DECALOGUE FOR REQUESTING A LINGUISTICS EXPERT REPORT

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Lingüistas Forenses

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Decalogue for requesting a linguistics expert report

The aim of this decalogue is to make the discipline of forensic linguistics known to students, legal professionals and the general public. In a simple manner, it lays out the services forensic linguists provide and what lies beyond their professional scope. It goes on to describe the types of language analysis forensic linguists are most frequently asked to perform. These include written text authorship attribution, plagiarism detection, disambiguation of clauses in insurance policies, the evaluation of a translation and the assessment of a language examination to establish whether the level of difficulty is higher than the level specified in the announcement or call. Next, it describes the steps to follow when commissioning a linguistics expert report and explains how an expert in forensic linguistics usually works. Last, it gives the reader some advice on how to decide if an expert is right for a case and observes the recommended standards for professional and ethical practice in forensic linguistics.

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Forensic linguistics

Forensic linguistics is the science that studies the way in which language in texts or recordings may be of concern in legal processes or police investigations.

WHAT A FORENSIC LINGUIST DOES

A forensic linguist analyzes how language is used in written texts and audio or video recordings in order to present legal evidence. Evidence may be requested by different parties and in various situations: for example, a private individual may want to discover who is sending them messages on WhatsApp or whether their web content has been plagiarised, the police may need to decide if an arrested suspect was the caller in an emergency call, and a court of law may have to know who wrote the threatening letter sent to one of the parties in a trial.

A forensic linguist does not focus on words alone, but is able to identify linguistic patterns in an individual's communications, relate them to scientific theories and offer objective conclusions. In addition to forensic analysis methods, a forensic linguistics expert must master language and scientific language theory.

WHAT A FORENSIC LINGUIST DOES NOT DO

Forensic linguists are not concerned with any of the following:

- Psychological profiling of an author or speaker
- Psychological text interpretation
- Signature analysis
- Handwriting analysis

If they deem it appropriate, forensic linguists may recommend a client to seek expert advice in other fields from professionals who can provide complementary evidence in the client's investigation or legal process. These might include experts in computer science, handwriting analysis, or criminology.

2 Types of linguistics expert report

Whether they are working for private individuals or presenting evidence in court or to the police, forensic linguists most commonly report on the following types of language analysis:

- Written text authorship attribution
- Plagiarism detection
- Legal text disambiguation or interpretation
- Trademark analysis
- Linguistic profiling
- Speaker identification
- Audio recording sanitizing or transcription
- Audio recording authentication
- Criminal language analysis
- Translation or interpretation evaluation
- Language examination evaluation

The main tasks performed by forensic linguists are described below.

WRITTEN TEXT AUTHORSHIP ATTRIBUTION

Forensic text comparison is carried out when linguistic evidence is written. Examples of this type of evidence include emails, WhatsApp messages or Messenger chats, tweets, posts and comments in internet forums, and threat, extortion or suicide letters. The job of a forensic linguist is to compare the linguistic structures and resources in the crime-related communication with a set of texts authored by the potential suspect in order to determine whether they may be written by the same or different authors.

In this kind of report, experts perform a qualitative analysis to identify the most idiosyncratic linguistic features in the texts and, where possible, combine it with a quantitative analysis using statistical methods or semiautomatic tools.

Forensic linguists work on the premise that every individual has a unique and unrepeatable style (also known as idiolectal style) that can be analyzed and compared to that of other individuals.

PLAGIARISM DETECTION

In plagiarism cases, forensic linguists aim to determine whether a text was produced on the basis of an already existing text or the texts in dispute were produced independently. Plagiarism may be the result of copying and pasting from a source text or may only involve taking an idea from a text and rephrasing it.

Plagiarism detection analysis may be applied to texts in the same language and to texts in different languages (translingual plagiarism). In this kind of report, experts take a qualitative approach to the relevant linguistic features in the texts in or-

der to determine the similarity or difference between them, and also a quantitative approach through the use of tools specialized in plagiarism, such as CopyCatch, Turnitin or Urkund. These tools can process many text types at a high speed and compare several texts to identify the degree of matching vocabulary, shared words which occur only once, unique vocabulary and shared sentences which occur only once. However, automatic results must always be interpreted by an expert.

LEGAL TEXT DISAMBIGUATION OR INTERPRETATION

Forensic linguists also study information about potential ambiguity or alteration in institutional and legal texts, and in documents being used in a court of law, where commonly analyzed text types include agreements, contracts and clauses in insurance policies.

Experts perform qualitative analysis to determine the meaning or possible meanings of a segment in a text. They may also assess whether its degree of difficulty suits the abilities and characteristics of its target audience.

TRADEMARK ANALYSIS

Linguists may intervene to assess trademark distinctiveness and help decide whether an existing trademark has been copied by another or whether different trademarks can be easily confused.

This kind of report characterizes registered trademarks' appearance (orthography, colour, font and design), sound (phonology) and meaning (semantics), with the aim of determining how similar different trademarks are and if confusion between them is likely to occur.

LINGUISTIC PROFILING

Forensic linguists are often asked to take part in an investigation before a suspect has been identified and when only a text or recording is available.

At this stage, experts analyze these data to identify features that may indicate the author or speaker's geographic origin, usual language, language contact, age, sex, political or religious ideology, etc. This kind of report can reduce the number of possible authors of a written text or recording to facilitate an investigation and possibly identify a suspect.

SPEAKER IDENTIFICATION

Forensic speech comparison takes place when voice recordings of one or more individuals involved in a crime must be compared. These recordings may be obtained from telephone calls, security cameras, tape recorders or even WhatsApp voice messages. This kind of report com-

pares the voice in the recordings with the voice of a potential suspect to determine whether both recordings belong to the same speaker or were more likely produced by different individuals. Experts perform a linguistic analysis to identify such features as speakers' dialect, sex, age, etc. and combine it with an acoustic analysis through the use of tools specialized in acoustic speech analysis and statistical analysis to examine voice quality features and consonant and vowel quality.

AUDIO RECORDING SANITIZING OR TRANSCRIPTION

Recordings used in criminal investigations frequently contain content (background noise, comprehension problems, foreign accents) that is difficult to identify. Forensic linguists can improve the quality of audio recordings through the use of specialized analysis techniques, regardless of whether voice identification is also possible. In addition, alongside previous sanitation or in isolation, linguistics experts may also pro-

vide forensic transcriptions of audio recordings to be used in legal proceedings.

AUDIO RECORDING AUTHENTICATION

Individuals involved in legal processes may admit to appearing in an audio recording, but affirm that the recording was modified in some way to alter the message it conveys. In cases where the authenticity of a recording is called into question, this kind of report can be used to prove that a recording was tampered with through discourse analysis and the use of audio analysis software.

CRIMINAL LANGUAGE ANALYSIS

'Criminal language' refers to language used in criminal acts like defamation, blackmail, bribery or harassment. By identifying the linguistic strategies used by the criminal, experts can prove that an incriminating conversation was induced or staged by the speakers.

Similarly, an expert may also establish that the aim of a police interview or examination by a lawyer in a legal proceeding was to gather information or accuse the witness, thus confirming whether the witness or layperson was coerced into making a statement.

TRANSLATION OR INTERPRETATION EVALUATION

Forensic linguists may assess the adequacy of translations and detect mistakes, the omission of original content or ambiguities or the insertion of new content or ambiguities in the translated text. This type of report may also assess the performance of legal interpreters in legal or police settings in order

to indicate whether this may have influenced the perception of the lay-people participating in a proceeding or police interview.

LANGUAGE EXAMINATION EVALUATION

In this type of report, linguists analyze such aspects as grammar, vocabulary, phrasing, pronunciation and comprehension to establish whether the level required to answer the questions correctly corresponds to the level specified in the announcement or call.

3 Requesting a linguistics expert report

To commission a linguistics expert report you should:

- Specify the material for analysis.

- Organize the material, for example by providing anonymous samples and suspect samples separately.

- State the question you want the expert to answer about the material.

- State whether the investigation is private, police, judicial or of another nature.

- State what stage of the process you are in: like whether you are only gathering information about possible courses of action or whether you have already submitted a request for the court's permission to provide expert evidence.

- State any applicable submission deadlines or whether the job is urgent.

- Send the original material for analysis and be prepared to send more if the expert requests this.

In the case of written texts, it is advisable for the material to be sent in a digital format. Texts should be sent as text files (for example, in .docx or .txt formats) that can be processed with Word or a similar computer program. Additionally, it is preferable for experts to receive the original texts as .pdf files to verify that their content in the text files has not been altered. Audio recordings should be sent to experts as .wav, .mp3 or .mp4 files.

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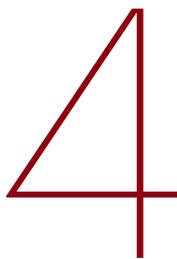
When the expert receives the material

Before they can calculate how much a job will cost and submit their quote to the client, experts must have access to all the available material, so that they can determine whether there is sufficient material for them to work with. This will depend on the quantity of the material, including the number and length of documents or recordings, and on the quality of its technical and linguistic characteristics.

In other words, experts must decide whether an analysis of the material they receive would help them reach a significant conclusion about the question posed, meaning one that shed light on the events or matter at hand. They may decide that a linguistic case can be made because the documents or recordings are sufficiently long, the language is used in a way they consider distinctive, or the meaning in the texts lends itself to multiple interpretations. However, because every case exists under unique circumstances and must be examined carefully, the most impor-

tant thing experts need to decide if they have a linguistic case is access to all the material related to the events in question.

Experts should not be expected to provide a categorical conclusion based on the results of their analyses. When a patient visits a doctor with ankle pain after a fall, the doctor may offer an expert opinion based on a physical examination, but will not able to attribute this pain to a sprain or a broken bone until an X-ray has been taken. Similarly, linguistics experts cannot be asked to be conclusive about a case before they perform and complete their analyses.

Experts usually get back to clients three or four days after they have received the material to inform them whether they are able to accept the job. If they are, this is when they send the client their quote.

Consultations are not binding for either party and any material is always handled with the utmost confidentiality.

5 Calculating the quote

In order to calculate the cost of a job, experts must assess the material. They must consider its length and linguistic difficulty and the kind of analyses they will need to conduct to provide an answer to the question posed to them.

In general, text length is measured in number of words. Linguistic difficulty will result from the text type and the observable linguistic characteristics of the text. The kind of analysis will depend on the question posed to the expert and what this person deems feasible and appropriate.

The final cost will depend on the number of working hours required. No official rates exist for linguistic expert evidence, so each expert establishes his or her own.

Experts must read or listen to the material, examine each unit of analysis (words, punctuation signs, phrases, sentences), use computer tools, consult reference manuals and dictionaries, perform statistical analyses, and plan and write up the expert report so that every part is clearly justified and articulated, and it all forms a cohesive whole.

The costs of providing expert opinion in court are not usually included in the quote, since experts are not always called in to testify. The standard practice is to submit a new quote for the provision of evidence in court and for travel, accommodation and subsistence expenses when experts are required to travel and testify as experts in court.

It should be noted that the expert opinion estimate does not only comprise the hours experts spend in court, but also the time they must devote to reviewing the case and writing their report, preparing their testimony with the lawyer, anticipating the questions they will be asked by the opposing counsel and the time they will need to take away from other tasks, etc.

The quote must describe the material that will be analyzed by the expert, the date the expert will give the client the report and the expert's fee.

6 Confirming a job

Once a client accepts a quote, it is standard practice for them to provide the expert with their full details and signature, so that an official invoice can be prepared. At this point the client also usually pays a deposit or else agrees to be billed for the total fee as this is stated in the quote.
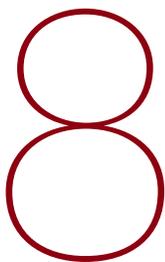
7 Being sure of a forensic linguist's expertise

Knowledge of a language is not enough to be a forensic linguistics expert. The following are some of the credentials that reputable forensic linguists must be able to show:

- A sound background in linguistics or a related discipline, such as translation, interpretation or language studies.

- Specific and thorough training in forensic linguistics that goes beyond the level of training offered in introductory or short courses.

- Specific examples of work experience in forensic linguistics.

- Publications, conference papers and projects in different areas of forensic linguistics.

- In-service training to ensure familiarity with continuous theoretical and methodological developments in the field.

- Experience in the use of scientific methods endorsed by other experts in the field.

- Membership and involvement in professional and scientific associations linked to forensic linguistics.

- Experience as a forensic linguistics expert witness.

  Note that it is standard practice for novice forensic linguists always to be supervised by a more experienced professional.

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# Being sure a forensic linguist is right for the job

Forensic linguistics experts cannot accept every job they are offered. Each expert specializes in a particular field. For example, in order to work in the field of authorship attribution, experts must specialize in forensic text comparison; for speaker identification problems, experts must be trained phoneticians; and for translation or interpretation assessments, forensic linguists must have a background in translation and interpretation.

In addition, expert linguists should generally only give an expert opinion on material that is in their native language or languages. In jobs with materials in other languages, they should be able to demonstrate both a native-like level and specialized knowledge of these languages. In such jobs, they should also work in collaboration with other experts who master the language in question.

When choosing an expert for a case, a client should not limit themselves to considering an expert's academic records, but also have access to the expert's curriculum vitae and information about such aspects as their scientific research and previous casework.
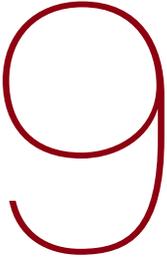
9 Alarm bells

Beware of experts who...

- ...offer reports in 48 hours by default.

  Every time an expert examines a new job, they need to read or listen to the material, assess whether the job is feasible, decide on the best approach, perform an analysis, and plan, write and review the expert report. It is unlikely that even the most efficient professionals will be able to do all this in just two days.

- ...advertise reports for 50 euros or advertise 2-for-1 deals.

  Prices are not fixed only according to the kind of work undertaken (e.g., an analysis) but to ensuring the quality of that work: the expert's degree of specialist skill and experience, the literature they consult, the tools they use, their knowledge of how to make the most of an approach and the responsibility involved in presenting evidence in court are all salient factors in fixing prices.

- ...make pre-established prices for different kinds of jobs publicly available.

Every case is different and experts must evaluate how much time each one will require.

- ...accept the job before they have access to the material.

    Experts need to assess whether a linguistic case can actually be made and this is impossible without a prior examination of the material in question.

- ...do not explain the methods they will use.

    Experts should be able to explain what sort of analysis or methods are applicable to each job and the possible restrictions that might be encountered after a preliminary assessment.

- ...do not provide information about who will prepare the report.

    Clients must be able to access the expert's curriculum vitae to decide whether they are right for the job.

- ...do not sign their reports.

    It is mandatory for expert reports to be signed by their authors.

- ...prepare expert reports signed by more than three experts without proper justification. This procedure is mandatory, for instance, when a report is prepared

10 Ethical conduct

Forensic linguists must adhere to officially recognized principles of ethical conduct. In some cases, this means the principles outlined in the Code of Practice of the International Association of Forensic Linguists; in others, it may mean these and/or the principles recommended by some other official association in their specialist area.

Experts must always be impartial, regardless of who they work for. Their conclusions will be entirely based on empirical results.

About
the author

Dr Sheila Queralt is an expert in forensic linguistics and has testified as expert witness in numerous cases. She is director of Laboratorio SQ-Lingüistas Forenses and a lecturer of bachelor's and master's degrees at several universities. Over the years, she has answered hundreds of enquiries as a forensic linguist and worked with different Spanish and international police units in cases involving corruption, breaches of cybersecurity, drug trafficking, homicide, terrorism and other crimes. Coauthor of the book *Fundamentos de la lingüística forense*, Queralt has also published many journal articles and book chapters. She is a reviewer for several high impact factor journals and sits on the board of a number of scientific committees. Finally, she is a member of numerous Spanish and international associations of forensic linguistics and forensic science.

At a national level, Laboratorio SQ-Lingüistas Forenses is the only private laboratory specialized exclusively in forensic linguistics and it is also one of the few of its kind currently existing worldwide. The experts in Laboratorio SQ-Lingüistas Forenses all hold postdoctoral qualifications and have extensive experience in legal cases in Spain and abroad.