

FORENSIC LINGUISTICS

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Forensic Linguistics

THIRD EDITION

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AND
JUNE LUCHJENBROERS**

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*This book is dedicated to those we love . . .
and to all those who approach the field of forensic linguistics
with an aim of making a difference*

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I would like to thank my co-author Dr June Luchjenbroers for her input into this third edition, and to thank readers of the first two editions for their support through the last nine years: it is the readers who really make a book. June and I would also like to thank Gurdeep Mattu and Andrew Wardell of Bloomsbury for their most professional and courteous assistance in taking this book through the various stages of production. We have tried to remain true to the spirit of the first edition – to keep this book as a teaching and learning aid – and we hope that students and lecturers will continue to find it helpful as they make their first forays into forensic linguistics.

John Olsson
May 2013

FOREWORD

Forensic linguistics is not a single science or study, but an umbrella discipline composed of many facets. Thus, any forensic linguistic inquiry or investigation can draw upon any branch of theoretical or applied linguistics in order to analyse the language of some area of human life which has relevance to the law, whether criminal or civil. The discipline is mainly populated by academics, there being few full-time practitioners.

Forensic linguists are consulted by lawyers, whether prosecution or defence, police forces, private individuals, corporate clients, government departments and other organizations. Sometimes, rarely, a judge will seek an opinion on a forensic linguistic matter and the linguist will be appointed by the court. Of the 450 or so civil and criminal cases the first author of this book has undertaken in the past 20 years less than one-fifth have involved giving evidence in person: most require the writing of a report, or at least a draft opinion.

Inquiries range from authorship attribution to intellectual property matters, from the interpretation of meaning to the disambiguation of a poor audio recording to plagiarism. Linguistic code-breaking has also featured on a number of occasions. Evaluation of several aspects of legal discourse has become increasingly significant: from the discourse of examination and cross-examination to that of linguistically vulnerable witnesses, from the language of statutes to the rhetoric of closing arguments, from judges' trial summaries to lawyer-client interaction, from prisoner language to the dynamics of police interrogation.

Although forensic phonetics is a separate discipline in practice, there are some overlaps between speaker identification and authorship identification.

At the criminal end of the spectrum the range of offences so far covered is vast, including murder, suspicious death, sexual and other assault, child pornography, sexual abuse of minors, kidnapping, extortion, forgery, fraud, theft, armed robbery, other deception offences, driving under the influence of alcohol, narcotics offences, terrorism and threats and other malicious communications. At the civil end of the spectrum we have copyright infringement claims and other intellectual property matters, libel, boundary disputes involving analysis of the language of property deeds: these have required either authorship analysis, the interpretation of meaning, syntactic analysis, corpus linguistics skills and a knowledge

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of the language of the law, including an appraisal of the meaning of the language used in a seventeenth-century charter.

In addition, a forensic linguist might be called upon to compare the syntax of two phrases, the investigation of a possible neurolinguistic pathology which cannot be discerned by any other means, or may be asked to assess a threat, determine veracity, or establish the authenticity of a suicide note.

Linguists, both authors of this book and colleagues working at other universities have written reports for, or given evidence in, a wide variety of courts from international criminal courts to magistrate's courts, from crown courts to sheriff courts to courts of appeal and supreme courts, from immigration tribunals to employment tribunals, from courts of arbitration to county courts and district courts and to courts of trade guilds in the City of London.

Who should use this book?

This book is intended for students of forensic linguistics at undergraduate and postgraduate levels. It can be used on its own or in conjunction with other titles in the field. This book is also intended for novices to the field of linguistics, such as law enforcement officers, legal professionals at all levels – from the newly qualified solicitor to the senior barrister, magistrate or judge. Psychologists and sociologists (in particular criminalists) may also find the content of this edition of benefit to their profession, particularly those who already have an interest in language. We believe that experts in all forensic disciplines may find this book useful. The Forensic Linguistics Institute also runs several distance learning courses on the internet and these are well attended by linguists and non-linguists alike from around the world.

About the authors

Dr John Olsson has extensive experience as an expert forensic linguist in British, Australian and American courts. He has been involved in more than 400 cases, and has appeared in court for roughly 20 per cent of the cases dealt with. He is frequently consulted by solicitors and law enforcement agencies requiring opinions on forensic texts. To date, he has prepared nearly 500 reports on linguistic and phonetic cases for the courts.

Before this, he spent a number of years as an interpreter for the Metropolitan Police in London (1970s), after which he studied psychology at degree level. A stint in business was followed by an MA in linguistics at

Bangor University in Wales, and an M.Phil. in linguistics at Birmingham University in England. His M.Phil. thesis was a quantitative and qualitative analysis of the process of dictation, as applied to the Derek Bentley text. In 2009 he received a Ph.D. in linguistics from the University of Glamorgan in Wales, and in 2012 completed a law degree with Bangor University (LLB Hons, First Class).

Dr June Luchjenbroers completed her Ph.D. in linguistics with La Trobe University, Australia in 1994, and her dissertation in the areas of Language and the Law and cognitive linguistics focused on a Melbourne murder case. Since that time she has developed a productive research association with Dr Michelle Aldridge-Waddon with whom she has worked on testimonies with children (as conducted by the police as well as in court), and more recently on email communications between paedophiles, and fantasy research.

Dr Harry Hollien is a Professor of Speech Sciences, and a Professor of Linguistics with the University of Florida, serving in particular, the area of Speech and Criminal Justice. He received his Ph.D. in 1955 from the University of Iowa and his first appointment with the University of Florida (Associate Professor) was in 1962. He was the Director of the Communication Sciences Laboratory (1968–75) and has been the Director of the Institute for Advanced Study of the Communication Processes since 1975.

Prof. Hollien has provided reports in nearly 500 cases and given oral evidence in 98 cases. (to date), in the areas of speaker identification, acoustics of gunfire, tape authentication, speech decoding/enhancement, noise control/analysis, electronic signatures, aircraft acoustics, correlates of intoxication, stress in voice.

John Olsson
and
June Luchjenbroers
(15 April 2013)

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