelled from* another country, rather than the fact in itself that he was a foreign citizen.

- 7 (1.0)
 8 → S: ja: (.) eller ha- vi møtte liksom på:-
yeah or ha- we like met
 9 P: hm [((cough))]
 10 → S: [k |an] godt være det var flere også
it may well have been several also
 11 → men jeg husker ikke hvem vi møtte på men-
but I don't remember who we met but-
 12 (0.6)
 13 S: vi va:r et par (.) der (.) [nå:r] det (.) skjedde
we were a couple there when it happened
 14 P: [m:]
 15 S: det var liksom flere menne[sker] tilstede
there were like several people present
 16 P: [°ja°]

Lines 4–6 here contain a formulation of gist, preceded by a phrasing in line 1 ‘just so that I understand you’ that has earlier been discussed as typical for pre-formulations, characterizing the upcoming talk as the speaker’s candidate understanding of what the interlocutor has said. The police officer extends her turn but self-interrupts, followed by a 1.0 s pause (line 3) and some hesitation, to then formulate the suspect’s preceding talk. This turn is formatted as a declarative but has a clear rising intonation, which in combination with the pre-formulation in line 1 constitutes a typical request for confirmation. There is a 1.0 s pause before the suspect produces a longer response, which stretches from lines 8 to 15. His turn in line 8 starts with ‘yes’, which immediately appears to be a confirmation in response to the police officer’s turn, but it is shortly followed up by ‘or’, which functions here as a self-repair marker (cf. Clift, 2001; Lerner and Kitzinger, 2015), and the suggestion that more people may have been present than what the police officer had proposed in lines 4–6. As such, it does not accept the original formulation but rather, ‘cancels’ an initial confirmation (‘yes’) and suggests an alternative. Lerner and Kitzinger (2015) claim that such or-prefaced repair is a common format for self-repair, which as opposed to other more explicit formats “shows that the trouble source formulation is not being discarded altogether, thereby mitigating the reparative character of the repair operation” (Lerner and Kitzinger, 2015: 70).

The example here is not actually a case of self-repair in the traditional sense – it is the police officer’s talk that the repair is targeted at – but it still appears to function in a similar way in that the suspect had first accepted the formulation as being a correct representation of what he had said through his initial ‘yes’, then correcting himself to not accepting it instead. The suspect’s response in line 8 is thus produced in a dispreferred format: it is produced with delay (1.0 s) and not directly (as opposed to ‘no’), and involves mitigation through the use of an or-prefaced repair. Through an elaborate response, the suspect corrects the police officer’s formulation providing an alternative phrasing that is less specific than the original, in that it marks greater uncertainty as to how many people were present and involves a clearly downgraded epistemic stance (‘it may have been’, ‘I don’t remember’). This type of modulation functions to portray the speaker as less confident about the ‘correctable issue’, and it functions to “indicate what kind of access [he] ha[s] to the information or knowledge that is relevant for [the] correction” (Haakana and Kurhila, 2009: 174).

In extract 3, the suspect exerts active, but mitigated resistance. Through his response, he does not accept the proposed formulation as a correct or adequate representation of what he had said. Instead, after an initial confirmation, he provides an alternative with a clearly downgraded epistemic stance. As such, the response is produced in a dispreferred format: with delay, not directly, and with mitigation through both an or-prefaced repair and a modulation of epistemic stance. It performs a sensitive action in that it challenges the police officer’s proposed formulation, but in contrast to the earlier example (2), it is formatted with a number of dispreference markers and mitigation. As compared to in extract 2, the suspect in extract 3 resists first and foremost the strong epistemic stance attributed to him, rather than rejecting the proposed formulation altogether. In this case, the amount of people present during the robbery is not directly consequential for the attribution of guilt or intentionality on the part of the suspect, but it seems relevant first and foremost for maintaining credibility and consistency in his statement. Providing incorrect or conflicting information about the amount of people present may harm the suspect’s credibility and be used to confront and challenge him at a later point, and it may thus be sensible for him to express some level of uncertainty at this point. The response’s format suggests that modulating the degree of certainty about a particular piece of information may be a more sensitive action than ‘simply’ correcting it. To be sure, this type of response is thus ‘sensitive’ both in relation to the suspect’s own epistemic stance, as well as in relation to the type of action that it accomplishes, that is, not confirming the police officer’s formulation.

6.2.3. Passive resistance

Extract 4 below shows another example of a dispreferred response, but in this case the suspect produces a non-answer response that neither confirms nor disconfirms the police officer’s formulation and as such constitutes a weaker, passive

resistance. In the lines preceding the following transcribed extract, the police officer has asked the suspect what he thinks of the fact that the police have video recordings of a fight that the suspect is accused of having been involved in. The interviewing officer brings up this topic as a part of her follow-up questions sometime in the middle of the interview. So far, the suspect has not really provided an answer, just stating that he has not seen all of the videos yet. The conversation continues.

Extract 4a

- 1 P: men- men ka tenker du om:
but- but what do you think about
- 2 S: v[ideoen ,]
the video
- 3 P: [at-] at e d- det er liksom video som
that that u th- there is like video that
- 4 (0.8)
- 5 S: pf:: hh
- 6 (1.8)
- 7 S: (ja) jeg vet ikke (.) dumt ?
(yeah) I don't know a shame
- 8 (0.7)
- 9 → P: du synes det er dumt at det (.) er video ?
you think it is a shame that there's video
- 10 → S: m: jeg vet ikke ?
m: I don't know
- 11 → P: på hvilken måte er det dumt da ?
in what way is it a shame then
- 12 S: (at) det er f:lere folk som s:å det og sånt
(that) there are multiple people who saw it and stuff

The police officer repeats her question about what the suspect thinks of the fact that the fight that he was involved in has been filmed (incomplete utterance, lines 1–3). After a rather long pause, the suspect states that he does not know, followed by ‘a shame’ (line 7) with clear rising intonation, so that it functions more as a suggestion than a final answer. The police officer formulates the suspect’s answer first in line 9 (‘you think it’s a shame that there’s video’), which copies the suspect’s use of the word *dumt* (‘a shame’) in line 7. The suspect does not confirm nor deny this formulation in line 10, but instead, repeats what he said in line 7 – that he is not quite sure, produced with rising intonation. With that, he assumes a weaker epistemic stance as compared to what the police officer has attributed him, which constitutes a form of rejection of the police officer’s proposed formulation.

The police officer, despite this, proceeds to ask a follow-up question using the same words ‘in what way is it a shame’ (line 11) which includes the presupposition that ‘it is a shame’ and thereby treats the formulation in line 9 as accepted, inviting for an elaboration by the suspect. The suspect answers the question directly with a relevant response expressing his thoughts about the video evidence, thereby accepting its presuppositions as valid (Hayano, 2013:401). In what follows, the police officer asks several follow-up and clarification questions, indicating that the suspect’s answer is not (yet) sufficient:⁴

Extract 4b

(4 lines omitted, ‘hm’ and pauses)

- 17 P: .mts ja hv:- hva mener du med det
.mts yes wh- what do you mean by that
- 18 bare sånn at jeg forstår hva du-
just so that I get what you-
- 19 (0.5)
- 20 S: hva mener jeg med det ?
what I mean by that
- 21 P: ja (.) at du sier det er dumt
yes that you say it is a shame
- 22 og det er dumt at det var flere folk som så: det ,
and that it is a shame that there were several people who saw it
- 23 S: ja men (.) folk kan jo de:le video og sånt (.) så:
yeah but people can share video and stuff so
- 24 (0.8)
- 25 P: hmhm
- 26 S: ja (.) så det synes jeg er liksom (.) litt dumt
yeah (.) so I find that like a bit of a shame
- 27 P: hm .
- 28 (3.0)
- 29 → P: så du skulle ønske at det ikke ble tatt
so you wish there hadn't been taken

⁴ The victim.

- 30 → video av (.) denne hendelsen ?
a video of this incident
- 31 (1.0)
- 32 → S: m- pf (.) nei (°>vet ikke<°) eh sikkert bra for Alex å ha video ?
m- pf well (don't know) uh probably good for Alex to have video
- 33 (0.8)
- 34 → S: siden da har han bevis og sånt >jeg vet ikke<
since he then has evidence and stuff I don't know
- 35 (2.0)
- 36 P: nei men ka tenker du (jeg) [jeg-]
no but what do you think (I) I
- 37 S: [(hva du-)]
(what you-)
- 38 jeg vet ikke ? [(jeg liksom-)]
I don't know (I'm like)
- 39 P: [du prø-] jeg får litt følelsen
you try- I get a bit the feeling
- 40 at du lik[som sier ting s]om du tror jeg synes er fint da
that you're like saying things that you believe I find nice
- 41 S: [£ hehe £]

The police officer repeats the word *dumt* ('a shame') several times in lines 21–22 pursuing a further explanation or account from the suspect for his characterization of the availability of video evidence as unfortunate. In line 26, the suspect also repeats the word *dumt* ('a shame') followed by what is more or less a repetition of his initial response. The police officer's turn in line 29–30 then is a formulation of upshot in that it adds something the suspect has not said himself but rather, it draws an inference and makes a suggestion as to the suspect's attitude in this matter, namely that he 'wishes it had not been filmed'. Note here that this formulation is designed in a less explicit format, with a turn-initial 'so' (Nor. *så*), which may be used to mark the upcoming talk as an inference. The response that follows in line 32 does not provide a confirmation and is realized in a dispreferred format: it is produced with delay and hesitation ('m-pff'). A response-initiating *nei* ('well') is also a dis-preference marker in that it may signal that "in some respect, the response is not fully consonant with the expectations or projections implied by the question" (Svennevig, 2001: 6), for example because the respondent cannot or does not want to answer, or alternatively, this pragmatic particle may signal "less than full commitment to the answer" (Svennevig, 2001: 6). The suspect's utterance (line 32) constitutes a transformative answer that does not actually answer the question. It resists both the design of the previous utterance as a polar question, and its agenda. The suspect does not confirm nor disconfirm the police officer's suggestion directly, but rather, he proposes that there is probably an advantage in it for the victim: implicitly, this contests the proposition that he wished the video had not been taken, but rather claims that it might be a good thing.

Following this suggestion, in line 34 the suspect repeats that he is not sure (Nor. *jeg vet ikke*), as he had done in lines 7 and 10 before. With this response, he has not confirmed the formulation proposed by the police officer but instead, continues to mark an uncertainty. This is as such a weaker form of resistance (as opposed to a direct 'no', cf. extract 2), but it contests the strong epistemic stance attributed to the suspect in the formulation. The police officer in line 36 and 39–40 orients to this not necessarily as the suspect not being able to answer in the sense that he does not possess the relevant knowledge, but rather, specifies that she is looking for the suspect's opinion or attitude toward the filming ('what do you think'). Also, her suggestion in lines 39–40 that the suspect is merely trying to say something that will please the police officer indicates that she interprets the explanation so far as an attempt to answer the question in a desirable or correct way, rather than the suspect expressing his honest opinion, which is what she is looking for: it is the suspect's attitude towards the availability of evidence in the case that is relevant from a legal perspective.

As the conversation unfolds here, it becomes clear that the suspect's lack of confirmation is treated by the police officer as insufficient and accountable in that she pursues the issue further. When the suspect does not provide a confirmation of the formulations proposed by the police officer, this breaches with the expectation that a request for confirmation be followed by either a confirmation or a disconfirmation, following structural response preference. To be sure, the police officer's pursuing the issue further may be interpreted to be not only about the formulation 'itself', but targets also the answer as not sufficient or satisfactory, suggesting that it is 'just what [he] think[s] that [she] want[s] to hear' (lines 39–40). This may be understood as a type of reference problem resulting from "a wrong assumption of some particular shared knowledge" (Pomerantz, 1984: 153), in this case, a shared institutional knowledge of the type of answer that a suspect is supposed to give in an interview when being asked about his opinion on a piece of evidence.

Extract 4 involves instances of passive resistance: the suspect does not accept or reject the first formulation (line 9), and he does not respond to the second one involving an inference (lines 29–30) directly, but his answers contain an implicit rejection of the police officer's interpretation of his words. His responses both downgrade the strong epistemic stance that is attributed to him ('I don't know'), and resist the final formulation's propositional content with a transformative answer. Through these turns, the suspect implicitly rejects the police officer's interpretation of what he has said. The suspect's responses, while not overtly resisting the proposed formulations, clearly problematize their accurateness in representing his prior talk. From the interrogator's perspective, eliciting the suspect's attitude towards the availability of evidence seems legally relevant as it addresses the suspect's understanding of his own actions as lawful or unlawful: if he had claimed to be innocent, video evidence might have supported his case, while suggesting that it is 'a shame' that there is evidence may constitute an incrimination. The legal relevance of this question becomes apparent from the police officer's further pursuing a response and

specifying that she wants an ‘honest’ answer. As compared to previous examples, correcting or challenging a formulation like this seems a more sensitive action, both because the targeted trouble-source may be less specific or concrete (as compared to e.g. how many people were present), and because the suspect here seems unsure about what is an ‘appropriate’ response at this point, as illustrated both by his downgrading his epistemic stance and the investigator’s comment in lines 39–40. What follows after the extract provided here is a further negotiation and the police officer pursuing a satisfying response that accepts and consolidates the candidate understanding that she has suggested: the participants need to reach an agreement in order for them to be able to progress and move on in their conversation.

7. Concluding discussion

7.1. Summary of findings

The suspect’s statement as produced in the investigative interview is the result of an interactional process, rather than a fixed product. This study explored one way in which that result is achieved in interaction, arguing that suspects’ responses to formulations are relevant for how the statement changes and is formed along the way. The analysis has identified two types of responses: preferred and non-preferred. Responses performing the preferred action – providing confirmation agreeing with the previous speaker – are most common, and they are realized in preferred formats: directly, often minimally and without delay. Repetitional responses provide an upgraded form of confirmation that commits more explicitly to the suggested interpretation and assumes a stronger epistemic stance. Producing a disagreeing response, on the other hand, is clearly a dispreferred action in that it rejects or challenges the proposed formulation and with that, it also constitutes a criticism of the speaker and her capacity and competence in understanding and reproducing what the other has said. One type of dispreferred response involving active resistance explicitly rejects or challenges a formulation. Such responses may be designed in different ways: they can be formatted rather directly (e.g. starting with a direct rejection ‘no’), but will often involve a number of dispreference markers such as delay and hesitation, and they will usually be accompanied by accounts or an alternative formulation – rather than being limited to a minimal ‘no’. Such active or overt resistance often occurs in situations where the formulation is addressed as problematic at the level of informational content, ‘facts’, or specific words and phrasings. The analysis further showed that responses modulating the degree of certainty about a particular piece of information, i.e. the suspect’s epistemic stance, rather than simply rejecting a formulation as incorrect, were formatted with multiple dispreference markers.

Another type of dispreferred response involves passive resistance, which neither confirms nor disconfirms a formulation, but rather, withholds acceptance. Such responses involve a weaker form of resistance as compared to a direct rejection of the formulation. It is more common for these responses to be formatted with (several) markers for dispreference: they involve delay, are not produced directly, and are accompanied by accounts, mitigations and epistemic downgrading. An important finding is that passive resistance against proposed formulations may take form as transformative answers which do not address the question – that is, the request to confirm a formulation – directly. Transformative answers may cause trouble by not fulfilling the expectations set by the action-initiating turn, which was for the suspect to either confirm or disconfirm the proposed formulation. It was shown that such breach of expectations may lead the interviewing officer to further pursue a response, treating the suspect’s lack of confirmation as insufficient for being able to close the ongoing activity, progress and move on in the conversation.

7.2. Theory and practice implications

Research on formulations has not previously paid sufficient attention to the extent to or way in which the interlocutor, that is, the person whose talk is (allegedly) being formulated, may respond to or challenge the other speaker’s suggestion (though see e.g. Antaki, 2008; Vehviläinen, 2008; Hutchby, 2005, on patients’ resistance to formulations in psychotherapy and children’s counselling). Addressing this issue, the present study has several theoretical implications. It showed how (1) modulating the degree of certainty about a particular piece of information rather than simply rejecting it as incorrect, is formatted with more dispreference markers; and (2) passive resistance may occur when formulations involve inferences from the suspect’s talk and formulate an upshot going beyond what has actually been said. This leads to the observation that the use of dispreference markers and forms of passive resistance including transformative answers may be an indicator for how ‘sensitive’ the action that it accomplishes, is. Simply put: it is – both interpersonally and interactionally – easier for suspects to express disagreement with the police officer’s choice of words or claims about ‘facts’ that are more objectively incorrect, than to disagree when inferences and conclusions are drawn which are allegedly based on the suspect’s own talk. That observation is in line with research on repair and other-correction that suggests that differences in modulation of other-corrections, i.e., the degree of certainty with which they are produced, can be explained by the speakers’ “relation to the issue that is being corrected” (Haakana and Kurhila, 2009: 173) and how they “position themselves in relation to the knowledge that is relevant in that correction” (175). When a police officer proposes a particular understanding of, for example, the suspect’s description of the car that he drove, it is the suspect who possesses primary knowledge about what that car looked like, and as such, he may take a strong epistemic stance and correct possible errors in the police officer’s formulation without mitigation. Still, as we saw in the analysis of extract 3, the suspect may also take a weaker epistemic stance when he is not sure about the information that he is supposed to have access to, and in that case, his response may also

be formatted with dispreference markers that indicate sensitivity in relation to both his epistemic stance and the action of not confirming the police officer's formulation. If, however, a formulation involves inferences by suggesting what a suspect 'meant' or 'intended to say', or 'implied' in the preceding talk, the division of knowledge is perhaps less clear, especially in the context of the police interview. Here, not only knowledge about the 'facts', but also knowledge about the type of answer that is relevant from a legal perspective, may be relevant in a negotiation over the correct representation of the suspect's talk. In other words: the suspect has epistemic authority over his account of events, i.e. 'what happened', while the police officer has authority over how that description of events is supposed to be formulated in legal terms and what type of information is relevant to include and not. This is an important observation that shows how power and asymmetry in investigative interviews is produced and reproduced in interaction at a turn-by-turn level (cf. [Haworth, 2006](#)).

Complex problems of understanding, interpretation and acceptability are more sensitive, and accordingly, more difficult to address in interaction: similarly, disagreeing with another speaker drawing inferences suggesting a particular interpretation of a stretch of talk, is more difficult to do than correcting them for mistaking one word for another. Following from this, and importantly from a legal perspective, it may be more dispreferred and interactionally more difficult to challenge formulations when they do 'big things', taking important interpretative leaps in transforming stretches of talk by the suspect – the lay narrative – into legally adequate material including such relevant factors as criminal intent and the suspect's attitude towards crucial evidence in the case (cf. extract 4). This process involves not only 'translating' lay into legal language, it also rearranges talk and combines and converts different pieces of information into their essence from a legal perspective (cf. [Ferraz de Almeida and Drew, 2020](#)). What results are formulations that do reflect preceding talk, but they are complex, selective and may involve presuppositions and inferences that were not present in the original talk.

An important contribution of the current study lies in its implications for suspects' opportunities to 'own' and retain control over their story during the interview. Based on the analysis of several instances of formulations in their sequential context, two important observations may be made in this respect. First, one function of formulations in their sequential environment is that they operate *backward*, orienting to preceding talk. It was shown that formulations may function to give suspects the opportunity to correct or adjust their own statement, or their own talk. There are several examples in the data set of suspects correcting police officers' formulations even when these were, objectively speaking, accurate representations of what they had said in the first place. In a conversation analytical study like the present one, the purpose is not to evaluate whether formulations are correct or representative for the preceding talk, but it is relevant to note that they may provide an opportunity for suspects to review and revise what they have said and whether the information they gave was correct and something they want to stand accountable for, as the conversation unfolds. Second, formulations may operate *forward* in the conversation in that they can function as a basis for sequence expansion both for police officers to build upon them with follow-up questions, and for suspects to add onto what they had already said. Suspects may for example follow up with further comments or an evaluation of their own actions (cf. extract 1), which shows an orientation to the relevance of formulations in summarizing the essence of their statement or description of events. In this way, formulations may provide an opportunity for suspects to review and assess not only whether a suggested version of events is correct, but also whether it is sufficient in representing (this particular bit of) their story.

The present study shows that formulations in their specific sequential environment both restrict *and* facilitate suspects' opportunities to contribute in interaction and shape the outcome of their conversations with the police. The observation that resistance to formulations may come in different forms including those that are covert and require closer inspection, suggests that both police officers and suspects orient to formulations as being more than 'simple' summaries of preceding talk. To be sure, not all formulations are equally transformative, nor are they equally important or relevant for the statement as a whole and for its legal implications specifically. At the same time, it is clearly relevant and important for the suspect that the information that he gives, e.g. how many people were present or where and at what time, is correctly recorded by the police officer, since telling a correct and consistent story is essential for a suspect's credibility. Thus, also formulations of a less transformative character may be or become relevant in a legal case, so that it is worth noting that it may be interactionally 'easier' to exert resistance in such cases.

Further research into these mechanisms can provide deeper insight into the way in which the participants reach agreement over what is going on in the interaction between them, as it is unfolding. With respect to active and passive resistance, a question that arises is how 'effective' different forms of resistance are in shaping the police's final version of the suspect's statement as it is recorded in the interview report, and with that, in influencing the outcome of a suspect's legal process. Here, it will be relevant to perform a closer analysis of power dynamics, discursive roles and division of knowledge in the negotiation over the suspect's statement (cf. [Heydon, 2005](#); [Haworth, 2006](#)). Future avenues may also include a closer investigation for example of how the design of formulations may invite for meaningful feedback from suspects. Another relevant theme to explore is the function of formulations in conversations with second-language speakers specifically, focusing for example on instances that involve embedded corrections of the suspect's talk at the level of word choice or pronunciation.

Finally, from a legal and practice perspective, this study supports the argument that it is crucial for the police and other legal actors to understand the suspect's statement as the result of an interactional process, a negotiation over words, meaning, and interpretation, rather than as a fixed product that exists independent of the context in which it was produced (e.g. [Haworth, 2021](#); [Komter, 2019, 2006, 2003](#); [Rock, 2001](#)). The investigative interview is an extremely complex interactional event, and treating the statement merely as the outcome of it without considering the way in which it came about, is clearly an oversimplification that is problematic from a rule of law perspective. Given that the suspect's statement as it is recorded during and after the interview into an interview report, is an often very central piece of evidence in criminal cases, it is critical

that legal actors who deal with this type of evidence are aware of the way in which it is produced and what implications that may have for its reliability and what it can and cannot be used to prove (Eerland and Van Charldorp, 2022; Haworth, 2018, 2021; Komter, 2019; Van Charldorp, 2013, 2014). In other words: what is the evidential value of the suspect's official statement as representative for the suspect's version of events? Forensic linguists have long argued for increased awareness of and knowledge about the complexity of oral interaction as linguistic evidence, and this study further supports that argument.

Authors contribution

Aafke Diepeveen: Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Validation, Visualization, Writing – original draft, Writing – review & editing

Declaration of competing interest

None.

Data availability

The data that has been used is confidential.

Acknowledgement

I would like to thank Oslo Police District for making these data available to me especially Håkon Johannessen for invaluable assistance in selecting and exporting the relevant audio and video files.

Appendix. Transcription key

Symbol	Description
(.)	A micropause - a pause of no significant length.
(0.7)	A timed pause - long enough to indicate a time, in seconds.
[]	Square brackets show where speech overlaps.
>word<	Arrows showing that the pace of speech has quickened.
word-	A dash indicates a cut-off, typically a glottal stop in phonetic terms.
(word)	Unclear/uncertain word or section; no plausible candidate if empty.
<u>underlining</u>	Denotes a raise in volume or emphasis.
°word°	Degree sign indicates syllables or words distinctly quieter than surrounding speech by the same speaker.
.	Markers of final pitch direction at TCU boundary:
,	Final falling intonation (.)
ˊ	Slight rising/continuing intonation (ˊ)
?	Sharp rising intonation (?)
=	Placed at the end of one turn and the start of the next, indicating that there was no pause between them (latching).
:::	Colons indicate a stretched sound: the more colons, the longer the sound stretch.
.hhh	Inbreath. Duration indicated with fewer or more letters.
hhh	Outbreath. Duration indicated with fewer or more letters.

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