Role of Forensic Linguistics in Legal Investigation

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Abstract

Forensic Linguistics provide a careful and systemic analysis of language. The results of this analysis can be used by many different professionals like police officers can use this evidence not only to interview witnesses and suspects more effectively but also to solve crimes more reliably. Lawyers, judges and jury members can use these analyses to help evaluate questions of guilt and innocence more fairly. And translators and interpreters can use this research to communicate with greater accuracy. Forensic Linguistics serves justice and helps people to find the truth when a crime has been committed.

Introduction

The method by which we communicate and express ourselves to each other is known as the language. It may be in the form of speech, written-text or symbols or any kinds of gestures. The scientific study of language is known as Linguistics and the persons who studies linguistics is known as Linguist. A linguist is a person who is interested in written texts, development of languages through different times and looks for characteristics in the languages that are universal (i.e. applicable to all languages) as well as the characteristics that are unique and specific to each language.

Forensic Linguistics is one of the well-established fields of Applied Linguistics i.e. the scientific study of linguistics to aid Criminal Justice System. At the times of testimony, the experts including the forensic linguists are asked to provide a brief, simple and clear object of their scientific study. Forensic linguistics has lots of applications like identification of voices, expressed meaning interpretation in legal writings, legal settings discourse analysis, identification of author etc. [1]

This chapter introduces you to the central principles of forensic linguistics, application of techniques of linguistics which assist in investigating and solving crimes in which the evidence encountered is in the form of language and thus its analysis will directly or indirectly aid in criminal justice system. The law had received great attention from psychologists, anthropologists, sociologists etc. in the past but since the 1980s, linguistics have also come into lime light where the linguists have begun examining the voice identification matters where vocal characteristics are analyzed and on their basis, speaker profiles are generated and profiling of authors is also done where writers of written material can be recognized on the basis of the specific and unique styles of their writing. Consequently, from 1980s, the term forensic linguistics had begun to be used frequently and by now has become the established name for this zone of study.

There are two central areas of forensic linguistics viz. voice identification and authorship profiling.

Voice identification is also called forensic phonetics and it has developed over the past 20 years due to the increased number of cases involving audio and video recording materials as evidence. Thus, forensic phonetics now plays an important role in solving criminal trials related to A/V recordings as evidence. Forensic phonetics deals with matters related to speaker profiling which is helpful in narrowing down the area of suspects. It includes the age, sex, linguistic social and regional background, individual peculiarities of the speaker and much more. The second big issue is speaker recognition which is done by combining analysis of acoustic and auditory phonetics. The objective is to give an opinion as to whether a particular voice, is of that specific known person or of someone else. There are a number of issues, for example, quality enhancement i.e. the decoding of disputed audios in the form of recordings. Criminal recordings mostly have very inferior quality and are often loaded with
huge noise. Thus, there is a great scope for the defendants to challenge the prosecution’s version of what was actually said in the course of the recorded conversation. Forensic phoneticians are also asked to present a report on the recording quality and the intelligibility of the speech and to convert the recordings of the speech against noise to establish a word or phrase identity and to prepare a transcript of the recording. Sometimes, a defendant also questions the authenticity of audio recording with respect to its tampering in any way. A phonetician may be needed for authentication i.e. he has to give an opinion on the linguistic evidence with respect to the unnatural changes in intonation or rhythm. Moreover, there are the so-called voice lineups where the voice identification itself is done by lining up multiple speakers. The language of the episode is recorded at first by the witnesses and similarly, recordings of the incident language are prepared from the suspects and other persons of the same gender, similar age, class, similar educational and dialogue background and most importantly with a similar voice type to that of the suspect. These recordings are then represented to the witnesses to the stage where they can recognize any of the voices akin to that of the accused.

Author profiling, also called forensic stylistics, where it is determined who wrote a specific text by doing the comparisons with known writing samples that belong to the suspect. Every year, law enforcement agencies process a lot of these often calling on the competence of psychologist to provide a psychological profile of the person who sent the message. Recently, linguists are also often called to add the element of linguistic profiling to their analysis and if a text is somehow connected in a legal or criminal context, then it is referred to as a forensic text. A movie ticket, a will, a letter, a book, an essay, a health department letter, a thesis or almost anything could be a forensic text. In operation, however, forensic linguistics have mostly concentrated their attention to a small number of text types for example to emergency calls whose most important feature is probably urgency even though it is not always easy to tell the difference between genuine and malicious cause there are typical features such as attitude of the speaker towards the incident and specific phonetic characteristics involved in the call. Another forensic text type is referred to as ransom demands or threat texts. They can be spoken or written or even videoed and having common that the sender of the text or the caller is most of the times anonymous. It may be hate mails also, whose goal is to express hatred by appearing to threaten someone. However, there is often no actual threat in reality the person making the threat is rarely in a position to carry it out. Finally, there are suicide letters where a central problem is did the author really kill himself or could it be that he is the murderer. In all these texts, there are linguistic features that can provide evidence concerning the authorship of a specific written document. There are two central linguistic parameters that are applied first involves the Lexis that is the vocabulary of a forensic text and second is the grammar and then the orthography, in particular, the punctuation which often provide us with important clues as far as the authorship of a text is concerned. This kind of linguistic profiling has been most constructively used to narrow down a suspect list rather than to positively identify the suspect. [2, 3, 4]

Using some selected forensic texts, any unique characteristics in the graphical structure in the lexis i.e. vocabulary can be strong determiner in giving a clue to identify the author. Sometimes these peculiar uses of grammar and vocabulary are low-level usages and they may have come from the limited ability in the language that a person has used like from a suicide letter to find out who the author was and was it a really suicide or a murder, a comparative method can be applied for comparing for example, the handwritings between two genders can also be significant. There is normally a range of features that can be found in the man's writing in the disputed letter but not in the women's writing for example misspellings, omissions such as third person’s singular s, past tense forms or wrong categorical choices such as been instead of being and so on. In one of the Australian kidnapping cases, in which ransom note served as an evidence, forensic linguistics determined that the ransom letter which was masked as coming from an Asian gang was probably being written by native speaker of English due to the use of elaborated vocabulary and complex grammatical patterns in the letter. The famous Lindbergh ransom note which was written in the 1930s was full of errors and did not mention any intention of returning the
hostage neither alive nor dead. Not only grammar and vocabulary as in these two cases, but also peculiarities of punctuation can be important identifiers. [5]

There are various areas in which forensic linguistics have provided evidence with varying degree of reliability like:

(1) Identification of author, in which an individual is identified by the analysis of idiolects or the patterns of language like collocations, grammar, spelling, pronunciations, vocabulary etc. used by them for speaking or writing,

(2) Forensic stylistics, in which scientific analysis of written and spoken material is done for the determination of the author, identification of speaker, determination of content and meaning, in identification of plagiarism.

(3) Discourse analysis, in which language units are studied beyond the sentence i.e. extended utterances like conversations and narratives and analysis of written, oral or any significant semiotic event.

(4) Linguistic dialectology, in which variations among languages are studied systematically in a methodological manner based upon anthropological information.

(5) Forensic phonetics, in which similarities and differences among different recordings from multiple speakers are determined by producing accurate transcriptions of what was being said. Thus, it can also reveal about regional and social background of a speaker along with forensic acoustics (a sub-field of forensic phonetics) in which physical properties of speech sounds are studied.

(6) Forensic Transcription, in which records of both audios, videos and of written documents are analyzed. In this, not only re-rendering of transcribed audios or texts is done but, things are also learnt about the text or audio and also about the concerned person in a linguistic way and not in a psychological way.

(7) Variation, in which differences in Intra-author texts and Inter-author texts are studied because there are always some variations in texts written by same author and definitely in the texts written by different authors and moreover, the variation between that texts have been found to be significantly much lower as compared to Inter-author texts.

Apart from voice identification and authorship profiling there are more categories of forensic linguistics also that directly or indirectly related to it. These are:

1. Semantics: the study of meanings as expressed by phrases, words, sentences or texts. If linked with forensics, it is the interpretation of texts, phrases, words, spoken discourse in reading of rights, ambiguity in texts and laws, jury instructions, interpretation of texts that may be in the form of contracts, legal texts, insurance policies, restraining orders etc. Its main goal is on the language interpretation which is difficult to understand.

2. Language of law and courtroom: The area in which language of law is simplified that is related to the language of lawyers, judges and witnesses. It includes the examination of language of lawyers (trial language, legal debate language, closing arguments language), language of witnesses (like disputes and mediation, witness examination etc.), language of judges and jury instructions.

3. Questioned document examination: The area in which a document is examined for its genuineness on the basis of things which have been used to prepare it (i.e. writing material, writing instrument, information). In case of handwriting examination, various class and individual characteristics of handwriting are analyzed including punctuations marks, use of pet words, which are observed in forensic linguistics
specifically in authorship profiling. The overlap between both i.e. questioned document examination and forensic linguistics is minimal and thus provides a double coverage of characteristics of stylistics in spelling, dates forms, punctuations, abbreviations etc.

4. Semiotics: The study of language and communication in the form of signs and symbols is called as semiotics and includes signs, sign processes, likeness, metaphor, significations, indication, analogy, designation, communication and symbolism. The systems are called codes and language is one of the examples of code with both signs i.e. verbal as well as non-verbal. The signs included in the codes have conventional meanings. The writers and the speakers encode and the readers and the listeners decode the system.

5. Plagiarism detection: The area in which a so-called digital fingerprint of the document (scientific paper, art design etc.) is taken then it searched for its likeness with language and material with internet and other databases. Detection of the plagiarism can be either computer-assisted i.e. by using some kind of software or it may be manual also.\[2, 3, 4, 6\]

Forensic linguistics is one of the area which can be promising if linguists work in alignment with law issues along with getting qualifications, knowledge and skills in all the fields related to forensic linguistics directly or indirectly.

So, the central idea of forensic linguistics is the application of linguistic techniques to investigate crimes in which language data plays an important role and phonetics (sub branch of forensic linguistics) and acoustics (sub branch of phonetics) provide us with the methods of investigating speech data and improving it for further examination and that the analysis of grammatical lexical and of graphical features can provide us with important clues about the authorship of written texts.

References: