PROGRAM

Friday, October 4, 2019

• 1:30-1:45pm Opening Remarks

• 1:45-2:45pm Philip Gaines, Ph.D., Montana State University, presents a workshop on interrogator contamination in cases of false confession with transcript excerpts, including contamination

• 3-4pm Rich Wilson, Senior Consultant, SIGMA Threat Management Associates, PA, presents fundamental behavioral threat assessment principles, the role of forensic linguists, case examples of written/online communications, and the dark web

• 4:15-5:45pm Elly van Gelderen, Ph.D., Arizona State University, presents a hands-on workshop on forensic linguistic analysis

Saturday, October 5, 2019

• MORNING PROGRAM

• 9-9:30am Tomoko Tamura, International Christian University, Tokyo, Japan: Police Interpreter’s In-Court Testimony: Hearsay Issue or Accuracy Issue?

• 9:30-10:00am Oana Niculae, Polish and Romanian Linguist, Phoenix, Ariz.: Accurate, yet Ambiguous? Why Legal Translations Need to Go Beyond Words

• 10-10:30am Radja Chinoun and Megan Wagy, Northern Arizona University, Flagstaff, Ariz.: The Complexity and Comprehensibility of Miranda Rights for Non-Native Speakers of English

• 10:30-10:45am Break

• 10:45am-12:00pm Philip Gaines, Ph.D., Montana State University: Keynote Address

LUNCH
12:00-1:45pm: On your own
PROGRAM

Saturday, October 5, 2019

• AFTERNOON PROGRAM

• 1:45-2:15pm Tyler True, Northern Arizona University, Flagstaff, Ariz.: Alternative to Lethal Force: Are Police-Citizen Interactions Involving TASERs Violent or Not?

• 2:15-2:45pm Joseph J. Devney, M.A., Oakland, Calif.: Discourse Analysis of Technical Instructions: Did 110 People Die because of Poor Communication?

• 2:45-3:15pm Lucia de Vernai, MA, MPA, J.D., Scottsdale, Ariz.: Ambiguous by Design: Privacy Policy Language and the Commodification of Consumer Information in the Personal Data Economy

• 3:15-3:30pm Break

• 3:30-4:00pm Ryan Dekker, Arizona State University, Tempe, Ariz.: A CDA Research Study for Justice Kavanaugh’s Nomination Hearings

• 4:00-4:30pm Angela Schrader, Arizona State University, Tempe, Ariz.: Egil’s Saga: An Authorship Debate and Forensic Comparative Analysis

• 4:30-5:00pm Ann R. Buckley, Arizona State University, Tempe, Ariz.: Making an Accomplice....Honestly
Philip Gaines is Professor of English at Montana State University, where he teaches courses in Linguistics and Rhetoric. His research and scholarship focus on the discourse of the US legal and law enforcement systems—in particular, the language of trial attorneys and police investigators. His book From Truth to Technique at Trial: A Discursive History of Metavalues in Trial Advocacy Texts (Oxford UP Studies in Language and Law) examines the role of notions of truth and justice in advocacy advice texts from the 17th century to the modern day. His book current project explores the ways in which police investigators discursively construct incrimination during the interrogation of innocent suspects. He has authored journal articles in Discourse and Society, the International Journal of Speech, Language, and the Law, the American Journal of Legal History, and the Journal of Pragmatics, as well as book chapters with Ashgate, Oxford University Press, and the University of Chicago Press. He is a contributor to the Encyclopedia of Applied Linguistics and the Routledge Handbook of Forensic Linguistics.
BIOGRAPHIES

Rich Wilson, CPP, Sr. Consultant, SIGMA Threat Management Associates

What Forensic Linguists Should Know About Behavioral Threat Assessment

Rich Wilson, CPP, is an independent contractor who works with an array of boutique threat management providers and law firms to help integrate open source intelligence and social media analysis into their assessments and case management plans. He also assists clients with techniques for communicating risk to key decision makers and executives in matters relating to anonymous online threats.

Rich has over twenty years of threat management experience and is a former Assistant Chief of Police at Arizona State University, where he established one of the first threat assessment teams in higher education. He is a past-president of the Arizona Chapter of the Association of Threat Assessment Professionals and is presently the Chairman of the ASIS International Phoenix Chapter. Rich is also an active member in both the Information Security Systems Association and the High Technology Crime Investigation Association.
Elly van Gelderen has been a linguistics professor at Arizona State University since 1995. She teaches courses including forensic linguistics, syntax, and historical linguistics. She is a syntactician interested in language change. Her work shows how regular syntactic change (grammaticalization and the linguistic cycle) provides insight in the Faculty of Language. Her 2011 book, *The Linguistic Cycle: Language Change and the Language Faculty* (Oxford University Press), shows how cyclical change can be accounted for through an economy principle.

Her *Clause Structure* (Cambridge University Press, 2013) examines a number of current debates in theoretical syntax. Her most recent work is on the history of argument structure, e.g., how unaccusatives and unergatives change in very different directions in *The Diachrony of Meaning* (Routledge 2018).

Related interests are the evolution of language, biolinguistics, prescriptivism, authorship debates, and code switching.

van Gelderen is the author of eight books and 80 or so articles/chapters in journals such as *Linguistic Analysis, Studia Linguistica, Word, and Linguistic Inquiry*. She is also co-editor of two book series and has herself edited or co-edited eight books/special issues.
U.S. courts continue to remain divided on the “hearsay issue” of police interpreters’ extrajudicial foreign-language translation. A non-English-speaking suspect/witness is interviewed by a law-enforcement officer through an interpreter, and the officer later testifies in court to what the suspect/witness stated, at which point a difficult “hearsay” issue arises. The officer testifies to what the interpreter said the suspect/witness had stated, and the defendant is unable to cross-examine and confront the interpreter, which may violate the 6th Amendment Confrontation Rights.

Although many jurisdictions continue to use “interpreter as agent and/or conduit” theory to overcome hearsay, e.g. the 9th Circuit’s *U.S. v. Aifang Ye* in 2015, an inter-circuit split is re-emerging, with the 11th Circuit (*U.S. v. Charles*, 2013) and Maryland (*Taylor v. Maryland*, 2016) ruling that interpreters must testify and be cross-examined in court. The U.S. Supreme Court remains silent by denying all the relevant certiorari.

While legally a “hearsay” issue, the ultimate question is whether requiring the interpreter’s in-court testimony can really ensure translation accuracy, which this presentation will attempt to answer, based on the data gathered from all the relevant U.S. appellate rulings (both federal and states) dating from 1850 up to August 2018, amounting close to 300 cases.
Accurate, yet Ambiguous? Why Legal Translations Need to Go Beyond Words

All immigrants in removal proceedings in the United States have the right to an interpreter during their immigration proceedings. At the beginning of their proceedings, the immigration judge advises the respondents, through the interpreter, of their rights and obligations to the court. One of the rights of the respondents is to present documents in support of their applications for relief.

If any documents are not in English, they must be translated into English and certified with the following: the name of the translator, that he or she is competent to translate from the language of the document into English, and that the translation is true, complete, and accurate.

A commonly used word is also “certificate of translation.”

This succinct presentation analyzes the case of “certificate of translation” – an English term used in U.S. immigration courts that has an ambiguous equivalent in Romanian language, different meaning in legal context and whose translation and localization require more than just language skills and a dictionary.

Accuracy is everything. Because the government does not provide attorney representation, the risk of individuals not understanding their rights and obligations increases significantly for pro se respondents (immigrants without representation).
Pavlenko et al. (2016) state that native speakers of English do not always understand the *Miranda* rights communicated to them due to “the level of education, cognitive abilities, the context and manner of communication of the rights, and the wording used to express individual rights” (Pavlenko et al., 2016, p. 1); however, this misunderstanding can pose even greater issues amongst non-native speakers of English (NNSs), as they do not process information in an identical manner to native speakers of English (NSs) (Communication of Rights Group, 2015).

The U.S. criminal justice system must accommodate to NNSs’ needs in regard to their understanding of the *Miranda* rights. Within this study, we seek to analyze NNSs’ comprehension of the *Miranda* rights and pinpoint linguistic features and grammatical structures that hinder speakers’ understanding. We will also identify the English proficiency a NNS must attain to be able to adequately understand the *Miranda* warnings, as a lack of comprehension could cause major issues during criminal proceedings.

In this presentation, we will talk about the rationale behind this study, followed by a quick view of the literature review. Research question, participants, and materials used will be tackled under the method section. Main results and discussions will be the last section before concluding the presentation with implications of the study.
Conducted Energy Devices (CEDs), especially TASERs, are intended to prevent violence against law enforcement officers in a situation that is likely to be violent. TASER use has been found to be more effective in higher risk situations (White & Ready, 2007), but the place of TASERs on the continuum of force and the contexts in which TASERs should be and are used is far from settled. The appropriateness of TASER use is closely connected to the language used in a police-citizen interaction, from evidence of emotional disturbance, resistance, or potential violence to threats made in unusual cases of criminal misuse of force (Stinson et al., 2011).

From an existing corpus, an examination was made of four groups of police-citizen interactions involving questioning and detainment of a citizen, including those involving no violence, hand-to-hand violence, violence with a weapon, and TASER use. A range of lexico-grammatical and pragmatic linguistic features, normed per 1,000 words, were compared across the four groups. Although TASER interactions were intermediate for certain features, they have a distinct pattern: more vocatives, wh-questions, predictive modals, contractions, and activity verbs, but fewer third-person pronouns and shorter turn length than violent or non-violent interactions.

The presentation will cover functional interpretation of the distinct pattern of TASER interactions, suggesting that they may be more usefully considered non-violent than violent.
Ten minutes after takeoff, ValuJet flight 592 crashed into the Florida Everglades, killing everyone aboard. The government investigation into the crash placed part of the blame on printed instructions for handling some of the cargo, a load of oxygen generators that started a fire in the hold during flight. This presentation reviews those instructions, and my own linguistic analysis of them.

Because an owner’s manual and other technical documentation can be seen as part of the product, a product liability lawsuit might focus on the documentation. My analysis of “Work Card 0069,” which was at issue in the ValuJet crash, can be a model for other linguists working on such lawsuits. Product manuals are—or should be—written by professional technical writers, but linguists can become involved if the documentation becomes evidence in a lawsuit. Linguists can use the tools of discourse analysis to determine how well the documentation did its job of communicating important information. This analysis could benefit the plaintiff or the defendant, depending on what is found.

This paper draws on my knowledge of linguistics, the work of linguist Roger Shuy, and my own experience in writing technical manuals.
Ambiguous by Design: Privacy Policy Language and the Commodification of Consumer Information in the Personal Data Economy

Consumer data is regularly transferred and monetized as part of bankruptcy proceedings, asset sales, obtaining financing from lenders with the authorization—but not necessarily the consent of—users. Privacy policies evoking agreement from consumers rely on rhetorical patterns designed to create ambiguity and confusion in the reader, diverting from the invasive and unrestricted data-handling practices of companies.

This presentation explores how vague and misleading privacy policy language creates the illusion of legal protection by downplaying the significance and frequency of data sharing with third parties through the use of a) negative statements, b) modal verbs and adverbs, c) passive sentence structure and d) permissive phrases.
Critical discourse analysis methods were used here to study Brett Kavanaugh’s September 27, 2018, hearing as part of his nomination process for the U.S. Supreme Court. Kavanaugh interrupted senators quite often. However, he did interrupt women more often than men. He also gave longer periods of silence following questions by male senators, in partial deference to their questions, rather than to those of the female senators.

In using techniques to retain and maintain the floor, Kavanaugh wished to provide a defense against allegations made by Dr. Christine Ford. But while maintaining the floor, he was much more likely to turn the questions and direct them toward the women members of the committee, even though he himself was the person being questioned regarding multiple allegations of sexual assault. Kavanaugh was more animated gesturally, demonstrated more oscillation of loudness of voice while being questioned by women. Kavanaugh’s facial expressions and gestures were also more likely to be dismissive and supercilious toward questions asked by women senators.

The analysis used the video recordings for the entire hearing. It is among the conclusions from this study that Justice Kavanaugh was more antagonistic and imperious toward the women members of the committee than their male counterparts.
*Egil’s Saga: An Authorship Debate and Forensic Comparative Analysis*

Snorri Sturluson was a well-known Icelandic “lawspeaker”/politician, as well as a historian and poet in the 12th/13th century (1179 – Sept 23, 1241) (Ciklamini, 1978). He wrote the *Prose Edda* (or *Younger Edda*), the *Skaldskaparmal* (a book of poetry), and the *Hattatal* (a list of verse forms), as well as the *Heimskringla* (a history of medieval Norwegian kings) (Ciklamini, 1978). There is an ongoing debate as to whether or not Sturluson is also the author of *Egil’s Saga*, a story covering about 150 years of Scandinavian history as it recounts the adventures of a Scandinavian family over several generations.

Much of the controversy thus far has been from a literary point of view, and the subject has been well-discussed in that vein. This paper, however, examines the debate from a scientific, forensic linguistics perspective. The writing styles in Snorri’s *Heimskringla* and *Prose Edda* are compared to that of *Egil’s Saga*, to determine whether *Egil’s Saga* exhibits the same style structures as the other two works.

My forensic linguistic analysis includes word lists, type-token ratios, and lexical density ratios obtained through concordancers for each text. Sentence length, average word length, hapax legomena, and the top 50 high-frequency lexical words are also factors for consideration. Other markers for examination include the frequency of grammatical or function words used in each work, and which ones are used, to see whether they are similar or wildly different from one another in usage.
On October 31, 2005, Teresa Halbach disappeared in rural Wisconsin, and two men were ultimately tried and convicted for her presumed murder. This entire story is featured on the Netflix series *Making a Murderer, Parts I and II*.

Steven Avery and his teenaged nephew, Brendan Dassey, are currently serving life sentences. When he was interrogated, Dassey’s estimated mental age was deemed to be that of a 10- or 11-year-old. Despite Dassey’s conviction, many believe he was the victim of interrogation tactics that resulted in his providing a false confession to involvement in Halbach’s murder.

This study examines the formulations of honesty requests by police interrogators while interviewing Dassey. These requests take several forms, and many of them are made after certain claims are asserted by Dassey. While reviewing all available transcripts from Dassey’s recorded interrogations, I have tallied and categorized the wording of requests by the interrogators and examined the statements made by Dassey that immediately precede such requests in order to determine what, if anything, prompted the interrogators to frequently request the truth.

This presentation’s objective is not to sway anyone’s opinion in regard to Dassey’s guilt or innocence, but to examine when, where, and in what contexts these requests for truth/honesty occur.
WITH GRATITUDE

Without the contributions of many people, this conference would not have been possible.

A tremendous thank you goes to Professor Philip Gaines of Montana State University, who was an early champion of the conference and who graciously agreed to serve as the keynote speaker.

A tip of the hat to Rich Wilson, CPP, Senior Consultant with SIGMA Threat Management Associates, PA, who was chivalrous, as always, in the face of repeated requests for his time, and who cheerfully encouraged this inaugural conference, freely sharing his expertise.

Many thanks to Regents Professor Elly van Gelderen, Arizona State University, who agreed to act as the faculty point person for the conference and who shepherded it through the twists and turns of the bureaucracy of the modern university. She gave her full support, despite being out of the country for parts of the planning stages.

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And finally, a debt of gratitude is owed to Matthew Prior, Ph.D., Associate Professor of Applied Linguistics in the Department of English at ASU, who said one day, “Why don’t you hold a forensic linguistics conference at ASU?” We took your advice, Dr. Prior. Thank you for the nudge in the right direction.

Hae Ryun Park and Bootsie Martinez R.
Conference Organizers