*‘But man - let me offer you a definition - is the story-telling animal. Wherever he goes he wants to leave behind not a chaotic wake, not an empty space, but the comforting marker-buoys and trail signs of stories.’*

Graham Swift - Waterland

***Deaths after police contact in England and Wales***

Between 2004 and 2015 a total of 1539 people died after contact with the police in England and Wales (IPCC 2016). The term ‘death after police contact’ (DAPC) used throughout this paper adopts criteria utilised by the Independent Police Complaints Commission (IPCC) in regard to ‘deaths during or following police contact’ from their annual statistical analyses (see, for example IPCC 2016). Cases of DAPC in England and Wales are typically investigated by two independent organisations, the coronial system, and the IPCC. This paper focuses on the processes and practices of the coronial system as it constructs accountability in cases of DAPC. It discusses how narrative structures, conventions and devices both enable and constrain the construction of verdicts in the coronial system, and consequently affect how accountability is constructed in cases of DAPC in England and Wales.

The police occupy a symbolic position in the relationship between the state and society. This relationship is marked by key factors such as consensus, legitimacy and accountability (Reiner 2013, McLaughlin 2007). The capacity of the state and society to hold police to account in such cases is seen to be a touchstone for legitimate, transparent and consensual policing in England and Wales (Savage 2013, Smith 2009). Deaths after police contact are significant because the state bears unique responsibility for the welfare of citizens in their care, and such deaths may be viewed with suspicion by the public, hence the relevance of the coronial system in providing regulation in such cases (Shaw and Coles 2007, Levine 1999).

Numerous sources have noted the disproportionate over-representation of marginalised groups in cases of DAPC (see, for example Coles and Shaw 2012, Hannan *et al.* 2010, Fulton 2008). People from BME groups, who have mental health issues, are dependent on substances, or are homeless, are disproportionately more likely to die after police contact than other citizens (Xxxxx 2016a). Moreover, such cases are complex due to multi-causality in relation to the death, and because more than one emergency service tends to have had contact with the deceased (see, for example: IPCC 2016, Casale, Corfe and Lewis 2013).

***Coronial regulation of deaths after police contact***

Deaths after police contact in England and Wales are typically investigated in the coronial system (Parliament 2009). Cases are usually heard in public, before juries, in a forum that is inquisitorial as distinct to adversarial (Matthews 2014). A coroner’s inquest is held to be a fact-finding exercise that may not ascribe guilt or liability (Tarling 1998). Coronial inquests have manifold purposes, two of which are to investigate suspicious deaths in a public forum, and to learn lessons which may enable the prevention of future deaths (Luce 2003). The state has made numerous official pronouncements underlining how important lesson learning is in reducing the number of deaths after police contact (see, for example Fulton 2008, HAC 2010, JCHR 2004). Since the enactment of the 1998 Human Rights Act (HRA) in the UK, coroners fulfil the legal obligations of the state as set out by the European Convention on Human Rights (ECHR) in relation to deaths in state detention (Xxxxx 2016b). Coroners must pay particular regard to article 2 of the ECHR which enshrines the right to life of citizens. The significance of article 2 of the ECHR has been to impose an ‘evidential burden’ upon the state in terms of how it investigates such cases (Matthews 2014). It requires the state to provide an explanation of such a death that is satisfactory and convincing.

Coronial practice is also guided by statute and precedent (Smith 2003). The relevant legal statute is the 2009 Coroners and Justice Act, enacted in 2013 (Xxxxx 2016b). Changes to practice in inquests involving deaths in state detention have been effected primarily through precedent and are added to Coroners Rules (2013). One key change wrought by article 2 of the ECHR is the definition of ‘how an individual came to meet their death’. Prior to the enactment of the HRA 1998, this was considered to be ‘by what means’ they came to meet their death, whereas it is now interpreted as ‘in what circumstances’ (Widdicombe 2012). This has affected coronial practice at inquests into cases of DAPC. These are termed ‘article 2 inquests’ and considered to be more rigorous, and broader in scope than was previously the case (Xxxxx 2016c, Thomas, Straw and Friedman 2008). In particular, article 2 inquests consider systemic and organisational issues relating to such deaths, rather than focusing purely on what individuals did, or did not, do in relation to events leading to a death (Xxxxx 2016a, Matthews 2014). Changes to practice in inquests have also produced changes to the outcomes of article 2 inquests in the form of narrative verdicts.

***Narrative verdicts***

Prior to 2002, inquest verdicts tended to be short-form verdicts[[1]](#footnote-1). A legal precedent set in 2002 enabled juries to record narrative findings into such deaths rather than using a short-form verdict (Xxxxx 2016b). Luce (2003) believed narrative verdicts could provide clarity in contentious cases, as has now been established by coronial precedent. Narrative verdicts do not have a standardised format and can vary in length from three sentences to three pages (Xxxxx 2016a). They set out, in narrative form, the key facts the jury consider to be relevant in explaining how an individual meets their death. If collated and analysed at a national level, such verdicts could provide a way to learn lessons that prevent future deaths (Coles and Shaw 2012).

Dorries (2004) notes that narrative verdicts function as statements of findings rather than as labels, as is the case with more typically used short-form verdicts. In 2013 the Chief Coroner declared that the term ‘verdict’ should be replaced with ‘determination’, albeit that it still tends to be reported as a ‘verdict’ by the media (Matthews, 2014). Coroners typically now refer to it variously as a ‘conclusion’, a ‘determination’ or as ‘findings’ (Xxxxx 2016b). To date, narrative verdicts have received relatively little attention from academic writers. Exceptions are Scraton (2006) who examined their use in holding the prison system to account for deaths in custody; Carroll *et al*. (2012) and Hill and Cook (2011), who focused on the effect of narrative verdicts on the analysis of general mortality data; McIntosh (2012), who examined narrative verdicts in relation to providing accountability to children’s next of kin; and Pilkington *et al*. (2014), who considered the possible use of narrative verdicts to learn lessons in the aftermath of road traffic accidents. Other papers have analysed data from coroners’ reports and narrative verdicts into deaths in custody more broadly (Coles and Shaw, 2012); the deaths of young adults and children in prison (Inquest, 2015); and deaths of adults with mental health issues in detention (EHRC, 2014).

As previously noted, deaths in state detention are notable for being not only controversial, but also marked by multi-causality. Using narrative verdicts is seen to be one way in which detailed findings in relation to such deaths can be recorded, and thus enable audiences to make sense of how an individual came to meet their end (Coles and Shaw 2012). This must be qualified with the prescriptions imposed by the structural requirements of the coronial system, one cogent example of which is that juries may not ascribe liability in their verdict. Thus although narrative verdicts enable the recording of greater detail, they are also constrained by the structural requirements of the coronial system. As the coronial system in England and Wales is essentially a regional service (Chief Coroner 2014) this also affects the central collation of data recorded in narrative verdicts and necessarily limits institutional learning in such cases (Xxxxx 2016a). That narratives both enable and constrain the capacity of institutions to learn lessons in the aftermath of such deaths demonstrates that the construction of narrative verdicts exists in a complex series of contextual relationships, as is examined throughout this paper.

Narrative verdicts are increasingly used in cases of death in state detention (Xxxxx 2016b). The Ministry of Justice (2015) note that their use rose by 18% in the period 1995-2014. As they are increasingly used to record outcomes in cases of DAPC, and as such cases represent controversial deaths that go to the heart of police legitimacy and accountability, it is timely to consider how these verdicts are constructed, and what they might tell us about accountability construction in cases of DAPC in England and Wales. Because these verdicts are set out in narrative form, one of the first issues to consider is how narrative works as a function for recording the events that lead to a death after police contact.

***Narrative criminology***

Narrative criminology has emerged as a sub-discipline in criminology, although narrative has been increasingly used as a research perspective in other social-scientific and humanities disciplines for some time (Presser and Sandberg 2015). Analysing narrative approaches can aid understanding of complex criminological issues in addition to issues about which relatively little is known (see, for example Sandberg, Tutenges and Copes 2015). Thus Presser and Sandberg (2015a: 10) note: ‘The important insight for narrative criminology is that narratives are part of larger meaning-making structures and that these are embedded in social institutions.’ The situated nature of narrative in the context of wider socio-political systems is fundamental to understanding how narrative verdicts are recorded, particularly given the complex and contentious nature of cases of DAPC. Examining how coronial juries construct narratives about controversial deaths therefore considers complex issues that go beyond the coronial system and the events it considers in relation to cases of DAPC. These issues include legal and social structures, linguistic conventions, forms of discourse and official truth telling; all of which may be considered to add to the increasing trend towards narrative criminology to examine previously under-explored but relevant subjects in criminology.

Much of the extant literature on narrative criminology focuses on the narratives of offenders. Presser’s (2009) paper set out what might be called an invitation to narrative criminology in terms of using it to understand offenders’ motivations and identities; in a later (2012) paper she used a similar approach to understand the actions of a mass-murderer. Colvin (2015) considered offender narratives in terms of aiding researchers’ understanding of offenders’ actions, but also assisting in how offenders might be more effectively treated whilst incarcerated. Sandberg’s (2010) paper argued that rather than discuss whether participant narratives were truthful, it would be more productive to consider them as a way of investigating the complex interplay between culture, identities and values. His (2013) paper examined narratives produced by the Norwegian mass killer Anders Breivik in an attempt to understand the cultures and contexts that shaped his identity and thus his actions. In a later paper (Sandberg*,* Tutenges and Copes 2015), narrative types used by drug dealers were examined and argued to be ambiguous and open-ended as they contained multiple meanings and dealt with multiple contexts.

Presser and Sandberg (2015: 298) note that: ‘narrative criminology is still in the making.’ The current paper examines narrative from the perspective of juries sitting in coroners’ courts rather than from offenders’ perspectives. In coronial cases there are are no crimes, and thus no offences, because the coronial system is inquisitorial rather than adversarial: inquests set out to find the truth rather than to ascribe blame or liability. The paper considers the multiple contingencies that shape and mediate the production of such narratives, and in so doing examines ideas and concepts from literary theory, including devices and mechanisms used to construct explicable narratives. In considers the functions and structures of narrative, the contexts in which it is produced, how contextualisation enables comprehension, and the role of episodic structure and character types in facilitating the construction of comprehensible narratives. Before considering these issues, it is first necessary to discuss the nature of the data used in this paper.

***Methods***

This paper uses a dataset of 68 narrative verdicts recorded in cases of DAPC in the period 2004-15 in England and Wales. They represent the views of juries as shaped and directed by coroners in these cases and consequently provide insight into how evidence is used by juries to make sense of complex, multi-causal cases of DAPC. The data is qualitative as it represents the views of jury members deliberating on each case. Consequently, the data is rich in detail, but limited to some extent in terms of generalisability due to the relatively small sample. Although 1539 citizens died after police contact in England and Wales in this period (IPCC 2016) it cannot be known how many narrative verdicts were recorded in relation to these deaths due to the regional nature of the coronial system and its relatively limited data collation (Xxxxx 2016c, Chief Coroner 2014).

The data for this paper was subjected to framework analysis (Ritchie and Spencer, 1994). First, the researcher became familiar with the corpus of data in order to gain an overview of the nature of its contents. Secondly, familiarisation enabled a thematic framework to be constructed using matrices. Thirdly, a process of indexing took place, to break the matrices down in terms of case numbers and key issues or terms. Fourthly, charting enabled indexing to be used to make associations within and between issues and terms. For example, in the research project that was undertaken, instances of police encounters with citizens who had mental health issues could be linked to specific terms, such as police training and/or communication. Finally, charting led to a process of mapping and interpretation. Maps emerged in the form of typologies such as particular conditions like substance use, or the relationship between restraint and mental health in cases of DAPC. The process of charting and mapping led the researcher to investigate the relevance of narrative theory to the research project in terms of examining how certain structures, plot lines, and characters appeared in specific types of narratives.

***Narrative functions and structures***

Narratives exist to fulfil a purpose – in simple terms, to ‘tell a story.’ They need to be purposeful, to have coherence and direction. Berger and Luckman (1972:54) note that not only is language coercive in that it forces us into its patterns, but also transcendent as language is capable of: ‘making present a variety of objects that are spatially, temporally and socially absent from the “here and now”’. To some degree, our capacity to produce narrative is limited by our own experiences and interpretations of the world (Taylor 2016).

For Labov and Waletzky (1961) narrative has two functions. The first is referential; with narrative verdicts, this relates to institutional contexts such as statute and precedent (see, for example Matthews 2014). Key functions of the verdict are that it records who dies, where and when they died, and how they died (Levine 1999). Consequently, the verdict orients the consumer of the narrative to the individuals involved in it, the place, the time, and the behaviour of the characters involved. From this perspective, narrative must situate individuals in a time and place and establish their characteristics in order for the wider narrative to be comprehensible (see, for example Hyden 1997). Labov and Waletzky’s (1961) second function of narrative is evaluative; the evaluative nature of narrative verdicts is discussed in more detail in the second half of this paper in the examination of narrative devices such as Chekhov’s gun, Ockham’s razor, ‘specific ambiguity’ and hedging.

The structure of narrative is typified by the use of episodic sequence to construct a comprehensible story. Authors concur that the structure of a narrative largely determines the type of content used to construct a story (see, for example Labov and Waletzky 1961, Todorov and Weinstein 1969, Van Dijk 1975, Robinson 1981, Bruner 1987, Bauman and Briggs 1990). Todorov and Weinstein (1969) assert that nearly any ‘minimal complete plot’ can be characterised as follows: first, an equilibrium is created by establishing the actors present in the context of a series of events. Secondly, an imbalance occurs where this equilibrium is altered, usually by a new series of events occurring. Thirdly, a new equilibrium is established whereby an altered set of actors and series of events exists. This establishes narrative as a structure based on progressive episodes. Van Dijk (1975) charts a remarkably similar three stage structure: exposition, complication, and resolution. Labov and Waletzky (1961) identify a four stage process: orientation, complication, evaluation, and resolution. These findings chime with Innes’s (2003) research on police homicide investigation which discovered that such reports constructed an orderly narrative requiring a beginning, middle and end. Within the dataset, the great majority of narrative verdicts fit this analysis, regardless of whether they are 4 sentences in length or 4 pages. Typically, equilibrium is established by describing the deceased and the context in which they have come to the attention of the police. In the opening lines of these narrative verdicts, examples of Van Dijk’s (1975) ‘exposition’ and Labov and Waltezky’s (1961) ‘orientation’ are apparent:

**Case 66**: *‘Police stopped [the deceased] and others because, based on intelligence, they suspected that the occupants of the car may have been in possession of Class A drugs.’*

**Case 33**: *‘Following reports of [the deceased’s] behaviour, the first being reported at 8.45am, police officers attended the scene.’*

There follows a period of imbalance, or ‘complication’ (Labov and Waletzky 1961, Van Dijk 1975) whereby unfolding events are described, for example:

**Case 1**: *‘[the deceased] continued to struggle against the officers exhibiting extraordinary strength and was restrained on the floor of the cell in the prone position.’*

**Case 51:** *‘During the walk to the [police] van, [the deceased] was physically unwell due to oxygen deprivation which occurred during his restraint in the prone position.’*

Finally, a new equilibrium, or ‘resolution’ (Labov and Waletzky 1961, Van Dijk 1975) is arrived at: the death of the individual. This equilibrium is contextualised by assessing the actions or omissions of individuals involved during the period of imbalance, for example:

**Case 55**: *‘[the deceased] did not receive an appropriate examination from the M.E[[2]](#footnote-2) due to the omission of basic medical assessment. This constitutes a gross failure.’*

**Case 59:** *‘He was restrained prone until sedation was effective and was then turned over. Unfortunately, he arrested within a minute and died less than two hours later.’*

When physical characteristics are recorded in the initial stage of constructing an equilibrium they situate the individual within a context that requires action to address the situation in which police find themselves. Police are called to deal with an individual often constructed as being either potentially dangerous, diseased, or unpredictable. The police reaction tends to be constructed as rational, necessary and measured, supporting Hyden’s (1997) research that narratives structured events and behaviours in such a way as to justify the intervention of authority. Thus the contexts within which narratives are constructed need to be analysed to better understand the content, form and structure that determine the construction of narrative verdicts in cases of DAPC.

***Contexts and contextualisation***

Bauman and Briggs (1990) note six different contexts[[3]](#footnote-3) within which narrative is constructed, this paper focuses on four of these contexts in relation to narrative verdicts. First, the context of meaning relates to the overarching message of the narrative; narrative verdicts must be explicable to social audiences (Xxxxx 2016a). Secondly, the institutional context in which the narrative is constructed, in this case within the coronial system (Matthews 2014). Thirdly, the context of the communicative system used – in this case, precedents set by previous narrative verdicts recorded in the coronial system shape how future verdicts are constructed (Thomas, Straw and Friedman 2008). Finally, the context of the situation which creates conditions for the narrative to be written. This might be imagined as an extension of the institutional context in that jurors are aware of factors external to the coronial system, for example the media reporting of such cases; or of social or political events occurring at the time of the inquest such as the overarching issue of deaths in state custody.

Thus contexts create ambiguity in the construction of narratives as they are produced in a state of tension due to the nature of these complex relationships. This prompted authors (Bauman and Briggs 1990, Wilson 2015) to focus on *contextualising* narrative in terms of interactions and relationships between these contexts, hence the need to consider them dialectically. Consequently, relationships between contexts, between structure and content, and between juries and the institutional requirements of the coronial system must be taken into account when considering how narrative verdicts are constructed. Shifting contexts typically produce multiple meanings (see for example Presser and Sandberg 2015), and this mirrors the complex causality and controversial nature of many cases of DAPC (see, for example Xxxxx 2016a).

If narratives comprise multiple meanings and are constructed in multiple contexts mediated by complex relationships, then it is evident that narrative construction is marked by plural processes. Narrative is therefore polyphonic on a number of levels (see, for example Sandberg, Tutenges and Copes 2015). Belova, King and Sliwa (2008) assert that in polyphonic narrative construction, meaning emerges from multiple voices within organisations to produce a unified narrative. This occurs in a process that is multi-centred and non-linear. Sullivan and McCarthy (2008) observe that polyphonic narrative construction is an ongoing, open-ended process. Thus Hermans (2001) terms it a process of ‘ventriloquation’ (Bakhtin 1984) whereby one voice tends to speak using the voice of another, or by using another type of voice; leading him to conclude: ‘This heritage implies that the micro-context of concrete dialogical relationships cannot be understood without some concept of macro-frames’ (Hermans 2001: 264). Macro-frames shaping the construction of narrative verdicts include the institutional structure of the coronial system, the structures and convention of narrative itself, and the prevailing socio-political discourse.

Another macro-frame to consider is the tendency of inquests to create or impose order on a complex and contentious death. Writing about trauma, Wilson (2015) notes that humans struggle to process events we cannot make sense of, hence the wish to impose order on those events to better understand them. Hyden’s (1997) research into narrative construction in social work and psychiatric care found that establishing a coherent story about particular cases meant that a series of events were defined, depicted and ordered. This typically resulted in the intervention of authorities being vindicated on the basis of the acts or behaviours of the individual under the care of the authorities.

Whilst inquests produce documents that ascribe the truths of what occurred, numerous authors state that these truths tend to be highly contentious and emerge through a process of negotiating differing statements and evidence, hence the earlier discussion of dialectical relationships in the process of narrative production (see, for example McMullan 2007, Goldson 2006). Hyden (1997: 260) notes that: ‘Although the institutional, written narrative is produced in a particular social context, the narrative is, at the same time, a way to structure the institutional reality.’ Institutional reality in inquests is constructed without the lead actor being present. The story of the events leading to their death is told retrospectively, without their input (Hyden 1997, McMullan 2007). This leads Langer, Scourfield and Fincham (2008) to note that in inquests, the dead can acquire new identities. The polyphonic process that constructs narrative is both enabled and constrained by contexts and structures, and these tensions produce meanings that emerge from such relationships (Hermans 2001). Sim and Tombs (2009: 13) observe how the state tends to construct moral and symbolic issues around violence and harm: ‘Building a consensus around the essential benevolence of state institutions and their servants…while simultaneously socially constructing these same servants as living in perpetual danger from the degenerate and the desperate has been central to this process.’ In order to do this, it is necessary to establish particular types of characters, and it is to this the paper now turns.

***Character types: evaluative judgements***

Stories require characters. Assigning roles to characters in narrative is key to interpreting how they behave in particular circumstances and why certain events unfold in the way they do (Shuman and Bohmer 2004, Youngs and Canter 2012). In the dataset, when characteristics are mentioned they occur purely about the deceased; there are no instances where actors from institutional organisations are depicted in terms of characteristics. In this sense, the deceased may be seen as the ‘lead actor’, or protagonist, in the construction of the narrative, or what Bruner (1987) terms the ‘agent’. The need to ascribe official truths onto the body of the deceased is an exercise in the ‘protagonist’ being constructed through narrative without being physically present: ‘an unspeaking body is mapped and put into discourse’ (McMullan 2007: 29). The character of the individual is established (in absentia) in order to explain the context of events that subsequently unfold. In some ways, this represents a device for the jury to record aspects of the individual they find to be important in either humanising or dehumanising them, for example:

**Case 45**: *‘[The deceased] was a 39 year old family man with a partner and a very young daughter [name redacted], who was four weeks old at the time.’*

**Case 12**: ‘*He did not care for himself correctly showing signs of self neglect as during his drinking he would survive on strong cans of lager and chocolate. His dependency over the years caused him liver disease and jaundice.’*

Both of these examples are evaluative judgements made by respective juries. In the former, the deceased is constructed as a ‘family man’ whilst in the latter as a dependent individual who does not care for himself. However, both deaths occurred after the individual was arrested for being drunk and incapable. This raises the issue of sympathy and pity in accountability construction. In the first case, the ‘family man’ construct could reflect Pennington and Hastie’s (1986) view that juries infer facts based on their own experiences, much as Taylor (2016) considers the construction of narrative by authors as being constitutive of what they know, or have observed. Thus, Aradau’s (2004) observation that pity must be recognisable in order for it to be identified dovetails with both Pennington and Hastie’s (1986) and Taylor’s (2016) findings. Furthermore, she notes that pity tends to not be demonstrated in cases where ‘ills’ have been self-inflicted or are perceived as being dangerous to the community (Aradau 2004). Thus, while neither case above represents a perceived threat to the community, the latter is less deserving of sympathy because his ‘ill’ is self-inflicted. This illustrates Fairclough’s (2003) assertion that in discourse, evaluations are made through phrases rather than through statements, hence the phrases ‘family man’ and ‘strong cans of lager and chocolate’ serve as shorthand for wider meanings, and supports Daftary-Kapur, Dumas and Penrod’s (2010) observation that juries tend to use ‘heuristic shortcuts’ in order to construct comprehensible narratives.

These observations parallel Sim’s (2004: 125) view of ‘moral regulation’ in official documents whereby words are shaped to fit a certain discourse of social order. It suggests the de-legitimisation of certain marginalised groups in society using a process Reiner (2010) terms ‘de-incorporation’. In this sense: ‘dramatistic troubles are individual embodiments of deeper cultural crises’ (Bruner 1987: 19). Hence the capacity for juries to record observations about individuals who have died after police contact, such as:

**Case 23**: *‘moaning and groaning’, ‘growling’, ‘sweating, naked and had blood on his forehead’.*

The last-mentioned of these phrases is repeated three times.

**Case 46**: ‘*moaning, groaning and growling’*.

The individuals are constructed as being incomprehensible and consequently posing an unknown threat to officers attending the scene. Atavistic characteristics can also be noted in the following comment:

**Case 12**: *‘He was on occasion found around known [place redacted] locations drunk, doubly incontinent and infested.’*

The subjective nature of narrative construction enables juries to record whatever they deem relevant. This leads one to consider what character types might be used in narrative construction. As Bruner (1987: 15) notes: ‘Life narratives obviously reflect the prevailing theories about “possible lives” that are part of one’s culture.’ In the examples discussed above, the characteristics of the deceased are established in terms of values ascribed by the jury, echoing Berger and Luckman’s (1972: 91) view that: ‘Every putative actor of role X can be held responsible for abiding by the standards, which can be taught as institutional tradition and used to verify the credentials of all performers.’ Thus enquiry transforms subjective terms into objective truths (McMullan 2007, Foucault 1994). The construction of actors as types in narrative, such as substance users, or those with mental health issues has been acknowledged in this section; the following section considers how those actors fit into plot types and stories within narrative structures.

***‘Chekhov’s gun’: constructing conditions***

There are, then, boundaries that determine what can and cannot be said in official discourse about cases of DAPC. Constraining influences include institutional parameters, narrative structure and conventions, character types, social norms, and official discourse. This brings into question what sort of devices and structures juries use to construct narrative verdicts. As discussed above, establishing character types is one way in which individuals may be slotted into narrative structures, but such types can also function as predictors of future behaviour and events.

Narratives possess dramaturgical elements (Todorov and Weinstein 1969, Bruner 1987). In literary theory, the axiom of ‘Chekhov’s gun’ relates to a basic principle in staging a theatre production. This states that if the director has placed a gun on the wall in the first episode of the play, it should be used by the final episode. There would be no need to hang it on the wall were it not to be used. As such, it is a prop introduced early in the narrative whose full significance only becomes apparent towards the conclusion of the narrative (Scott 2012, Gilbey 2011). The concept is part of a wider explanatory system in literary theory termed ‘foreshadowing’ (Pettijohn and Radvansky 2016, Booker 2004). It has been established that narrative verdicts follow an episodic structure. Foreshadowing in this sense establishes key details in the narrative at an early stage in order to contextualise events that subsequently occur. The majority of examples in the dataset situate the deceased individual within a recognisable frame. This might be as substance abusers, homeless individuals, or those with mental health issues. Examples from the opening lines of narrative verdicts include:

**Case 7**: *‘[The deceased] was a 28 year old male suffering from schizophrenia and diabetes. He was 6ft tall and obese.’*

**Case 61:** *‘The deceased was an epileptic whose compliance with his medication was variable.’*

**Case 29:** *‘[The deceased] was a single man aged 29 who had abused drugs, particularly heroin and cocaine for many years.’*

In this sense ‘Chekhov’s gun’ can be imagined not as a weapon but as a form of legitimisation that foreshadows the future actions or interventions of police. If the individual is constructed in terms of their pathologies (Sim 2004) it suggests an inevitability within the context of the narrative that police will have to react to those pathologies if called upon by the public, or other services. By implication, then, it will be the original ‘condition’ of the individual which is predominantly focused upon in the narrative as distinct to subsequent actions or omissions by state agents that may have contributed to their death (Hyden 1997, McMullan 2007). Consequently, to some extent, the deceased is constructed as having a role in initiating their own death. In this sense, the story, which is, after all, told retrospectively, is over as soon as it has begun (Taylor 2016). Contextualising an element of pathology at an early stage of the narrative, appears to signal that an individual is an ‘accident waiting to happen’.

***Ockham’s razor: cutting through complexity***

Juries deal with complex cases involving individuals from marginalised groups, involving multi-agency contact, and multi-causal reasons for death in the context of a coronial system they have little knowledge or experience of. It is perhaps not surprising that juries fall back onto narrative devices in the form of narrative structures, personal characteristics, and their own experiences when constructing accountability in such cases. Another explanatory device is Ockham’s razor, which states that the most logical available explanation for an event is the most acceptable (Taliaferro 1996). Whilst the principle is ascribed to Ockham in the fourteenth century, according to Böhner (1958) it pre-dates him and is an Aristotlean proposition. Böhner states that it is a ‘principle of economy’ in philosophical thought as it favours a singular rather than plural explanation - providing a singular explanation appears probable. Ockham’s view might be best encapsulated as: ‘What can be explained by the assumption of fewer things is vainly explained by the assumption of more things’ (cited in Böhner 1962: xxi). Thus a desire for simplicity rejects the need to look further than the most likely explanation. Ockham’s Razor still holds as an empiricist method of assessing epistemology. In this sense, Agassi and Meidan (2008) posit that although it is limiting from a methodological perspective, it is still a powerful hypothetical principle used by lay-persons to understand complex issues.

Research on juries (of any sort) is limited (see Baldwin 2000). However, a strain within the extant literature suggests that juries tend to select verdicts based on explicable stories that fit their understanding of the evidence in the case. Pennington and Hastie (1986: 243) assert story construction is commonly used by juries, notably by adopting a 3 stage episodic process that conceives of events as having a: ‘beginning causing a development causing an ending’. This echoes the findings of Todorov and Weinstein (1969), Van Dijk (1975) and Labov and Waletzky (1961). Spottswood (2013: 148) notes that juries’: ‘reasoning tends to invoke “story structures”’ to construct comprehensible narratives that make sense of complex evidence. Therefore, it appears that juries might utilise known structures to cut through the complexity of the cases they assess in the coronial system.

Taylor (2016) notes that humans use narrative to search for singular causes for events, even whilst acknowledging that such events are multi-causal. In his analysis, this occurs because we extrapolate our experiences from generalisations about what we know and use them to make sense of stories told to us. Once we have weighed up and sifted the evidence, we tend to make a judgement that ‘serves to underpin a moral assessment’ (Taylor 2016: 295), much as was seen in the evaluative examples earlier. Thus he provides an example that even a lengthy academic tome on the First World War will seek to attribute a few significant causes to it, while noting that the overarching causes may have been manifold and complex.

Chekhov’s gun and Ockham’s razor represent devices used in narrative to enable the construction of a comprehensible narrative that is explicable to social audiences. In this sense, they are examples of structures used by juries to make sense of, by way of simplification, the complexity inherent in cases of DAPC. The third example, discussed below, suggests a somewhat converse reaction. ‘Hedging’ and ‘specific ambiguity’ represent instances where aspects of the institutional structure within the coronial system effectively produce opacity and ambiguity in the construction of narrative verdicts.

***‘Hedging’ and* ‘*specific ambiguity’***

Two discursive practices are principally at play in the construction of narrative verdicts. First, the discursive practice of language, and secondly the discursive practice of institutional processes. One fits within the other, and their dynamic relationship exists as a dialectical process that constructs accountability in the form of narrative verdicts. Emerging from these processes of dialectical contextualisation are manifestations I term ‘hedging’ and ‘specific ambiguity.’

The language permitted in the coronial system constrains narrative construction in the way that acts or omissions are recorded, as it is not possible to ascribe guilt or liability in an inquest. This, however, has not prevented the construction of some highly critical narrative verdicts. What is notable about the more critical verdicts is their ability to hedge with words and formulate sentences that are more emphatic than others. In discourse analysis this is termed ‘modality’ (Melia 2003). Below, a rising scale of critical statements are outlined, beginning with the relatively cautious:

**Case 9**: *‘Had the appropriate precautions and actions been taken death may have been prevented.’*

**Case 20**: *‘These failings represented a significant loss of opportunity to properly care for and protect [the deceased]’.*

Through to the more emphatic:

**Case 7**: *‘In all probability, if [the deceased’s] position had been changed and oxygen administered, his chance of survival would have greatly increased.*

**Case 28**: *Question: ‘Are there any further issues which you consider more than minimally contributed towards the death of [the deceased], and if so what are they?’*

*Answer:*

*‘Lack of management support and a lack of confidence in management, reflecting in low morale. Therefore the level of care was insufficient.*

*NHS staff allowed personal issues to affect their judgement & performance.*

*Inadequate nursing records & failure to utilise them*.’

To the overtly emphatic:

**Case 37**: *‘We unanimously agree that on the balance of probabilities, the omissions of the ambulance crew contributed to [the deceased’s] death.’*

One objective of an inquest is to uncover facts about how the individual came to meet their death. In terms of definitions, the words *blame* and *liability* are synonymous with being *responsible*. The latter specifically relates to legal responsibility. In terms of narrative construction, the onus is placed on juries and coroners to develop a lexicon that can identify acts or omissions without ascribing liability. In this sense, the narrative that is constructed occurs as a result of multiple factors. It is a polyphonic process in the sense that its meaning develops from multiple voices and dialectics to produce a unified whole (Belova, King and Sliwa 2008, Hermans 2001). Thus there are a number of phrases that sound unusual in conventional language, for example the repeated use of ‘more than minimally contributed to’ (used in one-fifth of cases in the data set) in relation to actions or omissions leading to a death. Furthermore, there are examples of statements which are hedged to a point where they need to be read more than once to fully appreciate their meaning, for example:

**Case 37**: *‘We do not find on the balance of probabilities deficiencies in the ambulance crew’s training caused or contributed to the cause of [the deceased’s] death.’*

In this sense the practice of hedging, caused by a number of structural constraints in the production of narrative verdicts leads to a degree of what I term ‘specific ambiguity.’ Statements are specific in the sense that consideration is given to the formulation of sentences or statements. They are not typically expositions that would occur in lay-persons’ discourse. Woods (2006), writing about discourse and law, observes the use of language in law as being characterised by arcane vocabulary and sentence formulation that demands a specialised lexicon. He goes on to posit that statements: ‘frequently result in forms of language which are unusually and even outlandishly explicit, but which can be remarkably vague and open to subjective interpretation or semantic debate’ (Woods 2006: 94). The formulations are considered, measured and specific to the discursive forum in which they are produced.

The narrative verdict is not necessarily a unified document, it can include aspects that appear to be at odds with the overall drift of the narrative, and this apparent lack of coherence can be summed up by Belova, King and Sliwa’s (2008: 495) view of polyphony in organisational meaning, that it: ‘respresent[s] complex webs of sense-making activities between groups and individuals whose understandings do not simply form a logical sequence but intersect, clash and interfere with each other.’ The use of narrative produces more specific detail in the construction of accountability in cases of DAPC, principally because of the discursive practice of narrative formation, yet this must co-exist with the discursive institutional practices within which narrative is constructed. This complex relationship can produce ambiguity and opacity. Writing about discourse analysis, Fairclough (1992: 83) notes that: ‘Coherence is often treated as a property of texts, but is better regarded as a property of interpretations.’ Thus discrete sections of the text might be coherent, but the entirety of it might not. It could be argued that the way in which the story is told is more consistent than elements within it, suggesting the discursive practice of narrative might override the discursive practices of the coronial system.

***Conclusion***

Narrative is constructed in a mediated and polyphonic way to produce an officially recorded version of events in cases of DAPC. In this sense it is the result of various relationships and tensions inherent within its production. The use of concepts in narrative theory enables the examination of a complex and difficult to reach subject by using narrative verdicts to uncover what they may say about cases of DAPC in England and Wales. Analysing the relationships between different structures involved in the construction of narrative verdicts is key to understanding how they are produced, and how that affects what they tell us about cases of DAPC. In the first instance, Article 2 of the ECHR has been enforced upon the state, and this has affected the way in which cases of DAPC are regulated in the coronial system in England and Wales. That a supra-national structure has enforced change is notable, not least because of the government’s stated desire to leave the ECHR in the wake of Brexit (Human Rights Watch 2015).

Structural change in the context of coronial practice was driven by the precedent of narrative verdicts being recorded more frequently in cases of DAPC. To some degree, institutional structures within the coronial system constrain how narrative verdicts are constructed. Investigating the structures, processes and style of narrative construction enabled an examination of how narrative verdicts are constructed. Evidently juries use types of story construction they are familiar with, not least by using episodic structures to present a relatively orderly and comprehensible narrative that is not only explicable to them, but to wider social audiences. In this sense, the supra-national structure of the ECHR and the institutional structures of the coronial system co-exist with socio-cultural structures in the form of narrative convention. This extends to the inscription of values and judgements within narrative by way of devices such as foreshadowing (in the guise of Chekhov’s gun) and the simplification of causality (in the form of Ockham’s razor). The relationships between these structures also produces ‘hedging’ and ‘specific ambiguity’, which, rather than simplify the narrative, tend to make it more equivocal. In this sense, coronial structures inhibit what can be said, but juries appear to use agency to test the boundaries of those structures, and this results in aspects of the narrative verdict being critical, or rather opaque.

In the wider analysis, narrative verdicts are part of a coronial system that purports to learn lessons that prevent future deaths. But in the absence of a system to analyse their content, and because the coronial system is regional, not only is the content of narrative verdicts open to question in terms of learning such lessons, but so is the structure within which they are produced. Initially, narrative verdicts were considered a way in which to shine a light on complex cases, and to hold the state to account in cases of suspicious deaths in custody. It appears that these verdicts are circumscribed to some degree in terms of what they can say, and that they have limited value in terms of providing data that enable lessons to be learned due to the structural limitations of the coronial system in England and Wales.

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1. There is insufficient space to list all of these, but common types are ‘suicide’, ‘death by misadventure’, ‘open’, and ‘natural causes’ (see, for example, Ministry of Justice, 2014; Dorries, 2004) [↑](#footnote-ref-1)
2. Medical Examiner [↑](#footnote-ref-2)
3. The two contexts not considered here are ‘social base’ and ‘individual context’ (Bauman and Briggs 1990: 68) which relate to the contexts of speech and performance in narrative. [↑](#footnote-ref-3)