

Writing up or writing off crimes of domestic violence?

A transitivity analysis of police reports

Patricia Canning

Utrecht University, The Netherlands

https://doi.org/10.21747/21833745/lanlaw8_2a3

Abstract. *Between March 2019 and March 2020 in England and Wales (excluding Greater Manchester), there were 1,288,018 recorded incidents of domestic violence (DV, otherwise known as ‘domestic abuse’ or ‘DA’), an increase of 4.2% (51,404 incidents) on the previous year (Office for National Statistics 2020). Only 56% of these were classified by police as ‘crimes’ (Office for National Statistics 2020). Additionally, despite the annual rise of DV the charging rate of suspects fell in 2019–2020 by 20.5% (Crown Prosecution Service 2020). This raises two primary questions: 1) why are almost half of reported DV incidents not considered ‘crimes’? and 2) in spite of rising numbers of incidents, why do prosecutions continue to fall? These questions are central to this paper. A possible factor influencing attrition rates concerns the language used by police officers to record DV incidents. This paper, then, explores whether the linguistic choices made by police officers on judicial reports of DV in a sample of cases collected from the year 2010 reflect implicit attitudinal biases, that in turn, can potentially pre-empt out-of-court case disposals within contemporaneous DV cases. If so, this may also go some way to explaining the gap between cases reported as DV crimes and cases recorded as such. The dataset under analysis comes from a corpus of 13 police-authored DV cases sent to prosecutors for charging decisions in one calendar month in 2010 (for more detail about the corpus, see Lynn and Canning 2021; Lea and Lynn 2012). All 13 cases were returned with a ‘simple caution’ outcome, which means that none progressed to prosecution. Two of these cases are used as representative of the 13 that comprise the corpus. The analysis of the data is carried out using the model of transitivity (Berry 1975; Halliday 1994) to identify participant roles, actions, and circumstances as well as their syntactic distribution. The analysis shows that officers’ lexical and syntactic choices yield patterns of agency that downplay suspects’ culpability on the one hand, and background victims on the other. The paper concludes by arguing that how police present agency, participant roles, and circumstantial elements in reports to prosecutors can encode a ‘preferred outcome’ resulting in more lenient charging decisions.*

Keywords: *Domestic violence, simple caution, transitivity.*

Resumo. Entre março de 2019 e março de 2020, ocorreram 1.288.018 incidentes de violência doméstica (VD, também conhecida como ‘domestic abuse’, ou ‘DA’) em Inglaterra e no País de Gales (excluindo a zona da Grande Manchester), o que representa um aumento de 4,2% (51.404 incidentes) face ao ano anterior (Office for National Statistics 2020). Destes, apenas 56% foram classificados pela polícia como “crimes” (ONS). Além disso, apesar do aumento anual de casos de VD, a taxa de condenação de suspeitos caiu 20,5% em 2019-2020 (Crown Prosecution Service 2020), o que levanta duas questões principais: 1) por que motivo quase metade dos incidentes de VD reportados não são considerados “crimes”?; 2) apesar do número crescente de incidentes, porque é que o número de processos continua a diminuir? Estas são questões centrais neste artigo. Um possível fator influenciador das taxas de atrito é a linguagem utilizada pelos agentes policiais para registar os incidentes de VD. Por isso, este artigo explora as escolhas linguísticas da polícia em relatórios de VD, a partir de uma amostra de casos recolhidos a partir do ano de 2010, no sentido de averiguar se estes refletem vieses atitudinais implícitos, que, por sua vez, possam impedir a resolução de casos extrajudiciais no âmbito de casos atuais de VD. Sendo esse o caso, também pode explicar o fosso existente entre os casos reportados como crimes de VD e os casos registados como tal. O conjunto de dados analisados provém de um corpus de 13 casos de VD recolhidos pela polícia e submetidos à Justiça para condenação num mês civil de 2010 (para mais informações sobre o corpus, ver Lynn and Canning 2021; Lea and Lynn 2012). Os 13 casos resultaram numa “simples admoestação”, o que significa que nenhum deles avançou para julgamento. Dois desses casos são utilizados como sendo representativos dos 13 que constituem o corpus. Os dados são analisados à luz do modelo de transitividade (Berry 1975; Halliday 1994) para identificar as ações, as circunstâncias e os papéis dos participantes, bem como a sua distribuição sintática. A análise mostra que as escolhas lexicais e sintáticas dos agentes possuem padrões de agência que minimizam, por um lado, a culpabilidade dos suspeitos, e, por outro lado, colocam as vítimas em segundo plano. Conclui-se que a forma como a polícia apresenta a agência, os papéis dos participantes e os elementos circunstanciais nos relatórios apresentados à Justiça pode transmitir um “resultado preferencial”, dando origem a decisões de condenação mais brandas.

Palavras-chave: Violência doméstica, interrogatórios policiais, confissões falsas.

Introduction

In the UK, domestic violence (DV), also referred to as Domestic Abuse (DA), is a criminal offence defined as ‘any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality’ (Home Office 2013; Crown Prosecution Service 2020: 1). The prevalence of DV is reflected in recent crime statistics which show that in 2019 in England and Wales alone, 5.5% of the population experienced DV (Office for National Statistics 2020)¹. This amounts to 2.3 million people between the ages of 16–74 (Office for National Statistics 2020). Proportionately, this is 5 adults in every 100.

To contextualise the prevalence of DV, between March 2019 and March 2020 in England and Wales² there were 1,288,018 recorded incidents of DV. In terms of cases

being escalated through the criminal justice system, DV accounted for 52% of all crimes dealt with by the Crown Prosecution Service (CPS) in the first quarter of 2020 alone. Figure 1 shows the distribution of DV recorded incidents through the criminal justice system between March 2019 and March 2020.

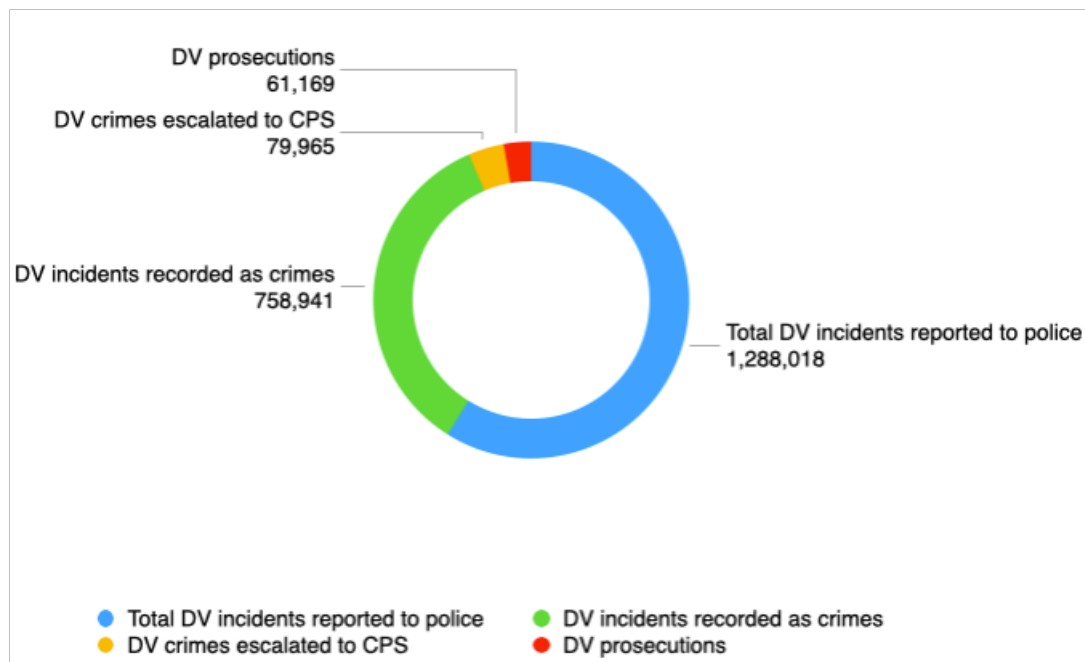


Figure 1. Distribution of DV incidents reported to police between March 2019 and March 2020.

Of the total number of DV incidents (1,288,018), 758,941 were recorded formally as crimes by the police. Of those, 79,965 were sent to the CPS for a charging decision (as ‘pre-charge receipts’) amounting to just 10% of all DV crimes. Of the CPS pre-charge receipts (this is the term given to police referrals to the CPS), 61,169 resulted in prosecution proceedings (a reduction of 22% from the previous year) and 13,635 of those resulted in non-convictions (see Tables 1 and 2). That means that of all the DV incidents reported to police that subsequently constituted a ‘crime’, only 8% are classified as ‘completed prosecutions’.³ What these figures show is that there is a significant disparity between the volume of DV incidents recorded as ‘crimes’ and the volume of DV crimes escalated through the justice system. Tables 1 and 2 show the volumes and outcomes of the completed prosecution cases for 2019–2020 (compared to the previous year) along with reasons cited for non-convictions (Crown Prosecution Service 2020).

	2018 - 19 Volume	2019 - 20 Volume
Completed prosecutions	78,624	61,169
Non-convictions	18,464	13,635
Prosecutions Dropped inc. discontinued, no evidence offered & withdrawn	13,725	10,212
Dismissed after full trial	3,655	2,576
Administratively finalised	1,084	847
Discharged	0	0

Table 1. DV prosecution outcomes.

	2018 - 19 Volume	2019 - 20 Volume
Completed prosecutions	78,624	61,169
Convictions	60,160	47,534
Non-convictions	18,464	13,635

Table 2. Reasons cited by CPS for non-convictions⁴

Police responses to DV and the options for case outcomes

There are a number of options open to police in dealing with DV incidents. Officers can issue NFA or 'No Further Action', a formal outcome which can be decided upon either by the police or the CPS. This means the case 'cannot proceed to charge' as it does not meet the 'Code for Crown Prosecutor test', which, according to the CPS, can be 'for either evidential or public interest reasons' (?: A3). This is a very wide category and obscures many nuanced reasons why a case results in such a disposal outcome (see Hanmer *et al.* 1999 who advocated for the elimination of this disposal category as a viable police response to DV). For example, in many DV cases there is little or no physical forensic evidence, for example, when the DV concerns coercive control, and officers rely on the testimonies of the victim and suspect to determine the viability of a case. Therefore, formal statements often constitute the primary or only evidence in the case and the onus is often on the victim to make the case. Victims may fear that their evidential contribution to the case could result in potential consequences from the abusive partner, financial precarity, negative impact on children and wider family, and more. Other reasons that may help explain a reluctance to make statements include the potential negative impact of police and court (including family court) involvement on

victims and their children.⁵ Suspects can be issued with an out-of-court resolution called a 'simple caution' (known as 'outcome 16') if they have no previous criminal history, have admitted the offence, and it constitutes a 'formal warning' (Home Office 2008: 1). Alternatively, police can charge the suspect and forward the case to the CPS for prosecution. The police can forward any case to the CPS, including those resulting in simple cautions.

It is important to note that there are many points between the police processing the DV incident as a crime and the full trajectory of the prosecution process that the case can break down. The reasons for such breakdowns (and indeed, the reasons for non-conviction case outcomes) are far from straightforward. As tables 1 and 2 show, in the period 2019–2020, 61,169 cases of DV were recorded as 'completed prosecutions' (ONS). Of these, 13,635 cases did not result in convictions and the overwhelming majority of these (10,212) are recorded as 'Prosecutions Dropped inc. discontinued, no evidence offered & withdrawn'. What is not recorded is whether the evidence elicited was weak or whether the discursive presentation of the available evidence steered the decision towards an early disposal, or both.

The following analysis aims to shed light on whether or not the way officers write reports of DV crimes can help explain the disparity between the trend in high attrition rates. It examines two case files from DV cases from one calendar month in 2010⁶ from within the Devon and Cornwall police force. All the DV cases from that month (n=13) were disposed of using the Outcome 16 option ('simple caution') which falls into the broader category of out-of-court disposals. To compare the data examined in this article against the broader context outlined above, it is important to point out that there exists an upward trend in DV crimes in Devon and Cornwall police force over the last eleven years (Figure 2). However, there has been a fall in the number of those charged. Despite the rise in cases, the number of cases disposed of out-of-court through the 'simple caution' has also fallen. Figure 2 (Lynn and Canning 2021) shows these three trends.

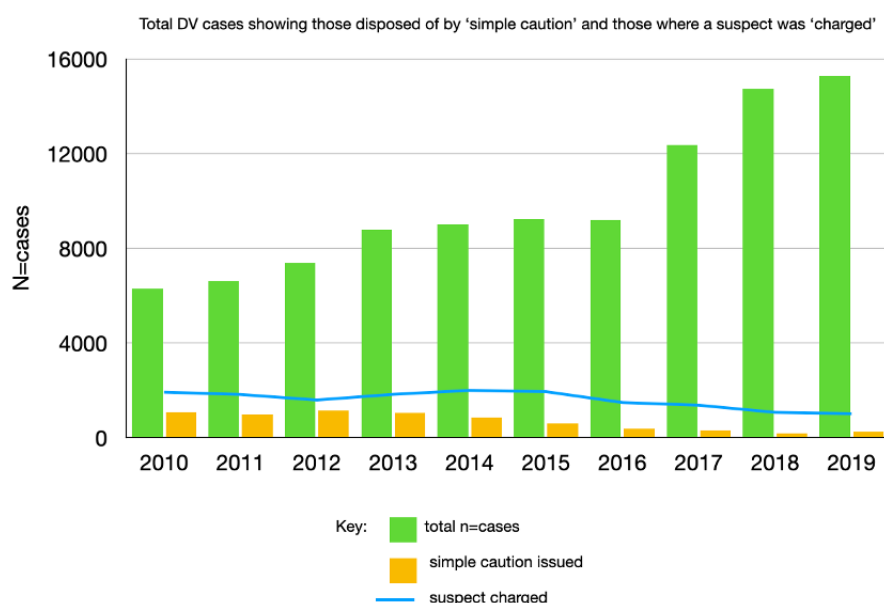


Figure 2. Incidence and outcomes of DV crimes between 2010 and 2019 in Devon and Cornwall police force (from Lynn and Canning 2021).

I have randomly selected two of these thirteen cases and they are representative of all thirteen in terms of their transitivity configurations and the effects of these patterns on perceiving agency and intentionality.

Transitivity model

Transitivity is a central property of verbs and relates to their ability to take a direct object. In functional grammar, transitivity has been developed into an analytical framework that takes the clause as its point of departure. It focuses on what clause constituents are doing and how they are used to represent 'patterns of experience' (Halliday 1994: 106). The model was first introduced by Berry (1975) (later developed by Halliday 1994; Halliday and Matthiessen 2004 and since then has proved a serviceable framework for analysing 'goings-on' in a range of discourses, such as the media's representation of sex offenders (Clark 1992) and colonial ideologies of race and 'otherness' in literary fiction (Canning 2013). The model accommodates different kinds of 'goings-on' such as those experienced "out there" in the world around us' and what we experience 'in the world of consciousness and imagination' (Halliday 1994: 106). These kinds of goings-on are referred to as 'outer' and 'inner' experiences respectively and are categorised further in the model into a series of 'process' types. Outer experiences account principally for actions and are known as Material processes, whereas inner experiences are called Mental processes. A third category of experience is that of 'classifying' relationships between one thing or entity and a property or value that can be attributed to that thing or entity. These processes are known as Relational processes. Two further experiential categories are included in the model and these relate to 'saying' (or more broadly, communicating) and existing. Processes of 'Saying' or communicating are known as Verbal processes whereas 'existing' is captured through what are called Existential

processes⁷. The following examples show different clausal configurations of a basic narrative of assault using the transitivity process types (the process is in bold type):

(i) Aaron assaulted Brenda	(Material)
(ii) Aaron considered the impact of his assault	(Mental)
(iii) Aaron stated he had assaulted Brenda	(Verbal)
(iv) Aaron was involved in an assault	(Relational-Circumstantial)
(v) Aaron has an assault charge	(Relational-Possessive)
(vi) Aaron is an assaulter ⁸	(Relational-Intensive)
(vii) There was an assault	(Existential)

As the examples show, the various narrative elements of the fictional assault can be given more or less prominence depending on the process type. So, in a police report of assault, it might be prudent to state unequivocally and unambiguously who assaulted whom. In that case, a Material process like that in example (i) where the participants and their grammatical roles are clear, is an appropriate choice. Other configurations can background the physical assault, such as in (ii) and (iii) where the occurrence of an ‘assault’ is presupposed as a noun phrase (NP) projected through the primary process; in (i) this is a Mental process of cognition. The Mental process itself is grammatically foregrounded while the physical action of ‘assault’ is backgrounded, and in (iii) the primary process is Verbal (‘stated’), and the action is embedded within the content of the talk (or to use the transitivity term, ‘Verbiage’). The assault can be presented as a state of being or a happening. In (vi), for example, the ‘assault’ is presented as a circumstantial state of affairs that Aaron became ‘involved in’ and so not an event of his own doing; in (v), the ‘assault’ is presented as a possession that Aaron ‘has’ rather than an action he ‘does’, and in (vi) the assault is presented as an attribute of Aaron – it is what he more or less ‘is’. Finally, in (vii), the assault is presented without any agency or affected entities as something that simply exists.

Around each process there are ‘participant’ roles that account for who or what is doing or having the experience. These categories and roles can be seen in table 3:

	Goings-on	Process	Participants
Outer experiences	'Doing'	MATERIAL	ACTOR (<i>'do-er'</i>) GOAL (<i>affected entity</i>)
	'Saying'	VERBAL	SAYER (<i>the entity who produces the verbiage</i>) VERBIAGE (<i>that which is said or communicated</i>)
Inner experiences	'perceiving, reacting, and cognition'	MENTAL	SENSE (i.e. 'experiencer') PHENOMENON (<i>that which is experienced</i>)
Classifying	'Being and having'	RELATIONAL	CARRIER (<i>entity to which an attribute is ascribed</i>) ATTRIBUTE (<i>a specific value, characteristic or possession</i>)
	'Existing'	EXISTENTIAL	EXISTENT (<i>that which is said to exist</i>)

For each process there are typically two participant roles to account for the grammatical constituents of the clause. Existential processes are the exception; there is only one participant, namely, the thing that is said to exist ('Existent'). Existential processes are typically preceded by the deictic markers 'there' which function as a 'dummy subject' (e.g. the clause above after the semicolon '**there** is only one participant' is a case in point). Additionally, the broader category of experience that captures Existential processes is difficult to define because these processes can construe any Material action or event, or indeed Mental process as simply 'existing'. For example, in a recent television programme that covers the work of ambulance crews across the UK, a patient's history was explained to a paramedic thus: 'there was a [mental] breakdown'. Even though this clause represents what is clearly a Mental action the transitivity configuration presents it as an Existential process as follows:

there	/	was	/	a mental breakdown
		EXISTENTIAL Pr.		EXISTENT

As such, Existential processes can package up Material or Mental goings-on as simply 'Existents'.

Some processes can be broken down into sub-types to account for different kinds of goings-on within that main process category. The full range of processes with sub-types and examples is outlined in table 4.

Main Process	Participant roles		Sub-categories of main processes	Example clause configurations
Material	ACTOR	GOAL	Material-Intention: contain animate Actors Material-Event: contain inanimate Actors Material-Supervention: describes involuntary actions	Aaron <i>assaulted</i> Brenda The chair <i>struck</i> Brenda Brenda <i>fell</i>
Mental	SENDER	PHENOMENON	Mental-Cognition: e.g. thinking, knowing Mental-Reaction: e.g. hating, liking Mental-Perception: e.g. seeing, hearing	Aaron <i>considered</i> the impact of the assault Aaron <i>deplored</i> his violent actions Aaron <i>saw</i> the impact of the assault
Relational	CARRIER	ATTRIBUTE	Relational-Intensive: e.g. being Relational-Possessive: e.g. having Relational-Circumstantial: e.g. in trouble, over my head	Aaron <i>is</i> an assaulter Aaron <i>has</i> an assault charge Aaron <i>was</i> involved in an assault
Verbal	SAYER	VERBIAGE		Aaron <i>stated</i> he had assaulted Brenda
Existential		EXISTENT		There <i>was</i> an assault

Table 4. Process types with sub-types.

Analysis

In police case files, it is important to note all evidential information, particularly who or what does what to whom or what. Prosecutors need to have this information in order to make an informed and balanced judgement on whether or not to escalate cases through the courts. This makes transitivity a very useful model for analysing patterns in the representation of experience. As I will argue below, transitivity choices encode attitudinal stance (Canning 2013; Clark 1992) so the manner by which goings-on are represented in case files can frame the criminal event from a particular ideological or attitudinal viewpoint (Canning 2013). The following analysis examines the transitivity patterns in short summary documents known as ‘Manual of Guidance Forms (3)’ (hereafter as MG3 forms), which capture the investigating police officer’s retelling of a domestic violence (DV) incident for prosecutors who will use the MG3 to guide them to a charging decision. All private information has been redacted and the suspects’ and victims’ surnames have been replaced with capitalised ‘SUSPECT’ and ‘VICTIM’ throughout unless stated otherwise.⁹ In each case the suspect is male and the victim is female.

Case 1: Suspect ‘slapped’ victim

The following case resulted from a call by the victim to the police. The MG3 form documents the case and stops short of recommending an outcome (MG3 forms invite the officer in the case (OIC) to make a recommendation, but not all do). The outcome in the case was an out-of-court disposal called a ‘simple caution’. This is a non-prosecutorial outcome. The officer’s narrative is reproduced in its entirety below (sentences are numbered for ease of reference):

1. SUSPECT was involved in a verbal altercation with his partner VICTIM regarding her going out & him holding the baby.
2. During this argument SUSPECT slapped VICTIM once across her left cheek causing reddening.
3. During interview, SUSPECT made a full & frank admission to the offence, stating he had “lost it”, he also expressed remorse.

4. SUSPECT has no previous convictions has not been arrested before.

We can tease out the goings-on in case 1 in rather general terms to see who ‘acts’ upon ‘whom’ and what results from this ‘action’ as follows in Figure 3:

	Action	Affected	Result
Suspect	was involved		
	holding	the baby	
	slapped	VICTIM	causing reddening
	made		a full & frank admission
	stating		he ‘lost it’
	expressed		remorse
	has		no previous convictions
	has not	SUSPECT	has not been arrested before
Victim	going		out

In this report, there are nine instances of processes or goings-on; ‘involved’, ‘holding’, ‘slapped’, ‘made’, ‘stating’, ‘expressed’, ‘has’, ‘arrested’, and ‘going’. Only two actions are performed that affect another entity and are Material processes: ‘holding’ and ‘slapped’, affecting ‘the baby’ and ‘VICTIM’ respectively (‘arrested’ has been negated). One of these acts is presented as noble (‘holding’) and the other is pejorative (slapped). The Actor in both processes is the suspect. The victim is also the Actor in a Material process although her’s is not Goal-directed: ‘going [out]’. Throughout the entire report, the victim ‘acts’ only once and that action is presented as a pejorative one (discussed below). The suspect is an agent of action in 8 processes, only two of which are Material and only one of which is pejorative. The ‘actions’ in the report are discussed in more detail below.

Relational processes

In the first and final sentences, the suspect is presented in relation to something else:

	CARRIER	RELATIONAL PROCESS	ATTRIBUTE	CIRCUMSTANCES
1	SUSPECT	was involved	in a verbal altercation	with his partner VICTIM regarding her going out & him holding the baby
4	SUSPECT	has	no previous convictions	

Table 5. Relational processes in case 1.

In sentence (1) he is ‘involved in’ something and in (4) he ‘has’ a particular attribute. The first sentence is a Relational-circumstantial process, that is to say the process upgrades

a grammatical Circumstance, signalled by the prepositional ‘in’, to the status of an attribute, so that what he was involved in was a ‘verbal altercation’. The fourth sentence presents him as having a quality or ‘attribute’, or rather of not having an attribute, in this case ‘no previous convictions’. In neither of these sentences is he represented as doing anything to anyone else. The negation in (4) introduces an expectation of relevance (Sperber and Wilson 1986; Clark 2013) in that it is assumed that the receiver of this MG3 text will make this sentence relevant in the context of the judicial decision-making process (see Lynn and Canning 2021). Indeed, in order to ‘dispose’ of a case with a simple caution (i.e. an out-of-court outcome), the Home Office decrees that a suspect should be a ‘first time offender’ and have ‘admitted’ the offence (Ministry of Justice 2013). The inclusion of (4) explicitly satisfies these specific criteria by enumerating ‘points to prove’ (Calligan 2000) lexicalising the criteria for a simple caution in the crime report. As such, (4) is essentially a tick-box exercise that legitimises and steers the receiver towards an out-of-court disposal.

Verbal processes

In the third sentence there are three processes, all of them Verbal processes of ‘saying’: ‘made’, ‘stating’, and ‘expressed’.

	SAYER	VERBAL PROCESS	VERBIAGE	CIRCUMSTANCES
3(i)	SUSPECT	made	a full & frank admission	to the offence
3(ii)	SUSPECT	stating	that he had “lost it”	
3(iii)	SUSPECT	expressed	remorse	

Table 6. Verbal processes in case 1.

The verbiage component in all three contains some form of action that has been projected through the process. Specifically, the verbiage in (3i) and (3iii) implies actions and participants; ‘admission’ requires something being admitted and someone doing the ‘admitting’. Yet, ‘admission’ has been nominalised and represented as something the suspect ‘made’. The reader has to then decode the action from the NP. Similarly, the noun ‘remorse’ implies a Sayer who feels remorse and an act about which the remorse is felt or experienced. These nominalisations grammatically distance the Sayer from the actions encoded therein (I return to nominalisations later) and what he is admitting to (‘the offence’) is backgrounded syntactically to the optional Circumstantial constituent (discussed below). Compare 3(i), for example, with ‘he admitted the offence’ which syntactically positions the ‘offence’ closer to the ‘admitter’ (the suspect). The positioning of the clauses in sentence 3 also backgrounds the suspect’s negative behaviours. In (3ii), the verbiage offers a tacit explanation for the ‘offence’ (another nominalisation) by attributing it (through the report of the suspect’s direct speech) to a loss of control (‘he had “lost it”’). His ‘losing it’ is sandwiched neatly between the more honourable ‘admission’ and ‘remorse’ clauses. Additionally, the verbiage in (3ii) projects a Material-supervention process that expresses an involuntary action ‘lost it’, which euphemistically reifies the Goal-oriented Material action-intention process ‘slapped’. In Halliday’s terms this projection results in what is called a ‘metaphenomenon’ (1994: 115; Halliday and Matthiessen 2004: 441), namely ‘something that is constructed as a

participant' (1994: 115) so that, in Halliday and Matthiessen's terms, if one were to argue 'the issue is not "[did] he, or [did] he not" lose it?' but "'did he, or did he not, say these words?'" (2004: 447). Therefore, although the state of 'losing it' is presented by the officer as originating from the suspect and merely 'animated' by the officer through the reporting verb (the Verbal process 'stating'), it is presented as a 'given' in the report.

In addition to the process and participants, transitivity also considers optional bolt-on elements of grammar that it terms the 'Circumstance'. This acts syntactically like an adjunct and offers information regarding manner, place, time, causality, and so on. Grammatically, adjuncts are 'typically realized by an adverbial group or a prepositional phrase' (Halliday and Matthiessen 2004: 124). According to Halliday and Matthiessen, Circumstances 'are not directly involved in the process; rather they are attendant on it' (p. 170). There is a lot of information packaging that goes on within the Circumstantial component, particularly in police reports. This is partly due to the over-explicitness characteristic of the genre (?) as it seeks to provide the most comprehensive evidential picture possible, so the 'where', 'when', 'how' and so on are important pieces of the full picture. However, Circumstances function in other ways, too. In case 1, the circumstantial components are in bold below:

1. SUSPECT was involved in a verbal altercation **with his partner VICTIM regarding her going out & him holding the baby.**
2. **During this argument** SUSPECT slapped VICTIM **once across her left cheek** causing reddening.
3. **During interview**, SUSPECT made a **full & frank** admission **to the offence**, stating he had "lost it", he **also** expressed remorse.
4. SUSPECT has no previous convictions & has not been arrested **before**.

Of particular note, are the circumstances in (1). The information they contain is presented as a NP complement so that 'her going out & him holding the baby' are taken as 'given' information not easily open to challenge. The latter clause 'holding the baby' is typically used idiomatically to signal that the person with primary responsibility for something has refused or abandoned that responsibility (in this case, the victim has left the suspect literally and figuratively 'holding the baby') and so this clause reflects negatively on the victim. Additionally, the idiomatic structure of the clause, particularly its tense form, presents the events of 'her going out & him holding the baby' as ongoing states of affairs as opposed to one specific action on a specific day. The implication is that the suspect is doing the primary childcare while the victim avails of the freedom to do as she wishes. The victim's alleged abandonment of parental responsibility frames both the 'argument' and the 'slap' that follows in (2). Indeed, the circumstance in (2) is fronted and the 'verbal altercation' has been packaged further as the nominalised 'argument' which implies that both the suspect AND the victim are equally culpable in the event that preceded the DV incident. In summary, the effect of the transitivity patterns in case 1 present the victim as, at best, jointly responsible for the situation that precipitates the DV crime and, at the same time, presents her 'going out' and leaving her baby as unchallengeable facts. The transitivity patterns also show how the suspect's culpability has been backgrounded by substituting Material processes for Relational processes, or 'excused' through the embedding of action within

Circumstantial components. Additionally, given that out of seven processes the suspect performs, three are Verbal and one relates to him being 'involved in' an argument, it is his voice that, quite literally, dominates. It is not difficult to see how the report could be perceived as more sympathetically oriented towards the suspect and therefore invite a more lenient outcome.

Case 2: An 'allegation of harassment'

In this case, the victim contacted the police because her ex-partner was sending her 'threatening and abusive' messages. The MG3 form in the DV case is reproduced below (sentences are numbered for ease of reference):

1. VICTIM contacted the police in relation to an allegation of Harassment against her ex-partner.
2. He explained that the text messages were not threatening or abusive in any way and that he had been trying to make contact with her to ask her to stop putting horrible stuff about him onto FACEBOOK including video of him naked while he was sleeping.
3. He also stated that he had received some strange messages from her mobile phone number which looked like emails or extracts from FACEBOOK and that he had tried to text her to find out what she was doing.
4. There is evidence on SUSPECT's mobile phone that VICTIM has been texting him since her complaint and I do not believe this is as one-sided as VICTIM would have us believe.
5. I believe the way forward with this matter is to offer SUSPECT a caution.

The officer in the case (OIC) is the author of the report yet the narrative is presented from the perpetrator's point of view. Therefore, the perpetrator is the predominant focaliser (from sentence 2 onwards). If we follow the same process as before and layout the actions, agents of action, affected entities, and the result of the actions, the distribution looks like this:

	Action	Affected	Result
Suspect	explained		the text messages were not threatening or abusive in any way [had been] trying to make contact with her to ask her to stop putting horrible stuff about him onto FACEBOOK including video of him naked while he was sleeping
	stated		tried to text her to find out what she was doing
		[suspect]	received some strange messages from her mobile phone
Victim	contacted	the police	
	[had been] putting	suspect	horrible stuff about him onto FACEBOOK
	sent	suspect	strange messages
	[had been] texting	suspect	
	would have	us [police]	believe that this is one-sided
Ø		suspect	evidence that Victim has been texting him since her complaint
Police Officer	do not believe		this is as one-sided as VICTIM would have us believe
	believe		the way forward with this matter is to offer SUSPECT a caution
	offer	suspect	a caution

There are two realms or worlds of action in this case: (i) the experiential world (in black type) and (ii) the presupposed world (in grey type). Events occurring in the experiential world contain actions and results that have been experienced or claim to have been experienced directly. Events occurring in the presupposed world are accepted as given yet are not verified in or by the report and are – grammatically at least – not open to challenge (I return to this). As can be seen from the outline, the suspect is reported to have been harassing his ex-partner, yet as Figure 2 shows, most of the ‘action’ reported in the MG3 form is attributed to the victim. Indeed, the suspect ‘acts’ only twice, engaging in Verbal processes to ‘explain’ and ‘state’ information to the police. Table 7 lays out these Verbal processes.

	SAYER	VERBAL PROCESS	VERBIAGE	CIRCUMSTANCES
2	Suspect	explained	the text messages were not threatening or abusive and that he had been trying to make contact to ask her to stop putting horrible stuff including video of him	in any way with her about him onto FACEBOOK naked while he was sleeping.
3	Suspect	stated	that he had received some strange messages which looked like emails or extracts and that he had tried to text her to find out what she was doing.	from her mobile phone number from FACEBOOK

Table 7. Verbal processes in case 2.

These two Verbal processes ('explained' and 'stated') project further processes '[make] contact' (Material), 'ask' (Verbal), and 'text' (Material), all of which imply unrealised 'action' as they are prefaced with 'trying to/trying to'. Additionally, Verbal processes by definition do not act on anyone else, so the suspect does nothing to anyone in this report. In fact, the actions embedded within the suspect's projected Verbal processes reposition him as the target of harassment which mitigates his role as perpetrator set up by the opening sentence. This is supported in (3) in which he is presented as being the benefactor or 'affected' entity in a Material process of 'receiving' 'strange text messages' (Halliday and Matthiessen 2004: 191). This reconfigures him as the victim and the actual female victim as perpetrator which can be seen in Figure 3a and 3b below:

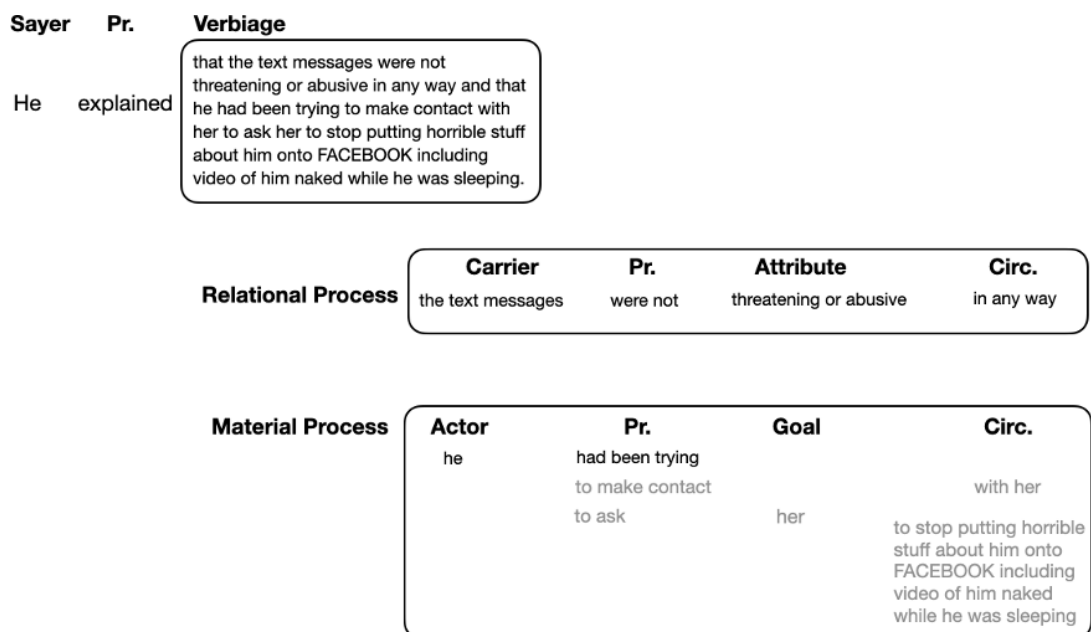


Figure 3. a

In Figure 3, the projected processes represent states of being or saying. The Relational process 'were' in (2) introduces a presupposition – that text messages exist, signalled by the definite article 'the' – and an implicit expectation that the suspect sent 'threatening or abusive' text messages to the victim, yet this is not mentioned prior to its invocation in (2) where it is introduced purely to deny it. Presumably, the victim provided this information, and it has been packaged up as an abstract nominalisation, 'allegation', in (1). The Material process 'make contact' encodes an unrealised activity as it falls under the grammatical scope of 'trying' which suggests that the suspect was unsuccessful to a degree (therefore, the process is in grey type). The use of the verb 'make [contact]' as opposed to 'contacted' nominalises the act of contacting through the morphological process of conversion (otherwise known as zero derivation which changes the word class from a verb to a noun without altering its form). Essentially, 'contact' is a noun which functions as the 'scope' of 'make' rendering 'make' lexically empty (see Halliday and Matthiessen 2004: 193). In other words, the verb choice dilutes the more (pro-)active form 'contacted'. Given that the whole proposition is governed by 'trying', the upshot is that the suspect has not been presented as (successfully) carrying out any of the actions of which he has been implicitly accused.

On the other hand, the victim is presented as acting *against* the suspect (echoing the 'against' in line 1). In (2) the report states that the suspect had been 'trying' to 'ask' the victim 'to stop putting horrible stuff about him onto FACEBOOK including video of him naked while he was sleeping'. This Verbiage contains two embedded Material processes (as was also seen in case 1) that are presented as presupposed facts through the change of state verb 'stop'. This verb carries the presupposition that the negative behaviours attributed to the victim have been ongoing in order for them to 'stop'. However, this information is not open to challenge in the report. Moreover, 'including' presupposes the existence of more of the same kind of activity than that offered by the example – in other words there are multiple instances of the victim's negative behaviour (supported by the lexically indeterminate 'stuff'). These embedded presuppositions are shown in Figure 3b:

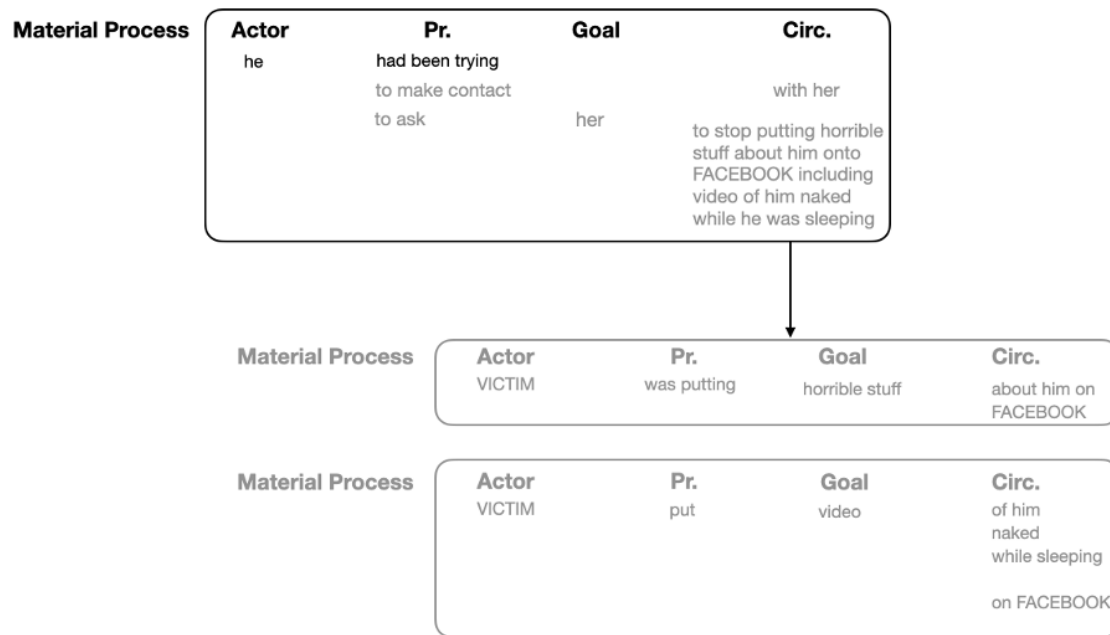


Figure 3. b

As shown, all of these processes in (2) are mediated through the Verbal process ‘explained’ which by definition suggests that the suspect offered clarity. This presents him as facilitative, helpful even, to the investigation. As mentioned earlier, he is also the focaliser which is to say that his ‘explanation’ positions him as controlling the narrative’s perspective.

Figure 4 accounts for sentence 3 of the officer’s MG3 report which is reproduced below for ease of reference:

3. He also stated that he had received some strange messages from her mobile phone number which looked like emails or extracts from FACEBOOK and that he had tried to text her to find out what she was doing.

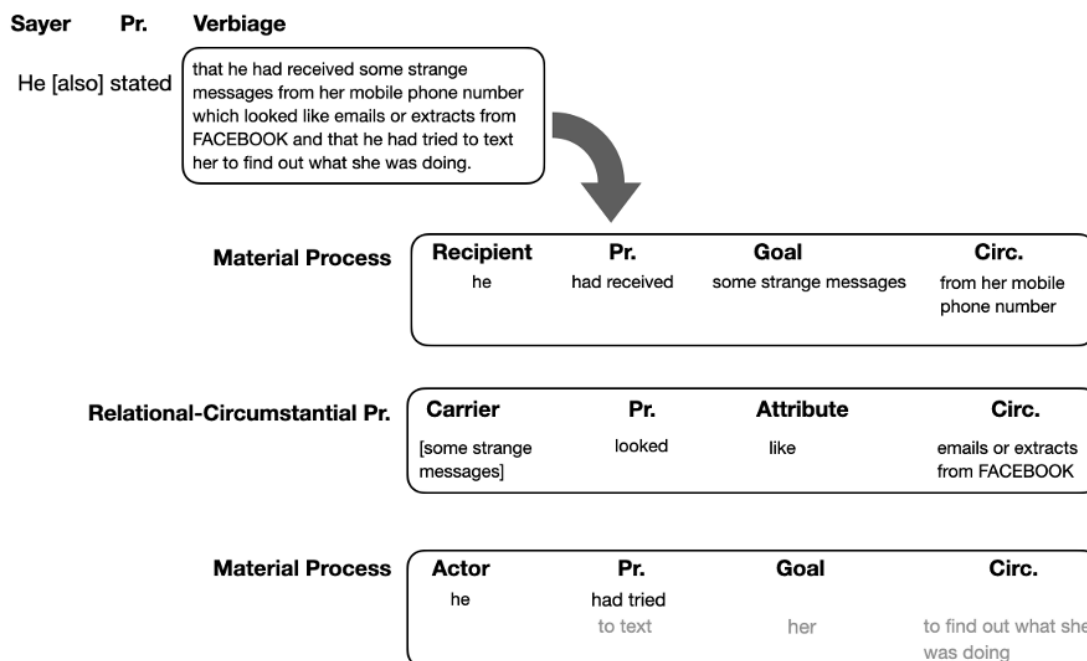


Figure 4.

In this sentence, the suspect continues to be presented as the focaliser – it is from his perspective that the event is viewed. This is demonstrable by the first Verbal process ‘stated’ which projects two further Material processes; one in which the suspect is the affected entity (‘received’) and one which presents him as ‘trying’ to fulfil two Material processes; (i) of ‘text[ing] her’ and (ii) of ‘find[ing] out what she was doing’. Secondly, the suspect’s perspective is captured through the adjective ‘strange’ which appears to be his indirect speech mediated through the reporting clause ‘he also stated’. The inclusion of ‘strange’ negatively appraises the ‘messages’ and carries attitudinal meaning. Moreover, as indirect speech it blurs the boundary between the narrator (the officer) and the focaliser (the suspect) (see Linell (1998)). To return to the Material processes, the ‘trying’ in sentence (3) echoes and reinforces the ‘trying’ in (2). ‘Trying’ suggests that the suspect’s efforts to carry out the two actions of ‘contacting’ and ‘finding out’ were hampered in some way. The reader does not need to invest much cognitive work to draw an inference that the victim ignored or obstructed his efforts given that it was she he was ‘trying’ to reach. In short, the inclusion of ‘trying’ and ‘tried to’ emphasises the suspect’s apparent helplessness to engage in a dialogue in an effort to resolve a situation in which he is presented as ‘victim’.

On the other hand, the victim is presented as a perpetrator of harassment. She is the source of ‘strange messages’ through the metonymy ‘her mobile phone number’. The officer here could be ‘doing impartiality’ (Lea and Lynn 2012) by presenting only the ‘fact’ that messages from the victim’s ‘phone number’ appear on the suspect’s phone. But of course, it would take little cognitive effort to attribute the victim as the sender of the messages, so the officer could simply be ‘covering his arse’ (Chan *et al.* 2003: 209) by providing enough evidentially relevant information for the receiver to draw the inference without explicitly signalling his epistemic commitment to that information.

The telos of the report comes in the penultimate sentence (4) which destroys the victim's credibility on the one hand, and provides 'evidence' for the suspect's victimhood on the other:

4. There is evidence on SUSPECT's mobile phone that VICTIM has been texting him since her complaint and I do not believe this is as one-sided as VICTIM would have us believe.

This is achieved through the transitivity configuration which employs an Existential process outlined in Figure 5 below:

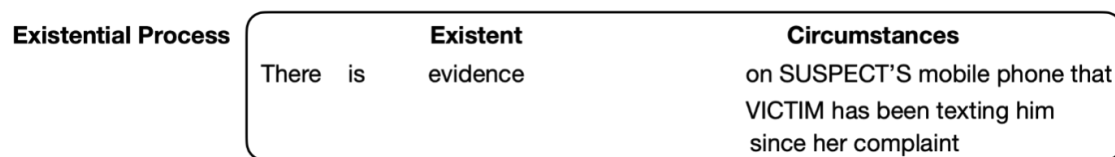


Figure 5.

That the 'VICTIM has been texting him' is a Material process; however, as an elaboration of the Existent it falls under the Circumstances constituent and serves to define the nature of the 'evidence'. As such, this Material process is taken as given and thus not open to challenge. Additionally, the packaging of this information within an Existential process removes the source of the 'evidence' so that it has not been evidenced (VP) by anyone, it simply exists as evidence (NP). The Existent presents the victim's actions as constituting this 'evidence' effectively turning the tables on the allegation so that the evidence in the case is against the victim rather than the perpetrator. This has the effect of backgrounding the suspect's role as perpetrator. This can be seen more clearly when the information in Figure 5 is fully outlined in Figure 6 to show the (embedded) Material process.

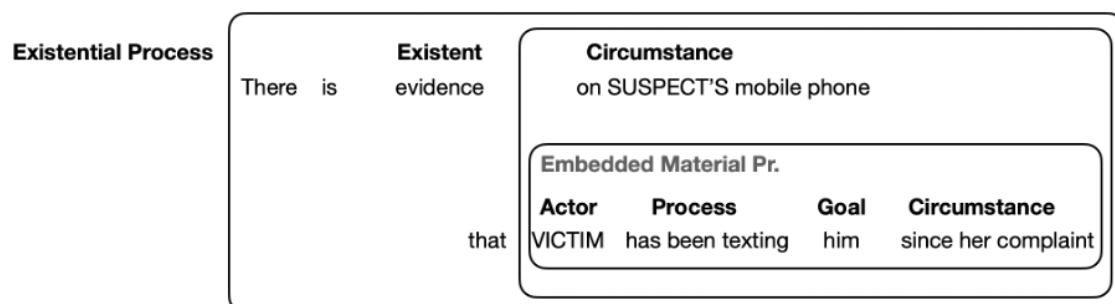


Figure 6.

In Figure 6, the Actor and Goal roles are fulfilled by the victim and suspect respectively. The report ends by connecting the above clause via a coordinating conjunction ('and') to the officer's implicit argument for leniency shown below in Figure 7a:

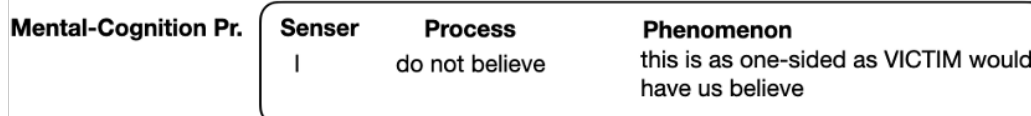


Figure 7. a

The penultimate sentence has a very interesting transitivity configuration because it uses a Material process to describe a figurative action ‘would **have** us believe’ which has the meaning ‘she wants us to believe’. Essentially, this is a Mental Process, and Mental Processes rarely, if ever, are enacted upon another entity – unlike Material processes, Mental processes have no ‘Goal’ equivalent. The ‘us’ (the police) appear as both Goal in a metaphorical Material process of ‘having’ [wanting] *and* a Senser role in a Mental-Cognition process of ‘believing’. In this way, the victim not only acts against the suspect, but also acts upon the police! Figure 7b shows the full transitivity configuration for sentence (4) with the embedded processes:

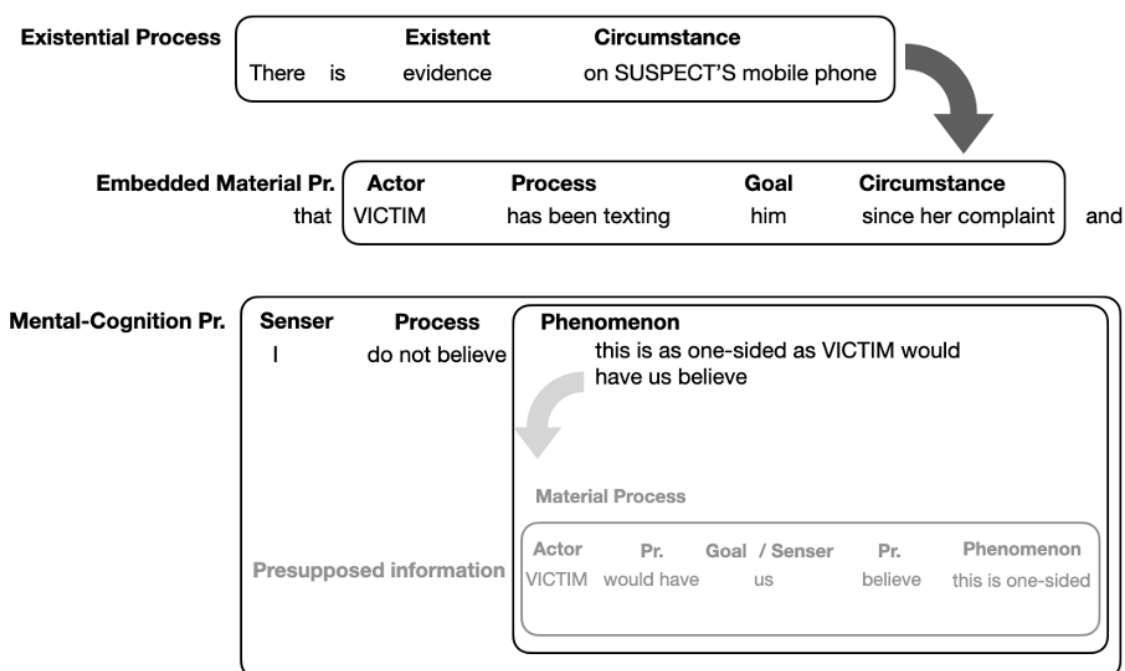


Figure 7. b

In this penultimate sentence, the officer paints the victim in a negative light. The transitivity configuration the officer uses presents himself as a Senser denying a Mental-Cognition process of ‘believing’. The rather verbose Phenomenon ‘that this is as one-sided...believe’ is a contiguous form of the NP, ‘the victim’, and could be rendered more concisely as ‘I do not believe **the victim**’. However, the form the officer does use means that this implicated meaning cannot be retrieved grammatically from the officer’s

words. Additionally, the officer's off-record assertion is hedged with a comparative ('as one-sided as') and so is arguably less contentious than 'I do not believe the victim'. This comparative structure gives rise to a presupposition (Figure 7b): that the victim has presented the domestic violence as 'one-sided' in the first place (this is not actually entailed in sentence 1, 'Victim contacted police in relation to an allegation of harassment'). The officer's Mental-Cognition process ('do not believe') is contingent on the receiver accepting the truth conditions of the presuppositional information. Another key question is to what does the 'this' in 'I do not believe **this** is as...'? The allegation? The domestic violence? Whatever way you look at it, the officer's comparative formulation, 'this is not as one-sided', gives rise to an implicature: that the victim is (to some degree) responsible (and thus culpable) for the domestic violence. Consequently, the inference that the suspect is not fully culpable means that another inference can be drawn; that the suspect need not be prosecuted through the courts. Indeed, this inference is fully lexicalised in the officer's evaluation of the incident in the final line (5): 'I believe the way forward with this matter is to offer SUSPECT a caution'. The telos is finally made clear.

Conclusion

The two cases of domestic violence analysed above both resulted in the suspects being given Simple Cautions (out-of-court disposals). The transitivity patterns in each may shed some light on why these cases did not proceed to prosecutions through the courts. In case 1, the entire report is mediated through the suspect who is the focaliser of the police-authored report. As shown, the suspect is the Sayer of the Verbal processes that present the 'facts' of the case. In case 2, from sentence (2) the suspect is the focaliser of the police-authored report whereas the victim's perspective is almost fully disregarded even though she initiated the complaint. Having 'contacted the police' in (1), the nature of her complaint is packaged into a Circumstantial constituent then nominalised ('an allegation'), as is the DV event ('harassment') which renders it agentless. The transitivity patterns in both cases background the victim's victimhood, yet she receives more narrative attention when she is presented as acting against the suspect (in case 2), or her actions are presented as precipitating (and by inference, causing) the DV event (in case 1) or she is presented as sharing responsibility for the DV event (case 2).

It is important to point out that such patterns could be examples of institutional discursive habits. As ? and others (Hall 2008; Coulthard 2002; Coulthard *et al.* 2017; Canning 2020) note, the discourse of policespeak means that by definition there are certain preferred expressions and lexico-grammatical patterns in police reports that derive from institutional stylistic habit. This does not mean that they are explicit or intentional manifestations of institutional attitudes or judgements. Taking nominalisation as an example (the process by which verb phrases are reformulated as nouns (see Billig 2008), these formulations are pervasive in police discourse and cannot be perceived by themselves to signal an intentional strategy by police scribes to background agents of specific goings-on, but the fact is that nominalisations do precisely that. The issue, then, is not that there are nominalisations at all, but rather that there exist patterns of nominalisations, for example if they occur in relation to the perpetrators' actions but not with the actions of other agents, then this linguistic 'packaging' of action could be read as attitudinally significant and or strategically motivated. Similarly, if lexico-grammatical features appear to consistently favour one perspective, voice,

focalisation over another, either inter- or intra-textually (or both), then it raises concerns about police partiality of reporting DV incidents. The current study serves as a starting point from which to investigate if and to what extent the language police officers use in writing up reports of DV could amount to ‘writing off’ crimes of DV. More work needs to be done on a wider scale to examine how pervasive such patterns are, to what or whom do they refer, and to what use(s) they are – or could be – put.

Notes

¹In the period from March 2018–March 2019. In the period ending November 2019 this figure is 6.1% (fn.3).

²Excluding Greater Manchester’s figures. These are dealt with separately by the ONS.

³‘Completed prosecutions’ is misleading because this category includes non-convictions as well as cases that for a variety of reasons do not proceed to court at all. A more appropriate term would be ‘completed cases’.

⁴Data from CPS VAWG report 2018–2019 tables. Available at: <https://www.cps.gov.uk/publication/violence-against-women-and-girls>. Accessed: 20/05/2021.

⁵Negative experiences of family court involvement have been often cited by victims of DV with some women saying ‘it was almost as bad as the 18 years of abuse’ (Stand Up To Domestic Violence (SUTDA) 2021: 115). In a survey completed by 200 victims of DV on their family court experiences, 164 answered ‘yes’ to the question ‘Did you ever feel bullied or coerced by the Court regarding [child] contact?’ (Stand Up To Domestic Violence (SUTDA) 2021).

⁶Data from 2010 was used because it was part of a wider study (Lynn 2008; Lea and Lynn 2012) prompted by the unusually high incidence of simple cautions as a method of disposal for all of the DV crimes reported in one calendar month.

⁷Halliday and others classify a further process called ‘Behavioural processes’. However, I argue elsewhere (?) that these are too close to Material processes to warrant the distinction and so have not included them here so as not to complicate the model.

⁸The term ‘assaulter’ is not a commonly used term in English – the word ‘abuser’ is more common in the context of domestic violence.

⁹I use ‘victim’ for consistency as this is the term that appears on much of the police data. Outside the forensic domain it is used interchangeably with ‘survivors’. However, it is important to note the ideological import of and resistance to the term ‘victim’ by survivors of DV as it foregrounds their ongoing status as subjected to domestic abuse (and an abuser). The term ‘survivors’ is often preferred as it acknowledges the hard work undertaken to rebuild their (and often their children’s and families’) lives after the abuse ends. As one campaigner against DV puts it ‘we were survivors as we were surviving everyday, day in day out.’ (personal communication).

References

- Berry, M. (1975). *An introduction to systemic linguistics: Structures and systems*. London: Bats.
- Billig, M. (2008). The language of critical discourse analysis: The case of nominalization. *Discourse and Society*, 19(6), 783–800.
- Calligan, S. (2000). *Points to Prove*. East Yorkshire: The New Police Bookshop, 5th ed.
- Canning, P. (2013). Functional stylistics. In M. Burke, Ed., *Routledge Handbook of Stylistics*. London: Routledge.
- Canning, P. (2020). Retelling hillsborough. In M. Lambrou, Ed., *Narrative Retellings: Stylistic Approaches*. London: Bloomsbury, 143–161.
- Chan, J., Devery, C. and Doran, S. (2003). *Fair Cop: Learning the Art of Policing*. Toronto: University of Toronto Press.
- Clark, B. (2013). *Relevance Theory*. Cambridge: Cambridge University Press.

- Clark, K. (1992). The linguistics of blame: representations of women in the sun's reporting of crimes of sexual violence. In M. Toolan, Ed., *Language, Text, and Context*. London: Routledge, 208–224.
- Coulthard, M. (2002). 'whose voice is it?' invented and concealed dialogue in written records of verbal evidence produced by the police. In J. Cotterill, Ed., *Language in the Legal Process*. London: Palgrave, 19–34.
- Coulthard, M., Johnson, A. and Wright, D. (2017). *An Introduction to Forensic Linguistics: Language in Evidence*. Abingdon: Routledge.
- Crown Prosecution Service, (2020). Violence against women and girls (data).
- Hall, P. (2008). Policespeak. In J. Gibbons and M. T. Turell, Eds., *Dimensions of Forensic Linguistics*. Amsterdam: John Benjamins, 316.
- Halliday, M. (1994). *An Introduction to Functional Grammar*. London: Hodder Arnold, 2nd ed.
- Halliday, M. A. K. and Matthiessen, C. (2004). *An Introduction to Functional Grammar*. London: Hodder Arnold, 3rd ed.
- Hanmer, J., Griffiths, S. and Jerwood, D. (1999). Arresting evidence: Domestic violence and repeat victimisation. In B. Webb, Ed., *Policing and Reducing Crime Unit: Police Research Series*. London: Home Office.
- Home Office, (2008). *Circular 016/2008: Simple Cautioning of Adult Offenders*. <https://webarchive.nationalarchives.gov.uk>. Accessed: 24/05/2021.: Office for Criminal Justice Reform (OCJR), Policy and Process.
- Home Office, (2013). *Information for Local Areas on the change to the Definition of Domestic Violence and Abuse*. Rapport interne, London.
- Lea, S. J. and Lynn, N. (2012). Dialogic reverberations: Police, domestic abuse, and the discontinuance of cases. *Journal of Interpersonal Violence*, 27(5), 3091–3114.
- Linell, P. (1998). Discourse across professional boundaries: On recontextualizations and the blending of voices in professional discourses. *Text and Talk*, 18(2), 143–157.
- Lynn, N. (2008). *Doing Policing: An inquiry into the rhetorical and argumentative skills of the police*. Unpublished phd thesis, University of Plymouth.
- Lynn, N. and Canning, P. (2021). Additions, omissions, and transformations in institutional 'retellings' of domestic violence. *Language and Law / Linguagem e Direito*, 8(1), 76–96.
- Ministry of Justice, (2013). *Review of simple cautions*, volume Available at: <https://assets.publishing.service.gov.uk/>. Accessed 15/05/2021. London: College of Policing.
- Office for National Statistics, (2020). *Domestic abuse prevalence and trends, England and Wales: year ending March 2020*. Rapport interne, Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2020>. Accessed: 10/05/2021.
- Sperber, D. and Wilson, D. (1986). *Relevance: Communication and Cognition*. Oxford: Blackwell Press.
- Stand Up To Domestic Violence (SUTDA), (2021). Victims' and survivors' overall experience in family court. Online survey conducted by Stand Up to Domestic Abuse (SUTDA) and The Secret Magistrate. 21 January 2021.