

Detection of Deception: Research vs. Reality

Over the years researchers in the academic community have conducted a number of research studies on an investigator's ability to detect deception; more specifically these studies have attempted to determine if the nonverbal and verbal behavior symptoms that are used by practitioners to help them assess the credibility of suspects are, in fact, reliable indicators of truth or deception.

In the overwhelming majority of these studies the results have been rather dismal, essentially suggesting that nonverbal behaviors (and to a lesser extent verbal cues) offer little value in assessing a suspect's credibility. (Bond and De Paulo, "Accuracy of deception judgments", *Personality and Social Psychology Review*, 2006.)

In light of these results, why would field practitioners place any reliance on the behavior displayed by a suspect during an investigative interview for indications of truth or deception? One reason is that the vast majority of research studies do not mirror the context and structure of real life interviews that are conducted in the field, and, as a result, have very little relevancy to the real world.

Here are some of the problems with many of the academic research studies conducted to date:

1. **Many studies involve college students committing mock crimes, or individuals describing a scene that they claimed to have witnessed.** In each instance the investigator/reviewer has to determine whether or not the subject is telling the truth or engaging in deception. However, the motivation of these students and "witnesses" to mislead or deceive the interviewer pales in comparison to a real life guilty suspect who is actively trying to conceal the fact that he committed the homicide that is the focus of the investigation, as well as the motivation of a real life innocent suspect who clearly wants to make certain that the investigator knows that they had nothing to do with the murder.
2. **In most studies the person conducting the interview has no experience or training on how to conduct effective investigative interviews.**
3. **The studies do not employ the type of structured interview process that is commonly employed by investigators in the field.** In fact, in some studies the researchers try to emulate a real life interview and it is clear that they do not understand the process, and in some instances they even use interrogation techniques in what should be a non-accusatory interview. (Kassin and Fong, "I'm Innocent!: Effects of Training on Judgments of Truth and Deception in the Interrogation Room," *Law and Human Behavior*, 1999.)
4. **In most studies there is no attempt to establish the behavioral baseline of the subject.** One of the fundamental principles of evaluating a suspect's behavioral responses is to establish their behavioral norm and then look for changes from

that norm - every subject has their own mannerisms, speech patterns, vocabulary, etc. Consequently, without knowing the individual's normal behavioral patterns trying to discern if specific behaviors they exhibit are suggestive of truth or deception becomes nearly impossible because there is no point of reference. Once an investigator becomes familiar with a suspect's normal behavior, it is easier to identify whether or not behaviors that are typically associated with deception (such as poor eye contact, uncooperative attitude, non-contracted denials, qualification phrases, etc) are the result of trying to deceive or inherent within the suspect.

5. **In most research studies the interview is evaluated in a vacuum.** In the real world the investigative interview of a subject takes place in the context of an investigation. For example, by the time the investigators interview a suspect they may already have developed information about the subject's relationship with the victim, their whereabouts at the time of the crime, their financial situation, and other relevant background material. Furthermore, they may already have developed evidence that implicates the suspect – eyewitnesses, DNA, trace evidence, etc. In the research studies the “suspects” are interviewed in a vacuum with the investigator conducting the interview without any background information as to how the suspect fits in to the investigation. In the real world if a subject provides an alibi during their interview that is later substantiated by the police, the “deceptive” behavior that they exhibited in the interview is clearly not caused by the fact that they committed the crime – there is obviously some extraneous factor that caused such behavior (possibly guilty knowledge for example).

In the research studies the investigator is asked to make a decision as to the subject's truthfulness based solely on the “behavior” he exhibited during the interview. In the real world the investigator makes a judgment about the suspect's possible involvement in the commission of the crime under investigation based on the suspect's behavior and the case evidence and facts.

6. **All of the research studies are conducted on the basis of a faulty premise – namely, that specific verbal and nonverbal behaviors indicate deception.** As we say in our text, “There are no unique behaviors associated with truthfulness or deception.” The behavioral observations an investigator makes of a suspect do not specifically correlate to truth or deception. Rather, they [particularly some nonverbal and paralinguistic behaviors] reflect the subject's internal emotional state experienced during a response. These emotions can range from anger, confidence, and certainty to fear, guilt, apprehension, or embarrassment. Clearly, some of these emotions are more closely associated with truthfulness (confidence, certainty, conviction) and others with deception (fear, guilt, apprehension, conflict). Behavior analysis, therefore involves making inferences about a subject's truthfulness based on behavioral observations, none of which are unique

to telling the truth or lying. In many instances the verbal response from the guilty subject may actually represent a truthful statement if interpreted literally, but they are evasive answers:

I: "Where did you park your car last night?"

A: "I usually park it on the north end of the lot, that's the closest to my apartment."

In field investigations the focus of the investigative interview process is to determine whether or not the suspect is involved in committing the crime under investigation, not whether a specific answer is true or false.

7. **In the research studies there is no allowance made for the various factors that can affect a subject's behavior** – the physical condition of the subject (medications), mental capacity, psychological stability, personality disorders, level of social responsibility, maturity, and cultural differences. In our text we have eleven pages of discussion regarding the various factors the investigator must consider in evaluating a subject's behavioral responses.
8. **In the research studies there is very little, if any, consideration given to assessing the subject's nonverbal behaviors in relationship to the verbal responses.** For example, a truthful suspect who is experiencing guilt, uncertainty and fear on the question "Who do you suspect may have started this fire?" because they are reluctant to disclose their suspicions for fear of reprisals, may engage in posture changes, poor eye contact, grooming gestures and verbal hesitancy when they answer, "...I don't want to point a finger at anyone....I'm not sure." On the other hand, a deceptive suspect who is providing a false alibi may experience exactly the same emotions and, therefore, the same behavioral nonverbal responses. The only way these behavioral responses can be meaningfully interpreted is by asking the question, "Are they appropriate given the verbal content of the statement?"

As some academicians began to recognize the weaknesses of these research studies they deigned new research efforts to address some of the issues enumerated above.

Research Confirms Investigators Ability to Detect Deception Increases When High Stakes Lies are Involved (addressing point1 above)

In the study entitled "Police Lie Detection Accuracy: The Effect of Lie Scenario" (*Law and Human Behavior*, February 2009) the authors point out the following in their abstract:

"Although most people are not better than chance in detecting deception, some groups of police professionals have demonstrated significant lie detection accuracy. One reason for this difference may be that the types of lies police are asked to judge in scientific

experiments often do not represent the types of lies they see in their profession. Across 23 studies, involving 31 different police groups in eight countries, police tested with lie detection scenarios using high stakes lies (i.e., the lie was personally involving and/or resulted in substantial rewards or punishments for the liar) were significantly more accurate than law enforcement officials tested with low stakes lies.”

As the authors stated in the discussion of these results, “The results suggest that police professionals perform significantly better when they are judging material that is high stakes, and therefore, more similar behaviorally to what they experience on the job.... The results suggest that it is a mistake to generalize from mean lie detection accuracy estimates obtained from college students....”

Research Confirms Detection of Deception Accuracy Increases When Evaluators with Training and Experience Evaluate the Credibility of Real Life Suspects
(addressing points 1 and 2 above)

In their research paper entitled, “Detecting True Lies: Police Officers’ Ability to Detect Suspects’ Lies,” (*Journal of Applied Psychology*, 2004) the authors asked 99 police officers to “judge the veracity of people in real-life high-stakes situations.” The authors describe this study as unique because they tested “police officers’ ability to distinguish between truths and lies in a realistic setting (during police interviews with suspects), rather than in an artificial laboratory setting.” The results were that “the “accuracy rates were higher than those typically found in deception research. Accuracy was positively correlated with perceived experience in interviewing suspects and with mentioning cues to detecting deceit that relate to a suspect’s story [training].”

The authors specifically report that “Police manuals typically give the impression that police officers who are experienced in interviewing suspects are good lie detectors (Inbau, Reid, Buckley and Jayne, 1986, 2001). Although previous research could not support this view whatsoever, our study, superior in terms of ecological validity over previous research, revealed that these claims are true...Police officers can detect truths and lies above the level of chance, and accuracy is related to experience with interviewing suspects.”

Another study that demonstrates that police officers achieve a significant degree of accuracy in detecting deception when reviewing the video taped interviews of real life suspects is, “Police Officers’ judgments of veracity, tenseness, cognitive load and attempted behavioural control in real-life police interviews,” (*Psychology, Crime & Law*, 2006).

Research Confirms the Value of Training in an Investigator’s Ability to Detect Deception (addressing point 2 above)

In their research paper entitled, “Strategic Use of Evidence During Police Interviews: When Training to Detect Deception Works,” (*Law and Human Behavior*, 2006) the authors report that trained interviewers “obtained a considerably higher deception detection accuracy rate (85.4%) than untrained interviewers.” In this study 82 college students participated in a mock theft investigation – some were assigned the role of a

truthful person and others a deceptive person. They were subsequently interviewed about their possible involvement in the theft by police trainees – half of whom were trained in the use of specific interviewing techniques while the other half did not receive this training. The interviewers who had received training obtained an overall accuracy of 85.4% (85% for truthful subjects and 85.7% for deceptive subjects). The interviewers who were not trained achieved an overall accuracy rate of 56.1% (57.1% for truthful subjects and 55% for deceptive subjects).

Research Confirms Interviewing Strategy Taught by Reid (addressing point 3 above)

One of the tenets of The Reid Technique, and, in fact, of any well designed interview, is to withhold relevant information (including incriminating evidence) from the subject to see whether or not the subject discloses that information of his own volition, or if he tries to conceal it from the investigator. For example, at our training seminars we often show the videotaped interview of a bank teller who was being questioned about missing money. At one point during the interview the investigator asked the subject to relate to him her activities on the day in question, even though the investigator had in his possession the teller's tape that indicated exactly at what time she had her various transactions on the day in question. Rather than saying to the subject, "I see based on your teller tape that you sold \$5,000 in twenties to the vault at 11:37 in the morning – is that correct?" he invited her to relate the sequence of events on the day in question to see if she included all of the events that he was already aware of (as most truthful subjects do) or if she would leave out some of the relevant information from her story, possibly hoping that the investigator was not aware of the concealed information (which is more typical of a deceptive individual.)

In our book, *Criminal Interrogation and Confessions*, we state:

"If the investigator has specific information about the suspect's past (for example a prior arrest) or specific information that links the suspect to the crime scene (for example an eye witness who saw the suspect leave the scene of a fire), this information should not be revealed until the suspect is asked a question about it. A suspect who lies about such matters (for example, denies any previous arrests or denies being in the area of the crime) is much more likely to be involved in the incident under investigation." (page 113)

In a paper entitled, "Detecting Deception Via Strategic Disclosure of Evidence," published in *Law and Human Behavior*, (2005) the authors reported the value of following the above described interviewing strategy. In a mock crime scenario they found that it was more effective for the interviewer to conceal incriminating evidence against the subject (that there were eye-witnesses and that their fingerprints were found near the stolen item) when they asked them to tell their story, than when they revealed this information to the subject and then gave them a chance to explain the evidence away with a non-incriminating explanation.

Reid Behavior Analysis Interview (BAI) structure (addressing point 3 above)

In our book, *Criminal Interrogation and Confessions*, we devote Chapter 8, *Formulating Interview Questions*, to the topic of the importance of asking open-ended questions in the investigative Interview (BAI). The chapter contains such sections as:

- Asking an initial open question
- Phrasing open questions
- Eliciting a full response
- Evaluating the response to an open question
- Clarifying the open account
- Asking direct questions
- Asking follow-up questions

In the training manual that we provide to the students who attend our seminar on The Reid Technique of Interviewing and Interrogation we devote several pages to the Cognitive Interview process (which is designed to help enhance the victim and/or witness' memory of the event) as well as the importance of evaluating a witness or victim's account by beginning with a broad, open ended-question, such as:

“Please tell me everything concerning your injuries.”

“Please tell me everything that you did after 6:00 p.m. last night.”

Recent research has confirmed the value of these techniques. In a study conducted by Dr. Brent Snook and Kathy Keating of the psychology department at Memorial University of Newfoundland, their results, which will be published later this year in the journal *Legal and Criminological Psychology*, conclude, in part, that asking open-ended questions enhances the flow of information - "We estimate that between 20 and 30% of all questions asked should be open-ended." The authors further state that some “officers interviewing witnesses are potentially reducing the amount of information retrieved by talking too much, asking too many closed-end questions, and failing to adhere to science-based methods for mining memory.”

Research confirms detection of deception substantially better than chance if viewed in context (addressing point 5 above)

In their new research article, "Content in Context Improves Deception Detection Accuracy" (2010) the authors (J. Pete Blair, Timothy R. Levine and Allison S. Shaw) report on 10 studies that they conducted regarding the investigator's ability to detect deception when the interview is placed in context. They concluded, "The results of the tests presented here are overwhelming. When judges were asked to make deception judgments with some meaningful contextual information, they performed significantly better than chance and significantly better than 40 + years of research suggests they would. Clearly, knowledge of the environment in which deception occurs facilitates accurate deception judgments beyond what is possible based on observations of

nonverbal leakage. Given the large amount of variation explained by the differences in environments (context), deception theories will be enhanced by explicitly recognizing the impact of context."

In the Reid Technique we teach that there are four rules to be followed in the evaluation of a subject's behavior symptoms:

1. Establish the subject's normal Behavioral pattern and then look for changes from that norm or baseline
2. Read all nonverbal behavior for timing and consistency
3. Nonverbal and paralinguistic behaviors should be evaluated in context with the verbal responses.
4. Read behavioral cluster - the overall behavioral pattern - not single, isolated observations
5. Always evaluate behavior symptoms in conjunction with the case evidence and facts

Clearly the high accuracy rates we achieve is based on the fact that a subject's behavior should never be evaluated as a single determining factor, but always in context - always in conjunction with the case facts and evidence.

Criminal social psychology research confirms the foundation of the Reid Nine Steps of Interrogation - theme development

In a recent article entitled "Bridging the Gap Between Research and Practice: How Neutralization Theory Can Inform Reid Interrogations of Identity Thieves", the authors point out that the foundation of the Reid Nine Steps of Interrogation (specifically theme development) is grounded in strong psychological principles - in this case neutralization theory.

As the authors state:

"Themes are the heart of interrogations in that they serve to psychologically excuse the suspect's behaviors. By voicing excuses as to why the suspect's behavior is acceptable, interrogators may be able to break down some of the existing mental, psychological, and physical barriers. Once the suspect realizes that interrogators understand and are sympathetic to the situation, there is a greater chance the suspect will discuss the crime or incident. The objective of the interview is to uncover the truth, and themes are one of the most effective methods to get the suspect to explain the act or situation in question (Leo 1996).....

As previously explained, themes are detailed scenarios developed by interrogators that are based on the neutralization (or neutralizations) that offenders use to make sense of their actions. By increasing their knowledge on the varying types of neutralizations that offenders use for different types of crimes, interrogators will increase their chances of obtaining confessions. In what follows, we show how

research examining the neutralizations used by identity thieves can inform and guide police in their interrogations using the Reid Technique."