

# JUST TELLING WHAT IS GOING TO HAPPEN: THE INITIAL PHASE OF A JUDICIAL SOCIAL INVESTIGATION INTERVIEW

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## Abstract

*This article analyses the sequential and situated organisation of the initial phase of social investigator-suspect interviews in the framework of French accelerated criminal procedures. The social investigator starts the interview by introducing a preliminary telling activity in which she announces and presents it and the subsequent steps of the procedure to the suspect. This activity is accomplished through an extended turn at talk by the investigator which indicates that more talk is to come and makes turn transition irrelevant. From time to time the investigator intersects tokens like 'okay?', 'huh?' and 'all right?' which segment the telling and display that an element has just been delivered. In most cases, these tokens neither solicit nor obtain agreement with, confirmation of, or marks of understanding of what has been said. They are part of the interlocutors' interactive work of producing a non-binding activity, a telling just to be delivered and received.*

In the framework of French accelerated criminal procedures, a social investigator interviews the suspect to prepare a report for the court on his or her financial, family and social situation.<sup>1</sup> This article is based on a corpus of eleven audio recordings of such social investigation interviews conducted at the Paris Courthouse.<sup>2</sup> It analyses the initial phase of the interview: an extended turn at talk in which the investigator presents and announces the investigation and subsequent

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1. The French accelerated criminal procedures are simplified procedures that make it possible to try the suspect very soon after his or her arrest, usually within twenty-four hours (see Stefani et al., 1993[1964] and Tabary, 2005 for legal and formal descriptions of such procedures and investigations).
2. Our data is part of the *Délits Flagrants* corpus drawn from the raw footage of a documentary film on accelerated criminal procedures at the Paris Courthouse made in 1994 by the French 'direct cinema' filmmaker Raymond Depardon (see González-Martínez, 2003 for a detailed presentation of the corpus). During the initial phase of the gathering of this corpus, we were able to view the original videotapes and take ethnographic notes on the most significant visual aspects of the recorded interactions. Subsequently, for reasons of data confidentiality, we worked only from audio recordings drawn from the original videotapes. For this reason, our analysis cannot take into account the interlocutors' body behaviour (gazes, nods or gestures).

steps of the procedure. Our work aims to elucidate what exactly this activity consists of as it is produced in situ, sequentially and interactively by the participants. We will examine the interactional organisation that is the basis for the production of this extended preliminary telling activity and its visibility as the initial phase of a specific institutional situation. The analysis identifies the methodical conversational procedures the participants use to put in place this organisation and the actions thus accomplished.

The article contributes to the ethnomethodological and conversation analytic study of social interactions in judicial settings (Travers and Manzo, 1997 and Travers, 2001 provide literature reviews of this field) and more specifically in criminal justice social services (Cicourel, 1968; Jokinen and Suoninen, 1999; Juhila and Pösö, 1999). A particular conversational phenomenon is under investigation. In institutional interactions, there is usually a distinct moment at which the interactants get down to business and initiate the activity that brings them together. In some situations, this moment immediately follows talk markedly separate from the business of the occasion and corresponds to the very beginning of what counts as the institutional interaction. This is for instance the case in the group therapy sessions studied by Turner (1972). In that situation, the members of the group first engage in pre-therapy talk which they mark off as separate from the business of the occasion. At a certain point, they coordinate to begin the session - for example, the therapist opens the session by saying, 'Well, I think what we had better do is start' - and the members of the group immediately engage in talk that they make recognisable as part of the therapy activity. In other situations, the interlocutors first produce an initial opening phase and transition afterwards, in a second phase, to the main activity of the encounter; see the medical consultations examined by Heath (1986). In some cases, the beginning of the business at hand involves transition ('shall we start?') and initiation summons ('let's start now') by an 'authorised starter' (Turner, 1972) possibly followed by a preliminary activity in which the institutional representative may present the purpose of the encounter and its agenda, and may make sure the conditions necessary for proceeding have been met. This organisation has been observed during business and scientific meetings (Boden, 1994), news interviews (Clayman, 1991), radio shows (Hutchby, 1999), scientific meetings (Mondada et al., 2004) and scientific conference talk rehearsals (Jacoby, 1998), and classroom lessons (Mehan, 1979). This is also the case in judicial interactions such as court hearings, jury deliberations, judicial interviews and police interrogations (Atkinson and Drew, 1979; Watson and Sharrock, 1991; Holstein, 1993; Manzo, 1996; Noordegraaf et al., 2009). Our goal is to examine the specific features of such a specific moment of the interaction - in particular, the production of the preliminary telling activity - during judicial social investigation interviews at the Paris Courthouse and the reflexive relationship between this initial phase and the main activity of the encounter that it helps to accomplish and by which it is constituted.

To begin with, we will present the judicial social investigation interviews of our corpus. Then, we will successively describe four features of the preliminary telling activity. We will conclude discussing the connexion between the conversational organisation of the activity and the institutional dimension of the interviews.

### **1. Judicial social investigation interviews at the Paris Courthouse**

According to the French code of criminal procedure (section 41), the prosecutor may instruct an investigator to carry out a brief social investigation - the French term is *enquête sociale rapide* - on the suspect's financial, family and social situation as well as on measures likely to facilitate his or her social integration. After the interview, the investigator verifies some of the information the suspect has provided about himself or herself, usually by telephone. On this basis, he or she prepares the investigation report, which is part of the case record to which the different parties in the case have access.

Our corpus comprises eleven of such social investigation interviews conducted during accelerated criminal procedures at the Paris Courthouse. Each interview lasts an average of twenty minutes. The interviews take place in cubicles in the central hall of the Public Prosecutor's Department. The investigator and suspect are seated facing each other at a table pushed up against the wall. The form is placed in front of the investigator; she writes on it during the interview.<sup>3</sup> A police officer is seated in front of the door, which is kept open so that the cameraman may film the encounter.

Before the recording begins, the investigator and the suspect have established contact and introduced themselves. It is at this point that most of the suspects have given their consent for the recordings and obtained some initial information about the procedure.<sup>4</sup>

At the point at which the recordings of our corpus begin, the investigator and suspect have already taken their seats and are talking to each other. In nine out of eleven cases, when the recording begins, the investigator is already telling the suspect what is going to happen during and/or after the interview.<sup>5</sup> This activity is produced as the first phase of the interview: the preliminary telling phase, on

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3. The eleven interviews are conducted by nine female investigators; two suspects are women.

4. The cameraman was following the suspects through three different steps of the criminal procedure: the interview by the social investigator, the pre-trial hearing with the prosecutor and the meeting with the public defender. The suspects agreed to the recordings at the beginning of the encounter that took place first: this was the interview with the social investigator in ten out of eleven cases.

5. In concrete terms, this means that only the recordings of two interviews - D31 and D33 - picked up fragments of the exchanges that precede the beginning of the interview and the transition between the pre-interview talk and the interview.

which we will focus. The activity is achieved mainly in one or more extended turns by the investigator. During the preliminary telling activity, most of the time, the suspect remains silent or produces minimal contributions such as continuers and receipt tokens. Upon completion of the telling, the investigator poses the first question of the interview. She thus introduces the investigation phase: a long sequence, mainly interrogative, in which the investigator and the suspect examine a range of aspects of the suspect's identity and situation.

We will use the term 'preliminary telling' to refer to the activity achieved in the initial phase of the interview, which is sometimes composed of several elements. It sometimes begins with a preface - like 'I am going to explain to you what is going to happen this morning'. It also includes the telling itself, in which the investigator presents 'what is going to happen'. The majority of the preliminary telling activity recordings in our corpus - perhaps because they begin after the initial phase of the interview has already gotten under way - are composed only of this telling. In these cases, the terms 'preliminary telling' and 'telling' logically refer to a single fragment of the interview. It is therefore clear that the telling is achieved within the preliminary telling activity itself.<sup>6</sup> We call it a preliminary telling because it announces and presents the interview and the next steps of the judicial procedure that will follow.

## **2. The initial phase of the social investigation interview**

### **2.1 The beginning of the occasion**

At one point in the encounter, the participants - the investigator, suspect and the cameraman - do interactional work to initiate and produce 'the beginning' of the occasion that brings them together. The recording of interview D33 starts before the beginning of the preliminary telling activity; Excerpt 1 below reproduces the first twenty-five seconds of it. As in all the excerpts from our corpus, E refers to the investigator (*enquêtrice* in French) and D to the suspect (*déféré* or *déférée* in French).<sup>7</sup>

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6. This feature differentiates the preliminary telling activity that we are studying from a pre-telling type of pre-sequence (Schegloff, 2007).
  7. The English translation of the excerpts strives to follow the syntactic organisation of the original French talk as closely as possible, which may result in some oddities in the English. This may be accentuated by the faithfulness to the original French in terms of the reproduction of transcription signs in the English translation. Talk is represented using Jeffersonian transcription conventions (Jefferson, 2004) that may be found at the end of this volume. In addition, the following are used: 'E (followed by an identification number)' refers to the investigator; 'D (followed by an identification number)' refers to the suspect; '(N...)' refers to the family name, which is not transcribed for reasons of confidentiality and '(X X X X)' refers to the spelt family name.

# Excerpt 1: DF/E4-D33

- Recording starts ——
- 1 E4: (tout) ( ) (°ou bien?°)  
(all) ( ) (°or?°)  
(0.3)
- 2
- 3 D33: oui: (>c'est vrai<)  
yes: (>it is true<)  
(0.6)
- 4
- 5 D33: .hh >c'est pas grave<  
.hh >it does not matter<  
6 en plus je l'aime comme ça  
moreover I like it like that  
(0.8)
- 7
- 8 ( ): pfffhhh  
pfffhhh  
(0.3)
- 9
- 10 ((bip))  
((beep))  
(4.0)
- 11
- 12 E4: bonjour (0.2) >bien< (.) <alors je vais vous  
good morning (0.2) >good< (.) <so I am going  
13 expliquer ce qui va se passer ce matin:=  
to explain to you what is going to happen this morning:=  
14 >est-ce que vous avez connaissance de la procédu:re,<  
>do you know about the procedu:re,<  
15 .h <est-ce qu'on vous a expliqué le déroulement de la journée  
.h <it has been explained to you the way the day is going to unfold  
16 (0.3)
- 17 D33: .h euh:: on me l'a vaguement expliqué (.) oui:=  
.h um:: it has been explained to me in vague terms (.) yes:=
- 18 E4: =(°oui°<) .h >alors< dans un petit instant vous allez voir  
=(°yes°<) .h >so< in just a moment you are going to see  
19 le procureur: (.) qui va donc vous interroger: (...)  
the prosecutor: (.) who is therefore going to interrogate: you (...)

Excerpt 1 above captures some talk that takes place before the production of a marked 'start'. At the beginning of the recording, we can make out the voices of the investigator and the suspect, mostly drowned out by very loud background noises: far off, the voice of a man speaking very loudly, footsteps, banging doors and telephones ringing; nearer, the droning of unintelligible conversations. We cannot determine what exactly the investigator, E4, is saying when the recording starts (line 1), but after her turn, the suspect, D33, seems first to produce a confirmation and then reassure an interlocutor that something would not be a problem for her (lines 3-6). Next there is a silence, followed by what sounds like stifled laughter and a second shorter silence. The recording device then produces a long high-pitched beep followed by four seconds of interactional boundary silence.<sup>8</sup> After

8. Several authors point out the importance of boundary silences just before the (re)start of the occasion or between the opening phase and the central phase of the encounter (Turner, 1972; Atkinson et al., 1978; Heath, 1986).

that, the investigator takes the floor; her voice is now perfectly audible (line 12). She produces a greeting - 'good morning' - which is not reciprocated, contrary to what would usually be the case for a greeting at the opening of a conversation (Schegloff, 1979, 1986). With her greeting, the investigator formally accomplishes a 'start', and, by saying 'good' (*bien*), displays readiness to go ahead. She begins with the standard transition marker 'so' (*alors*) that moves on to the business of their interaction, possibly connecting the upcoming course of action with what may have been said or done before the 'start'.<sup>9</sup> The investigator then produces a formulation of what she is going to do: 'So I am going to explain to you what is going to happen this morning' (lines 12-13). This utterance prefaces the telling that will follow. But before beginning to do what she has announced, the investigator introduces a 'parenthetical insert' (Schegloff, 2007) possibly designed to address the issue of the pre-knownness of the content of the telling.<sup>10</sup> She asks whether the suspect is already familiar with the procedure and whether someone has explained the way the day is going to unfold. She thus follows the formulation of the activity (lines 12-13) with an initial question - delivered rapidly with no interrogative intonation (line 14) - and immediately follows this with a second question (line 15). After a brief silence, the suspect replies that she has been given some vague explications. Without pausing even an instant, the investigator quickly acknowledges the reply 'yes' (*oui*), and then she continues - with again the transition marker 'so' (*alors*) - to launch the telling of what is going to happen: 'so in just a moment you will see the prosecutor' (lines 18-19).

The majority of the recordings in our corpus begin with the preliminary telling activity already under way. In certain cases, the activity seems to have just begun: the investigator presents what she is going to do, and then she presents the interview and the rest of the procedure. In other cases, the investigator is already presenting the interview or the procedure. In nine out of eleven cases, the activities preceding the preliminary telling are not recorded. This is a very clear indication of the moment that the participants in the scene treat as the beginning of the occasion that brings them all together: the production of a recorded judicial social investigation interview. The occasion begins with the investigator's presentation

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9. Bolden (2008) observes that 'so' usually prefaces the utterance that introduces the first topic of informal telephone conversations or the main business of institutional interactions. As a marker of 'emergence from incipency', 'so' displays that the speaker is initiating the activity on the interactants' agenda. It also presents this activity as awaiting its accomplishment until that moment. Beaud et al. (2008) observe a similar usage of the equivalent French '*alors*' at the beginning of the turn with which doctors move to the business of medical consultations conducted in French.

10. We observe this type of parenthetical insert only in this excerpt of our corpus. In the other two excerpts of the preliminary telling activity in which the investigator produces a preface, there is no sequence that would separate the preface from the telling; the preface does not constitute a sequence but a turn-constructural unit (TCU) of an extended turn at talk.

of what is going to happen. What precedes it is produced as being off the record - in both a literal and figurative sense - by the simple fact of not recording it. In the two cases in which the recording begins before the preliminary telling - interviews D31 and D33 - the participants in the scene produce these initial exchanges as not yet part of the activity to be produced and recorded. At the beginning of the recording of interview D33 - the one we have reproduced and analysed above - the background noise is very loud, the voices of the investigator and the suspect are difficult to hear, the interlocutors do not seem to project their voices enough to be recorded and the recording devices are not fully activated.<sup>11</sup> The fragments of talk that can be distinguished, which conclude with what seems to be a stifled laugh, do not seem to be connected to the interview. Then the interlocutors 'accomplish silence' as if in preparation to begin a new activity. We hear a beep produced by the recording device, and then a silence. The voice of the investigator is now picked up and stands out clearly from the background noise. As analysed above, the beginning of the turn produces a 'start' and projects the transition to a new activity that is accomplished when the investigator presents what she is going to do: explain what is going to happen. The excerpt seems to show that the beginning of the preliminary telling corresponds to the point at which the participants in the encounter display that they are starting to do what has brought them together.<sup>12</sup> This is a joint accomplishment: the investigator, the suspect and the cameraman all coordinate to simultaneously start the interview and its recording. The participants produce the silence, the recording set is fully activated, and the investigator indicates that the occasion is beginning and presents what she is going to do: 'I am going to explain to you what is going to happen this morning'. By beginning the preliminary telling, the investigator sets in motion what will progressively become a social investigation interview. As we will show later, the production of this formulation, which announces the activity while simultaneously accomplishing it, is the first movement through which the institutional occasion of the interview is 'talked into being' (Heritage, 1984:290).

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11. To record the interviews, in addition to the camera, the cameraman used a microphone to catch background sounds as well as tie-clip microphones for the investigator and suspect. In the recordings of interviews D31 and D33, the tie-clip microphones have not yet been activated during the time that the participants in the scene speak before the beginning of the preliminary telling activity. The beginning of the preliminary telling is the point at which we hear for the first time that the tie-clip microphones are activated.
  12. If we had had enough space to reproduce and analyse the beginning of the recording of interview D31, the other recording that begins before the beginning of the preliminary telling activity, we could show that its organisation confirms our analysis. At the beginning of this recording, we first hear the investigator and the cameraman very faintly speaking about beginning the recording, and then about its imminent switching-off. The recording is interrupted, and when it starts again, there is a short silence after which, in a now very clear voice, the investigator initiates the preliminary telling.

## 2.2 A preliminary extended turn at talk

In the preliminary telling activity, the investigator talks about what she and the suspect are going to do during their encounter: carry out an interview devoted to the production of a social investigation. In most of the recordings of our corpus, the investigator also announces and presents what is going to happen after the interview: the meeting with the prosecutor, the interview with the defence counsel and the trial.<sup>13</sup>

The investigator thus renders the encounter observable as not limited to the preliminary telling activity. The preliminary telling is a preamble that announces and presents the interview and the procedure that will follow. It sets the agenda of the encounter and intends to secure the availability of the interlocutors for the announced activities as well as a concerted entry into the interview. Moreover, the preliminary telling already displays that the investigator's turn will not end with the completion of the activity but will carry on with a first interviewing movement (in the facts, the preliminary telling is always followed by a first interviewing question by the investigator). Indeed, it projects that what is really at issue begins only after the telling. Thus, the investigator invites the suspect to refrain from speaking before the real business of the occasion has started.<sup>14</sup>

The organisation of the preliminary telling activity shares many features with the production of another type of telling: storytelling (Sacks, 1974; Jefferson, 1978; Schegloff, 2007). One of these features is that the preliminary telling activity may include the production of a preface that precedes the telling itself. We have an example of a preface in the formulation of the activity that the investigator produces in lines 12-13 of Excerpt 1 above.<sup>15</sup> The investigator says that she is going to 'explain' what is going to happen 'this morning', which is to say potentially during and/or after her encounter with the suspect. The preface announces a telling and proposes a space in which an extended turn can be held. It presents what the telling will be about and projects an extended turn for the presentation of a succession of events or at least a group of events. The preface thus provides hints for identifying the beginning and end of the telling: it begins when the investigator begins to tell 'what is going to happen this morning'. It continues as long as the investigator - supported by the suspect - continues her

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13. By saying that the investigator 'announces', we are not claiming that the activity is organised as an announcement sequence in which news is delivered (Maynard, 2003; Terasaki, 2004), but only that the investigator tells the suspect about future events.
  14. Referring to 'action projections', Schegloff (2006: 150) notes that: 'The recipient is thereby put on notice that what will follow directly is not itself what the speaker means to get said or to get done, and its end should not be taken as the end of the speaker's turn'. Schegloff (1980) and Terasaki (2004) are pioneering work on different types of preliminary sequences and activities.
  15. This preface, composed only of one TCU, is not a preface sequence or a pre-telling sequence (Schegloff, 2007) but in part acts in a similar way by projecting and preparing the telling.

telling on this topic. The telling reaches its end when the investigator sets out an event recognisable as the last event in 'what is going to happen this morning' (typically the appearance of the suspect before the court). The preface also provides hints for identifying the possible suspensions of the telling: the activity is incomplete and a continuation of the telling can be expected as long as the prosecutor has not made reference to certain key elements of 'what is going to happen this morning' (in particular, the trial). At the same time, and in an interrelated way, the preface sketches out the form of talk that will follow and the contributions that are expected of the participants. In this sense also, it functions as the preface or preface sequence of a storytelling activity informing the participants that one interlocutor is going to become a telling-speaker and that the other one should align as a recipient. By announcing that she is going to 'explain' to the suspect what is going to happen, the investigator projects the relevance of an extended turn at talk. The investigator is going to tell what is going to happen; so that the telling may be developed, it is necessary that the suspect listen to her, remaining silent or producing contributions - such as continuers - that sustain the delivery of the telling. This organisation of the talk also contributes to the recognition of the interview as an institutional interaction. The representative of the institution - in this case the investigator - defines the activity to be accomplished and in an interrelated way the allowable contributions of each interlocutor (Heritage, 2004).

Besides the prefaces, it is through the very production of an extended turn that the speakers set up and accomplish the preliminary telling activity. The investigator presents what is going to happen in a multi-unit turn, successively producing a series of turn-constructual units (TCUs) and talking past the possible completion points. The units project that the turn is not yet complete, and that the transition to a following speaker is not relevant. Syntactically as well as in terms of action formation and intonation contours, the talk displays that the investigator has not yet finished telling and that more will follow.<sup>16</sup> Here again, the preliminary telling unsurprisingly shares features typical of storytelling activities that occur as multi-unit, extended turns at talk accomplished collaboratively by the interlocutors. Excerpt 2 below shows the beginning of the recording of interview D29. As the recording of the interview starts, the investigator, E2, seems to transition from the final elements of a formulation of the telling activity ('the the orientation huh? that is going to happen' (line 1)) to the beginning of the telling itself ('you are going to see the prosecutor' (line 2)). The telling is accomplished through an extended turn at talk of which the excerpt reproduces the first thirteen seconds (lines 2-10).

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16. Boden (1994) analyses the 'opening statement' at the beginning of work meetings and notes that recipients talk only very rarely during these extended turns. Noordegraaf et al., (2009) point out that the 'preliminary statement' of a social worker at the beginning of an interview with prospective adoptive parents is largely deployed as a monological scripted narrative.

## Excerpt 2: DF/E2-D29

- Recording starts ——
- 1 E2: le l'orientation hein? qui va se passer  
*the the orientation huh? that is going to happen*
- 2 >.hh< vous allez voir le procureur: (.)  
 >.hh< you are going to see the prosecutor: (.)
- 3 tout à l'heure après notre entretien,  
*in a little while after our interview,*
- 4 D29: [°mm°]  
 [°mm°]
- 5 E2: [.hh] Jh le procureur: va avoir entre les mains: (.)  
 [.hh] Jh the prosecutor: is going to have in his hands: (.)
- 6 <votre casier judiciaire:re>, (.) si vous en avez un  
 <your crimi:nal record>, (.) if you have one
- 7 >.h< et: (.) le:: (.) >la procédure de police  
 >.h< and: (.) the:: (.) >the police procedure
- 8 (avec) laquelle vous êtes arrivé<  
 (with) which you have arrived<
- 9 >.h< à partir de là: (.)  
 >.h< from that: (.)
- 10 il prend une décision d'orientation (.) soit (...)  
 he makes a decision on the orientation (.) either (...)

It is difficult to understand what the investigator, E2, is doing at the very beginning of Excerpt 2 above as the recording apparently starts midway through an utterance. We can nevertheless observe that the investigator inserts an interrogative 'huh?' (*hein*) which she then immediately follows with what may be the final element of a formulation of the telling: 'that is going to happen' (line 1). She then produces a quick and audible inbreath and introduces a new TCU that announces a first event: the suspect is going to see the prosecutor (line 2). After a micro-silence, the investigator extends her utterance to situate this encounter in time - 'in a little while' - and within a succession of events - 'after our interview' (line 3). The unit ends with a continuing intonation marking that the turn is not finished. The suspect, D29, produces a very soft 'mm' displaying that he has both received the last piece of telling and understood that the talk underway is not complete (line 4). When this token is produced, the investigator is already breathing in to continue her turn. She elaborates on the element just delivered and develops a presentation of what is going to happen during the suspect's encounter with the prosecutor. The prosecutor will refer to the suspect's criminal record and the record of the case, and make a decision on the judicial handling of the case.<sup>17</sup>

17. Parenthetically, we note that in lines 5-10, the investigator makes a presentation of what is going to happen that indicates the established character of the way the procedure is carried out. This is achieved via the choice of verb tenses 'the prosecutor is going to have in his hands' (line 5), 'he makes a decision' (line 10) and the use of specialised judiciary terminology: 'your criminal record' (line 6), 'the police procedure' (line 7), 'he makes a decision on the orientation' (line 10).

As the investigator speaks, the elements of her talk ‘the prosecutor is going to have in his hands’ (line 5), ‘from that’ (line 9), as well as the structuring markers ‘and’ (line 7) and ‘either’ (line 10), the quick and audible inbreaths (lines 7, 9) and the continuing intonation (line 6) project a telling-in-progress. The suspect remains silent, allowing the production of the investigator’s extended turn. At this point, we could regret having access only to audio recordings, which do not allow us to observe the interlocutors’ body behaviour. It is possible that during the investigator’s extended turn the suspect produces nods or other gestures that display reciprocity. Our data allow us to affirm only that the telling does not elicit verbal contributions from the suspect, who remains silent. Neither is there anything in the investigator’s talk that would lead us to believe that during her extended turn the suspect is producing a body behaviour running counter to the passive reciprocity that his silence displays.

In the interviews in our corpus, the preliminary telling activity is performed organisationally in one or more extended turns by the investigator which announce and present ‘what is going to happen’ during and after the suspect-investigator interview. The structure of the turn continuously projects that there is more talk to come. An important resource for this is the production of lists (Jefferson, 1990). Very often the investigator lists the various stages of what is going to happen, the different procedures that the prosecutor may use to prosecute the case, or the various items on which her interview with the suspect will focus. Devices like the list-initiating-marker ‘first of all,’ ‘next’ and ‘finally’ structure the presentation, display its ‘underway’ character and the stage at which it is. For example, the investigator indicates that she is going to present a succession of events (‘the way the day is going to unfold’). By saying ‘first of all’, the investigator indicates that she is going to present an initial element of what is going to happen, which will be followed by other events. She thus indicates that she is only beginning the presentation of ‘what is going to happen’ and that her turn is going to continue after the presentation of this first element.

Some prosodic features also participate in the production of the extended preliminary telling turn. The investigator may speak very fast and/or as if she were ‘reciting’ something known by heart. In the latter case, the preliminary telling is delivered with a flat intonation and without any pauses between the different units. At other times, the TCUs are delivered with a continuing intonation or followed by an audible and quick inbreath, with which the investigator prepares to continue to speak and displays her intent to do so, thus holding the floor.

In the recordings in our corpus, during the preliminary telling activity, the suspect remains silent most of the time or produces tokens such as continuers or receipt tokens that sustain the telling. With continuers such as ‘mm hm’, the suspect aligns himself or herself as a recipient and displays his or her understanding that the investigator is producing an extended turn at talk that she has not yet completed. At other times, he or she produces a receipt token - like

'yes' (*oui*) - which helps to display that 'a piece of telling' has been delivered and that the suspect is following and receipting what the investigator is saying.

Above and beyond the variability in the production of the activity, the common feature we would like to highlight at this point is that the activity is a preliminary telling that, in an extended turn at talk, announces and presents what is going to happen.

### **2.3 A standardised activity to be carried out**

In our data, the investigator sometimes refers to the judges that have asked her to carry out the investigation, but she does not present the preliminary telling of what is going to happen as something required by them, the judicial institution or the law. Neither does she present the activity as something needed for practical reasons, for going ahead with the interview and the procedure. As it happens, the investigator is indeed not legally required to present the procedure to the suspect or to obtain his or her agreement to proceed.<sup>18</sup>

Nevertheless, the preliminary telling is displayed as an activity to be carried out. This is already evidenced by the simple fact that the activity is routinely produced at the beginning of all the interviews of our corpus. The required character of the activity is highlighted in the rare cases in which the suspect, during the activity, leaves his or her state of passive reciprocity and produces a turn that challenges the activity's organisation. In these cases, the investigator invariably deals with the departure - for example, if it is a question she answers it - and then resumes the preliminary telling activity. The investigator thus renders observable the fact that the preliminary telling is an activity to be accomplished which cannot be abandoned and which, if suspended, must be completed before the participants go ahead with the interview.

Excerpt 3 below reproduces a fragment of the preliminary telling phase of interview D54, in which the suspect, D54, produces a full turn that strays from the display of reciprocity - silence or production of continuers and receipt tokens - which is solicited by the activity and characteristic of suspects' behaviour in our data.

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18. The law does not require the investigator to present the interview, but this does not mean that there is no institutional advantage to doing so. In fact, the preliminary telling activity accomplishes an important task: it positively presents the carrying-out of the interview as being in the suspect's interest. The preface of the activity indicates to the suspect that by listening to the investigator, he or she may gain awareness of 'what is going to happen'. Later, when the investigator presents the interview, she may say, for example, that the investigation will confirm the information the suspect has given about his or her situation to the police. This effort to present the interview positively may be seen as an attempt on the investigator's part to ensure the cooperation of the suspect to accomplish the interview and thus be able to more easily perform the work with which the institution has charged her.

### Excerpt 3: DF/E8-D54

- 1 E8: .hh le substitut a deux possibilités, (0.2)  
*.hh the substitute has two possibilities, (0.2)*
- 2 vous pouvez passer en jugement aujourd'hui même (.)  
*you can go to trial this very day (.)*
- 3 auquel [cas c'est:]  
*in which [case it is:]*
- 4 D54: [là c'é]tait: (.) fla:grant délit:  
*[here it w]as: (.) a red:-handed case:*
- 5 E8: d'acc[ord ]  
*all [right]*
- 6 D54: [sniff]::  
*[sniff]::*
- 7 (0.3)
- 8 E8: bon (0.3) y a quand même d- (.) y a deux  
*well (0.3) there are nevertheless t- (.) there are two*
- 9 possibilités en général (0.3) c'est (.) soit  
*possibilities in general (0.3) it is (.) either*
- 10 >vous passez en jugement aujourd'hui< (...)  
*>you go to trial today< (...)*

At the beginning of Excerpt 3 above, the investigator, E8, is saying that the prosecutor (the substitute of the general prosecutor of the Paris Court) has two options for the continuation of the case (line 1). She presents what seems to be the first one (line 2) and as she readies herself to elaborate on this possibility the suspect interrupts her. The suspect, D54, points out to the investigator that she was caught red-handed (line 4). The suspect not only produces a complete turn, while the investigator had just initiated a new TCU of her telling, but she also introduces talk that elaborates on the offence that has brought her to the courthouse: a topic that the investigators and (usually) the suspects avoid during the interviews. In this sequence, the investigator just acknowledges the information given by saying 'all right' (line 5) and then leaves it aside. In line 8, she begins a 'well'-prefaced turn that alerts the recipient to the possibility of an objection. The investigator seems to downplay the relevance of the information provided by the suspect: even though this is a red-handed case there will nevertheless be two possibilities. She says, 'there are nevertheless t-' and cuts off her turn (line 8) to repair it (lines 8-9). She in fact abandons the initiated unit, with which she was about to refer to the two possibilities for continuing the case, taking into consideration, through the word 'nevertheless', the information provided by the suspect on the specificities of her case. She relauches the unit and the reference to the two possibilities for prosecution but gives it a new form. Instead of 'nevertheless', she uses the expression 'in general' to move from a possible orientation to the specificity of the suspect's circumstances to what generally happens in terms of judicial treatment of the cases. She thus says 'there are two possibilities in general' (lines 8-9). The investigator then goes back to what she had been saying before the suspect's turn in line 4 and resumes her presentation of the first type of procedure.

Excerpt D54 above shows that the investigator produces the preliminary telling as an activity to accomplish before going ahead with the interview or introducing another activity. When the suspect introduces talk that disrupts the telling, the investigator does not engage in talk that will launch a new activity, such as a discussion of the acts committed by the suspect. She limits herself to acknowledging the suspect's contribution and resumes with the preliminary telling. She is supported in this by the suspect, who resumes the passive listening attitude that is conducive to the progression of the activity.

Moreover, in our corpus, the investigator produces the preliminary telling as an activity to be carried out in a specific way. The investigator is not reading a prepared text to present the investigation or procedure; she searches for her words, starts utterances over or produces incomplete ones, and introduces familiar formulae and expressions that repair or explain what she is saying. Nevertheless, the preliminary telling seems to be a standardised speech, more delivered than produced on the spot. We have already pointed out several characteristics of the activity related to this feature: the different units of the preliminary telling often announce that there is still more talk to come; whether the investigator speaks rapidly or not, the telling is uttered in a flat tone usually used for something that is recited by heart. An examination of the work that this 'delivered talk' feature may be accomplishing could lead us to affirm that it helps render observable the preliminary telling as an innocuous routine activity in which the investigator is an expert (see analysis by Heritage, 2004 of the delivered feature of school officials' calls to parents of absent children). Nevertheless, here we can only mention some additional aspects that may be contributing to the production of this feature in Excerpt 3 above.

During the initial phase of the interviews in our corpus, the investigator, supported in most of the cases by a passive recipient, performs the preliminary telling exclusively and continuously. In Excerpt 3, the investigator works not only to resume the activity but also to limit it to presenting what is going to happen in general terms, without engaging in a discussion about the particulars of the suspect's situation. We have thus observed that the investigator cuts off her turn and produces a relaunch of it that instead of repeating the term 'nevertheless' - that orients to the suspect's circumstances - refers to what goes on 'in general'. Moreover, as we can also see in Excerpt 3, the telling is heavily structured in terms of topical development. The main topic of the tellings in our corpus is the phases of the criminal procedure: the hearing by the prosecutor, the interview with the defence counsel and appearing before the court. The investigator makes reference to different aspects covered by the investigation: the suspect's family, professional and financial situation. She also presents the different sections of the investigation record form: the suspect's identity, address, work etc. These are all standardised topics and topical elements relevant to all cases she deals with. Once a topical item is covered, the investigator moves on to the next without going back. If the activity

is interrupted or suspended, the investigator deals with the pending item before moving on. Thus, in Excerpt 3 above, the investigator resumes the activity, picking up what she had been saying when the suspect interrupted her: the prosecutor has two options for prosecuting the suspect, and the first one is to send the suspect to trial the very same day.

The analysis of the preliminary telling activity thus evidences a twofold orientation: on the one hand towards the typicalisation of the interview (an interview like any other), on the other towards its particularisation (this interview in particular) (Watson and Sharrock, 1991). This is in line with the investigator's attempts to individualise the interview while preserving the formality of the encounter (Noordegraaf et al., 2009). The investigator indicates that the family, financial and employment situation of the suspect will be examined, paying attention to its specificity. At the same time, she places this examination inside a judicial procedure which she presents in a way implying that it applies to everyone in the same way.

## **2.4 Exhibiting reciprocity**

The preliminary telling activity is not organised as an announcement sequence in which news is delivered, or as a sequence in which the investigator would inform the suspect about things previously unknown to him or her. Furthermore, the activity is not designed to request the suspect's agreement with what is going to happen - for instance with the social investigation; most of the time this is not presented as a matter of choice. The telling activity also differs from sequences in which the occurrence of a projected subsequent activity is made contingent on the response to some preliminary action.<sup>19</sup> Finally, the activity does not involve presenting to the suspect what is going to happen so that he or she can confirm that this is indeed the case; the interaction does not entitle him or her to do this.

If something is at stake in this activity, it may well be to show that the suspect is told about what is going to happen and that he or she receives - receives and nothing else - what the investigator tells him or her.<sup>20</sup> As we have already said, the suspect occasionally produces continuers that display that he or she understands that the investigator's turn is still underway. At times, the investigator actively seeks these signs, for instance when she delivers a component of the telling and

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19. In all these respects, the organisation of the preliminary telling departs drastically from, for instance, the Miranda rights reading sequences in which the police officer informs the suspect of his or her rights, explicitly asks the suspect if he or she understands each of them and finally asks the suspect if, being informed of his or her rights, he or she agrees to talk to the police (Watson and Sharrock, 1991). The reading of the Miranda rights - chiefly the right to decline to make self-incriminatory statements and to legal counsel - is a preliminary phase of criminal police interrogations in the United States.

20. This is one of the reasons why we resist considering the preliminary telling as a pro-forma activity, understanding by that an activity that the interlocutors display as accomplished exclusively to respect a procedure that was pre-established but is presently to no effect.

then falls silent until the suspect displays that he or she has receipted it. Audiovisual recordings would undoubtedly have allowed us to observe how, through body behaviour, the investigator is inviting the suspect to align to the telling underway as well as how the suspect is following it and receipting what is said.

Moreover, what we would like to point out here, on the basis of the data we have, is that to produce an activity that displays that the suspect is receipting, the investigator does more than continuously accomplish the telling and skilfully handle the silences. The investigator sometimes produces tokens marked with a rising intonation, such as 'huh?' (*hein?*), 'okay?' (*oké?*) or 'all right?' (*d'accord?*). These tokens are usually appended to an utterance as a tag question or after a micro-pause, and are produced within or between the investigator's extended turns or at the completion of the preliminary telling. As shown by Jefferson (1981), Beach (1993) and Filipi and Wales (2003), in the conversation these devices can adopt very different forms - abridged or not -, functions - agreement-eliciting tokens, confirmation requests, understanding checks - and positions - free-standing, tag-positioned, between two TCUs. In the preliminary telling, they occupy different positions and contribute to the accomplishment of actions that may be very different. Yet they frequently do not solicit agreement with or confirmation of what has been said. They do not function as confirmation requests, understanding checks or agreement-eliciting tokens. They are not the equivalent of the question tag 'isn't it?' or 'right?' or questions such as 'do you agree?' or 'do you understand?'. These tokens do not solicit or prompt any elaborate response. It is very rare for the response to these tokens to be an expression of agreement. They seem to display that the suspect is receipting what is said, including, critically, when he or she remains silent.

Excerpt 4 below reproduces the entirety of our recording of the preliminary telling activity of interview D59. The investigator, E5, talks quite fast with a tone of voice that exhibits both the preformatted and 'in-progress' character of the telling.

#### Excerpt 4: DF/E5-D59

- Recording starts ——
- |   |   |
|---|---|
| 1 | E5: <(retracer) votre itinéraire scolaire,<br><(outline) your educational,<br>professionnel, (.) votre histoire familiale<br><i>professional pa:th, (.) your family history</i> |
| 2 |   |
| 3 | .h et également faire part de vos problèmes de santé<br><i>.h and also report on your health problems</i>   |
| 4 | s'il en existe (>hein<)=<br><i>if any (&gt;huh&lt;)=</i>  |
| 5 | D59: =(°mmhm°)=<br>=(°mmhm°)=   |
| 6 | E5: =oké? >.hh< <(dans) ce bilan:: je serai amenée:<br>= <i>okay? &gt;.hh&lt; &lt;(in) this assessment:: I will be brought:</i>   |

7           à faire des vérifications par téléphone  
           *to make some verifications by telephone*  
 8           si c'est possible auprès de vos pro:ches  
           *if it is possible with your re:latives*  
 9           ou des gens qui vous suivent,  
           *or people who follow up on you,*  
 10          .hh ces:: vérifications je les fais dans le but  
           *.hh the::se verifications I make them with the goal*  
 11          d'apporter des garanties de représentation  
           *of providing guarantees of representation*  
 12          à votre:: situation (.) >hein? °done°< si: euh:  
           *to your:: situation (.) >huh? °so°< if: um:*  
 13          vous êtes d'accord (.) on verra avec vous >qui on  
           *you agree (.) we will see with you >who we*  
 14          peut contacter ou pas< (.) pour ces: garanties (.)  
           *can contact or not< (.) for the:se guarantees (.)*  
 15          oké?  
           *okay?*  
 16          (0.2)  
 17          E5: .h alors vous êtes Monsieur (N...) (.) <comment ça  
               *.h so you are Mister (N...) (.) <how is that*  
 18               s'écrit?  
               *spelled?*  
 19          D59: (X X X X)  
               *(X X X X)*

At the beginning of Excerpt 4 below, when the recording starts, the investigator, E5, seems to be presenting the aims of the social investigation. The delivery of what might be the second goal presented: to 'report on your health problems' (line 3), is preceded by an 'and' that betokens that it may be the last one. After the investigator has mentioned the item 'health problems', qualified by 'if any,' the presentation is possibly complete. It is possible that the investigator solicits ('huh' (line 4)) a display of reciprocity from the suspect at this time and that the suspect, D59, produces one but almost inaudibly ('mmhm' (line 5)). What is clear is that afterwards, in line 6, the investigator produces an 'okay?' token marked with a rising intonation. Then, without waiting for a reply from the suspect, the investigator produces a quick and audible inbreath and continues the telling by presenting another aspect of the investigation. The 'okay?' token in line 6 segments the talk; the way it is interactively produced seems to display that the investigator has just delivered a component of her presentation to the suspect. It also exhibits that the suspect has receipted what was said to him. It is an 'okay?' that ratifies and renders observable a display of reciprocity ('mmhm') which may have taken place. It refers to a component of the investigator's talk that the suspect may have acknowledged and conveys that the suspect has displayed that it is the case. It is the equivalent of an expression that would mean 'you seem to have understood this item; let us carry on'. Indeed, as is often the case with these devices during the activity, this is a transitional or pivot token between two

components of the telling (Beach, 1993). It is responsive to prior talk, yet announces movement to next-positioned matters. Thus, it treats the previous component as no more than something to be receipted.

In line 6, the investigator continues the telling, announcing that she is going to make verifications by telephone, if possible calling people close to the suspect. The TCU ends with a continuous intonation that announces more to come (line 9). And indeed the investigator breathes in and initiates a new unit to present the goal of the intended verifications. Meanwhile the suspect remains silent. After what may be the end of the presentation of the verifications, in line 12, the turn reaches a possible transition relevance place. The investigator pauses and, possibly orienting herself to the conclusion of the presentation and the lack of uptake, produces, this time clearly, a 'huh?' (*hein?*) token marked with a rising intonation. Nevertheless, once again, the investigator does not wait for a response from the suspect. Like the 'okay?' in line 6, this item segments the speech, displaying the delivery of a piece of telling. It can also show that the suspect has receipted what is said, transforming his silence into a sign of unproblematic reciprocity. Put more simply, the 'huh?' could be rendering observable that the presentation of the verifications does not elicit any reaction from the suspect other than reciprocity of the information delivered. The investigator thus continues her turn and says 'so if um you agree we will see with you who we can contact or not for these guarantees' (lines 12-14). Critically, this utterance is interactionally produced by both interlocutors as an announcement of a future request. The suspect contributes to this by remaining silent; he does not react to the 'if you agree', he does not treat the investigator's utterance as a request for agreement here and now. After a micro-silence, the investigator produces a final 'okay?' which is not followed by talk from the suspect. The way the token is interactionally produced seems above all to underscore the fact that the investigator has delivered an element of the presentation and that this element has not posed a problem for the suspect in terms of hearing it, understanding it or even agreeing with it. After a silence, the investigator moves to the next phase of the interview: the investigation. She asks a first question to the suspect to fill out the section of the form concerning his identity.

In this excerpt, while the investigator refers to an element of the investigation - the verifications - which may require the suspect's consent and input, the interlocutors continue to produce the preliminary telling as a non-binding activity, exclusively oriented to telling what is going to happen and to receiving what is being said. The production of an activity which does just this, and nothing more, is an interactional achievement<sup>21</sup>.

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21. In examining the reading of the Miranda rights, Watson and Sharrock (1991) note all the care that the participants in the interrogation take to make clear that the responses of the suspect do not constitute a confession of guilt but only acknowledge that he or she has been informed of his or her rights and agrees to talk about 'what happened' to the police officers.

## **Discussion and conclusion**

These past forty years have seen countless examples of conversation analysis based on English-language data. Analysis of French-language data has increased significantly over the past decade but still remains rare. This article contributes to the development of conversation analytic study of French talk-in-interaction and concentrates on a previously unstudied activity: judicial social investigation interviews at the Paris Courthouse. It shows the resources French speakers use to interactively produce the initial phase of the interview, which announces and presents it. Only a comparison with results from studies on similar activities would reveal whether people use similar or different resources when they speak other languages, and to identify any specificities of the production of this activity in French.

The goal of the article was to identify the features of the initial phase of these interviews. The participants produce this initial activity as the beginning of the occasion. It is a preliminary telling activity that announces and presents what is going to happen. It is produced as the preamble of an interview oriented to the making of an investigation. The activity is interactively achieved through the production of one or several extended turns at talk. It is an activity which is to be carried out and which is performed partly as a preformatted speech. The activity displays that the investigator is just telling what is going to happen and that the suspect is doing nothing more than receiving the telling. Our analysis thus contributes to the study of talk-in-interaction in judicial settings and in particular to the understanding of how the interlocutors get started with the business at hand through preliminary telling activities.

The conversational organisation of the preliminary telling participates in the production of the institutional and judicial dimensions of the interview. It sets up an interaction in which two individuals meet with each other to do specific things which they do not decide upon at the time and which are part of a larger judicial process. From the beginning, the meeting between the investigator and the suspect is presented according to the judicial procedure it belongs to. The preliminary telling accomplishes and projects an interaction structured into phases, each of them dedicated to a distinct activity: first the investigator is going to present to the suspect what is going to happen, then she will carry out an interview that will successively cover different aspects of the suspect's situation, and finally she will give the suspect information to help him or her to improve his or her situation. The preliminary telling also indicates the conversational organisation that will allow these various activities to be carried out as well as the contributions expected from each interlocutor: the suspect will first listen to the investigator's presentation and then he or she will answer the questions the investigator will ask to carry out the investigation into his or her situation. Produced as a preamble, the preliminary telling is in fact a first step in the production of the interview: it establishes that the investigation will take place and what its focus will be. Introducing some of

the actions that the interlocutors are going to carry out, the preliminary telling differentiates the interlocutors and defines their institutional identities and attributes. A speaker appears as an investigator responsible for presenting to her interlocutor what is going to happen and carrying out an investigation into his or her situation. The investigator is the one that leads the activity, indicating at every step what action is to be accomplished, and how to do it. The organisation of the preliminary telling thus helps produce the investigator's authority. She appears as an expert who knows what must be done at all moments and what is going to happen, and who employs this knowledge easily and in a routine fashion to accomplish the activity. Her interlocutor is produced as the subject of the investigation and the suspect in a judicial case who must explain himself or herself before the prosecutor, prepare his or her defence with the attorney and appear before the court. Finally, the preliminary telling begins to weave a framework of inferential institutional and judicial relevances according to which the contributions of each interlocutor take on their meaning.

The conversational organisation of the preliminary telling activity that we have described also participates in the production of the judicial specificity of the interview with the investigator. Usually the first interview of the pre-trial phase, this social investigation interview is produced as the moment at which an institutional agent, unrelated to the prosecution, presents to the suspect in precise but simple terms his or her judicial situation, thus introducing the procedure to the suspect (and practically introducing him or her into it). The preliminary telling defines who each interlocutor is not only in relation to each other, but also compared with other individuals and institutions to which they refer during the interview: the police, the prosecutor, the defence counsel or the judges. By focusing on her presentation of the procedure and examination of the suspect's social situation, the investigator defines herself and establishes her distance from the other parties in the case. The preliminary telling displays that the interview leaves aside the facts that have brought the suspect to the court. The interview is presented and produced as focused on comprehensibly understanding the circumstances of the suspect's social situation and his or her own resources for overcoming them. Furthermore, the interview is produced as a standardised interaction, displaying that it is always carried out in the same way, without distinctions made among suspects (for example because of the seriousness of the offence). It appears as an innocuous activity, produced routinely and without eliciting the suspect's resistance, and whose judicial consequences can only be positive for the suspect. It provides information on his or her situation and may even allow him or her to highlight aspects of his or her situation that were neglected in other steps of the procedure, which were focused on the offence. Creating a passive recipient of the presentation of the interview, the preliminary telling begins to produce a compliant suspect in the investigation.

Produced as a preamble, the preliminary telling activity is in fact already sketching out the interview and the subsequent acts of the criminal procedure, as well as its possible outcomes. Further analysis should help to fully understand how the activity is already achieving what it announces.

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