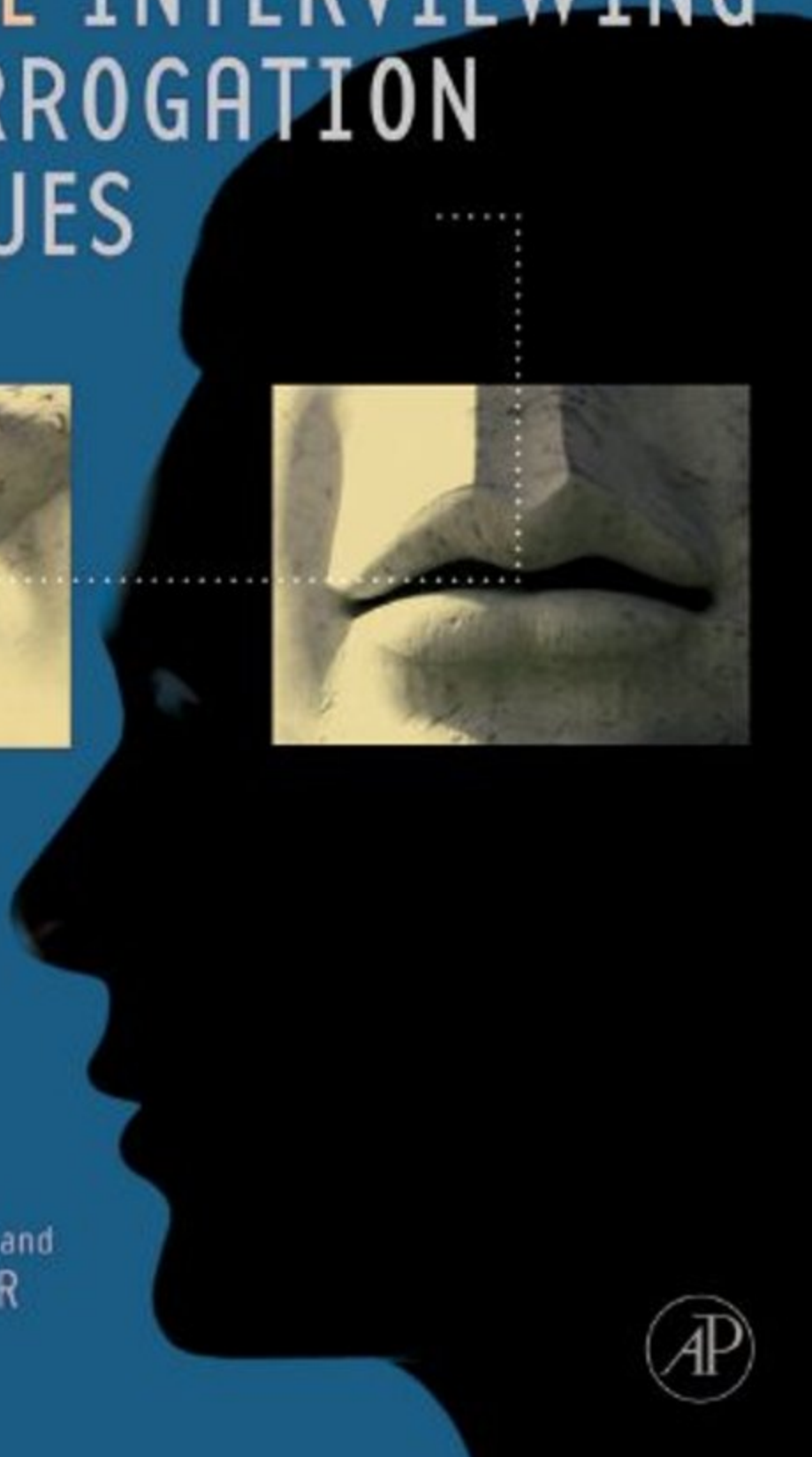
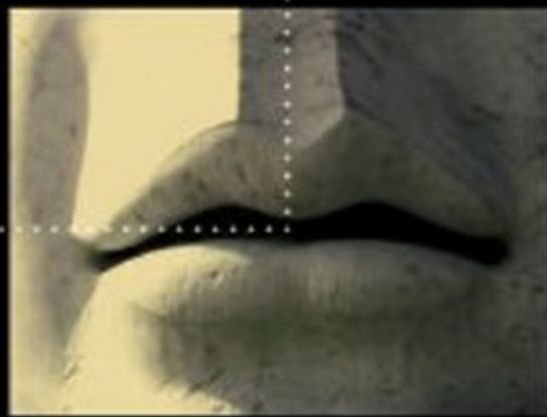


# EFFECTIVE INTERVIEWING AND INTERROGATION TECHNIQUES



Third Edition

NATHAN J. GORDON and  
WILLIAM L. FLEISHER



EFFECTIVE INTERVIEWING  
AND INTERROGATION  
TECHNIQUES

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THIRD EDITION

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# Foreword

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How do you know when someone is lying? This age-old question is answered convincingly in the third edition of Nathan Gordon and William Fleisher's *Effective Interviewing and Interrogation Techniques*. Gordon and Fleisher provide a tour de force of practical and scientific knowledge drawn from the authors' decades of experience as preeminent experts in the field.

The attempt to prevaricate and deceive, born of fundamental instincts for self-preservation, takes as many forms as human ingenuity can devise. The evolution of techniques designed to ferret out the truth provides a fascinating and enlightening preface to this highly readable "how-to" guide to reliable methods of questioning, observation, and analysis.

Those same self-protective mechanisms, hard-wired into all of us, provide the skilled examiner the basis to form judgments about who is lying and who is responding truthfully. For it is the observable clues provided by our autonomic nervous system to focused questioning that allow the trained interrogator to separate the liars from the truth-tellers. In clear and concise language, punctuated by illuminating examples drawn from real-life situations, Fleisher and Gordon show us how the psychological/physiological ramifications of the "flight or fight" and "freeze or hide" instincts betray the prevaricator. Going beyond theory to practical application of scientific learning, the authors provide a guide

to highly usable and proven effective techniques and tradecraft for both interviewing possible suspects and interrogating likely perpetrators. The forensic assessment interview technique (FAINT) is the keystone to practical application of the scientific and practical knowledge developed earlier in the book. Again, the use of case studies to illustrate effective application of these techniques adds greatly to the reader's appreciation of their value.

Although the third edition of *Effective Interviewing and Interrogation Techniques* provides a definitive resource for law enforcement and security professionals, others with an interest in identifying prevaricators – prosecutors, criminal defense lawyers, and civil litigators – will also appreciate learning the tricks of the trade revealed in this book. I speak from personal experience – I have known Bill Fleisher since he was a rookie special agent with the FBI and I was a federal prosecutor investigating fraud and official corruption. Later, when we were each in private practice, Bill helped me expose a lying witness, leading ultimately to a defense verdict in a civil suit involving a claim against a major corporation for more than a billion dollars. You will find, as I have, that not only do these observations and techniques make sense – they work!

Richard Ben-Veniste is a partner in the international law firm of Mayer Brown LLP.

# Preface

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Humans possess three basic social instincts: they are aggressive, territorial, and tribal. What this means is that non-socialized humans, when left to their own instinctual devices, will take whatever they can, from whomever or wherever they can, while protecting their own territories and families (clans) from aggressors. These instincts are not applicable to abstract ideals or territories, in that humans will associate with and protect only their own families (or clans) and live in their own territories, if they can. All others and all other property are fair game if instinct is the primary ground for behavior.

In entering society, however willingly, we set aside using our instincts as our sole guide. Society usually cannot permit instinctual, essentially selfish behavior; participation in society requires cooperative, complex, considerate and, often, selfless behavior. It establishes institutions and controls that promote its behavioral expectations. Its social institutions—religion, government, law, politics, art, sports, taboos, etc.—have evolved to help socialize and redirect natural, aggressive instincts toward positive and socially approved ends.

Whenever social institutions and/or controls break down, humans tend to revert back to their primitive instincts of aggression, territoriality, and clannishness. Current history leaves little doubt that this is the way with humans; just look at the trouble spots of the world: whether it is Kosovo, Rwanda, or the major cities, whenever social comparatives and institutions falter, there

is conflict—undisguised aggression based upon territoriality and tribalness.

However socialized, our instincts, in fact, remain strong: perhaps the strongest and least socialized being our survival instinct. Where socialization fails, instincts direct the behavior of both criminals and tyrants. But instincts they remain, and when they are at work, no matter how subtly, they leave a psycho-physiological trail: detectable signs and signals. We can sadly point to the horrendous events in the summer of 2005, when law and order broke down in fabled New Orleans during Hurricane Katrina, as a classic example of human instincts run amuck.

Understanding this psycho-physiological trail enables professional investigators to increase their ability to determine the truth; not a small task, in that knowing the truth is probably the single most important factor in the functioning of society. We need to know whom to trust and whom to rely upon, as trust and interdependence are the glue that holds society together. Thus, the need to ascertain whether someone has violated the norms of trust and therefore represents a threat to an individual or society as a whole is essential to our continued well-being.

Individuals who pose threats rarely announce themselves. Thus, while the results of deviant behavior are often painfully obvious, the perpetrators frequently are not. When identified as suspects, alleged perpetrators may lie, dissemble, and/or cover up their connections to their acts.

Penetrating this wall of deception and the separation of the innocent from the

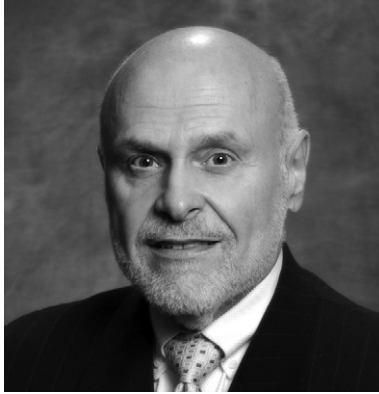
guilty are the crux of police work. To increase the efficiency and reliability of that process is the function of this book. The authors intend to give the investigator a critical insight into human behavior, which will enable him to become a better interviewer, a better interrogator and, most importantly, an expert detector of truthful and deceptive behavior.

### **A Note about Gender**

The use of “he” and “his” throughout implies no gender bias, and is used to avoid the awkward use of “he/she” and “his/her.”

# About the Authors

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**Nathan J. Gordon** is Director of the Academy for Scientific Investigative Training, where he developed the Forensic Assessment Interview and Integrated Interrogation Technique. He is an expert forensic psychophysiological and an internationally recognized expert in the field of Forensic Assessment Interviewing and Interrogation. He has lectured and conducted seminars on these subjects to thousands of law enforcement, intelligence, and private security officers throughout the United States, Africa, Europe, and Asia.

Mr. Gordon, a recognized innovator in the field of truth verification, has had his work recognized in publications including *Forensic Psychophysiology: Use of the Polygraph*, by James Allen Matte. He is the 2010 President of the American Polygraph Association and has served as president of the Pennsylvania Polygraph Association and president of the International Forensic Psychophysiological Institutes Association. He is a Director of

the Vidocq Society, where he received the prestigious Vidocq Medal of Honor for his assistance in solving a 14-year-old cold-case homicide. Mr. Gordon lives in Philadelphia, Pennsylvania, with his wife, three children, and two grandsons.



**William L. Fleisher** is Director of Keystone Intelligence Network, Inc. He retired as Deputy Special Agent in Charge of the Philadelphia office of the U.S. Customs Service. Mr. Fleisher is a former special agent with the Federal Bureau of Investigation and a supervisor with the Philadelphia Police Department. He has more than 42 years of experience in law enforcement and investigation and has been a polygraph examiner since 1975.

An internationally recognized expert in Behavior Symptom Analysis, Mr. Fleisher is the author of the U.S. Customs technical

manual on Behavioral Symptom Analysis. Mr. Fleisher is the recipient of the Customs Service Distinguished Service Medal and Award for his efforts in developing interviewing techniques for customs inspectors. He has lectured worldwide on interviewing and polygraph techniques and is the cofounder and first Commissioner of the world-renowned Vidocq Society, an organization of forensic experts, which assists law enforcement and victims' families in solving unsolved homicides. He is also a member of the American Polygraph Association, International Association of the

Chiefs of Police, and the American Society of Industrial Security and is a Certified Fraud Examiner. Mr. Fleisher was recognized in the November 2001 issue of *Philadelphia* magazine as one the "76 Smartest Philadelphians," and the "go to guy" for other private investigators who need direction in complicated investigations. He is also featured prominently in *New York Times* bestselling author Michael Capuzzo's book *The Murder Room*. Mr. Fleisher lives in Cherry Hill, New Jersey, with his wife Michelle, four children, and two grandchildren.

# Acknowledgments

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The authors would like to acknowledge and thank those pioneers who have led the way in the art of interviewing, interrogation, and truth verification. Professionals such as Leonarde Keeler, John Reid, Cleve Backster, Richard Arther, Warren Holmes, Joseph Buckley, Philip Cochetti, Stanley Abrams, James Matte, Avinoam Sapir, Milt Addison, Norm Ansley, Ron Decker, Ed Gelb, Murlene McKinnon, Dave Sykes, Ray Morgan, Frank Horvath, Gordon Barland, and the many other men and women “in the trenches,” who like Diogenes, have led the search for the truth.

The authors would like to give special recognition to Philip M. Cochetti, who served as the Assistant Director of the Academy for Scientific Investigative Training from 1980–1988. It was during this time that many of the ideas shared in this book were developed and his contributions are greatly appreciated.

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Over the years, the authors have had the distinct pleasure of meeting and training some of the finest individuals from all over

the world. These students have come from Switzerland, South Africa, Singapore, Israel, Egypt, Dubai, Saudi Arabia, Mexico, Canada, Netherlands, France, Korea, South America, Taiwan, and the United States of America, with one thing in common—a desire to make the world better through forensic science. We thank you for your trust in us.

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And a very special thanks to Amy Gordon, who taught the authors the true meaning of love.

The authors wish to dedicate this book in memory of Lee G. Feathers, a member of the first graduating class of the Academy for Scientific Investigative Training. Lee went on to become one of the finest polygraph examiners and interrogators in the northeastern United States—thanks, Lee, for your friendship and insight into interviewing and interrogation.

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# The Search for Truth

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The need to detect deception is hardly a twentieth-century phenomenon; humans have always needed to distinguish between the trustworthy and the untrustworthy. Agreed, to some small extent there is an inherent conflict in that both truth and deception have their places: they are necessary for individual and social survival. There are times when truth serves a socially destructive purpose or when small truths aren't useful in a larger context. However, in the great majority of cases, deception is used to hide or disguise the truth to the detriment of society. The question is, how can we separate harmless lies from harmful ones and, more to the point, harmful lies from necessary truth? Those for whom the lies are useful work against solving the problem. They know that for the lie to do its job, it must not be detectable—or, at least, not detectable before escape or attack is possible.

Ever since small familial groups of humans banded together for mutual social benefit, or for protection of person and property, humankind has been plagued by individuals whose practices deviate from the societal covenant. The activities of these individuals, if not checked, could and sometimes did destroy the societal group as a whole. Given that, the ability to detect lies to identify individuals who cannot be trusted has been vital to both physical and social survival. The search for a reliable means to identify the untrustworthy is as ancient as humankind. Some techniques were founded in superstition and/or the religious belief that a moral god would in some way reveal the truth and disallow immorality. Many of these attempts, in fact, had some psychological or physiological basis; other methods relied solely on fear of continued pain and **torture**.

What is interesting about human behavior is that it has not changed since Biblical times. In fact, the very first clue to human behavior appeared in the Book of Genesis. It is the story of Eve influencing Adam to eat the fruit of the forbidden tree. Having eaten it, Adam and Eve were imbued with knowledge and realized they were naked. When they heard God's voice, they were ashamed and hid themselves. God asked Adam why he was hiding. Adam replied that they were naked and ashamed. God asked Adam how he knew he was naked: did he eat from the fruit that was forbidden? Adam replied, "The woman Thou gave me made me eat thereof." When God asked Eve about that, Eve stated, "The snake beguiled me into eating the forbidden fruit." Although the authors are paraphrasing the story, it is obvious that things have not changed much since the Garden of Eden [1]. Persons accused almost always look for someone else to blame for their situation. Often, it is the victim they



blame. This is an excellent example of how humans rationalize to escape punishment and conceal the truth.

The earliest form of lie detection probably was **trial by combat**, resolving an issue through strength of arms. In primitive hunting tactics, it was not uncommon for hunters to shoot an arrow or spear into an animal that would only wound it. The hunter would then track the wounded animal until it died either from loss of blood or from the poison often used on the arrow tip. Consider the problem of two primitive hunters who approach a fallen prey. Each believes it was his arrow or spear that killed it, and that it belongs to him; they refuse to compromise. As simplistic as it seems, each sees himself as making a truthful claim and the other as not. To decide the “truth,” which actually means possession, they engage in combat. The ideal assumption is that the individual with truth on his side will prevail. However, the most cunning and skilled of the combatants usually was victorious and thus declared himself as having the rightful claim.

This scenario had changed very little by medieval times. It was then customary that knights engaged in mortal combat to decide whose lord was in the right in any given controversy. Although the practice was functionally the same as trial by combat, the ethical premise was different. It was held that the knight representing the truth would be victorious because of “divine intervention”—that is, that a just God would not allow injustice to prevail.

Even today, on any given weekend night, a police officer may be called to a club or bar where two men are about to engage in combat to determine which of them is telling the truth about whom the woman seated between them is really with. As you can see, the test of “trial by combat” lives on.

The next development in the search for truth was **trial by ordeal** [2]. It was once again assumed that God would intervene on behalf of the innocent; that is, God would protect any innocent individual from harm, as was the case with Daniel in the lion’s den. Although these attempts to detect truth appeared to be laden with religious beliefs, they were in fact based on practical observations of both psychological and physiological phenomena, which play an important role in truth-finding processes.

For example, in China, in approximately 1000 BC, it was common practice to have an accused person chew a handful of crushed dry rice, and then attempt to spit it out (certainly not much of an ordeal) [3]. If the rice became wet, and therefore easy to spit out, the person was considered truthful. If the rice was dry and it stuck to the suspect’s mouth when he tried to spit it out, then he was thought to be lying. Divine intervention was not involved in this outcome as much as was the salivary gland. This somewhat benign test was based on the physiological phenomenon of inhibited salivary gland activity caused by fear or stress. The truthful individual had normal salivary gland activity, causing the rice to become wet and easy to spit out. The stressed or deceptive person had a dry mouth, and the crushed rice in his mouth remained dry and when he attempted to spit it out it stuck to his mouth. It is unclear how the Chinese arrived at their test for truth—whether they merely observed that liars’ mouths remained dry, or had some understanding that the autonomic nervous system inhibits salivation and all digestive processes when an individual is under serious threat. It should be noted that Chinese traditional medicine has been around for some 5000 years.

Interestingly, testing for a dry mouth was, and still is, found in a wide range of unrelated cultures worldwide. The most severe version of these tests often consisted of putting some kind of red-hot metal object on the tongue. If the person were truthful, the normal saliva in the mouth protected the tongue, acting as a “heat sink” to dissipate the burning. If the person were lying, the mouth would be dry, and the hot metal would burn the unprotected tongue. Even today, in some countries in the Middle East, it is common that the accused in minor cases can choose this traditional method to assert his innocence [4].

In various societies, truth tests were developed whose premises were psychological, not physiological. Trial by the “sacred ass” is a classic psychological test that was practiced in India around 500 BC [2]. In this test, a donkey was staked out in the center of a pitch-dark hut. The suspects were told that inside the hut was a “sacred ass” that could differentiate between a truthful person and a liar. It did this by braying only when the guilty (lying) person pulled its tail. They were also told the animal would remain silent if an innocent (truthful) person pulled its tail.

Each suspect was directed to go into the hut alone, with specific instructions to pull the tail of the “sacred ass.” What the suspects did not know was that the priests had covered the donkey’s tail with lamp black. A truthful individual, having nothing to fear, entered the dark hut and pulled the donkey’s tail. The donkey may or may not have brayed, but those who were innocent came out with soot all over their hands. A guilty party, on the other hand, would enter and, not wanting to risk disclosing his guilt, would not touch the donkey’s tail. He might promise it a carrot, or stroke its head, but he would not pull the tail. After all, he believed if he did not touch the tail of the “sacred ass,” it would have no reason to bray, and the priests would incorrectly identify him as truthful. The elegantly simple truth was that because he did not pull the tail, it was easy for the priests to properly identify him as the culprit by his clean hands.

In the 1950s, rumors have it, the Philadelphia Police Department had a detective division that innovated an interesting psychological test for truth. The suspect was seated in a chair. One detective stood behind him holding a thick telephone book; the other one stood directly in front of him. The latter detective informed the suspect that he was going to ask him some questions, and as long as he answered questions truthfully, there would be no problem. The suspect was also told, however, that if he lied, the detective standing behind him would hit him in the head with the telephone book. “It won’t leave any marks,” he was told, “but it will hurt like hell!” The detective would then begin with some irrelevant questions: “Is your name James Smith?” “Were you born in Pennsylvania?” “Do you reside at 412 Mercy Street?” Then the detective would ask a strong relevant question: “Did you steal that missing deposit?” and they would observe whether or not the suspect flinched or ducked as he answered the question, indicating he anticipated being hit with the phone book because he was lying. This was an involuntary reflective reaction that would only occur when a person knew he was lying and anticipated being hit.

Society’s next advancement in its search for truth was trial by torture. This had a dichotomous effect for law enforcement. Every crime could be solved by confession; unfortunately, it was not always solved by identifying the actual perpetrator of the crime! The assumption was that the innocent suspect would withstand any amount of suffering to preserve his reputation and, in religious societies, his immortal soul. In reality, given enough

pain, any man might confess, and most torturers knew that. The “trial,” in fact, became indistinguishable from the punishment itself and was justified in that the “truth seekers” found almost everyone guilty. Trial by torture was the method of justice during the infamous witch hunts and inquisitions in Europe.

These latter are of particular interest, because they did not have as their basis the seeking of truth. Rather, the method addressed a perceived threat from forces whose existence could not be proven. Thus, trials by torture were not always designed to find truth, but sometimes to justify and validate the prejudices and fears of the society and the claims of its leaders. Such “trials” were commonplace during the Middle Ages and the Renaissance and continued into more recent periods when people believed that witches or some other group (e.g., Jews, Communists, reactionaries, homosexuals) threatened the social order.

In the past, there were two ways in which an inquisitor attempted to prove a person was a witch [5]:

1. By finding the “Devil’s Mark,” or
2. By getting a confession.

The Devil’s Mark was an alleged spot on a witch’s body that showed she had been attached to the Devil (much as we have a navel where we were once attached to our mothers). Although the Devil’s Mark was invisible, it could be found because it was a spot on the witch’s body that would not bleed. Suspected witches were tied down and continuously pricked as the inquisitors searched for the spot. It is not known how many witches were discovered by finding the elusive mark; however, many “witches” confessed during the process. Unfortunately, trial by torture is still used today to solve “crimes” by confession, the solution of the crime being of greater importance than whether the suspect is guilty or innocent. This was unfortunately demonstrated when treatment of detainees and prisoners at Abu Ghraib and other holding areas by United States interviewers and interrogators was revealed [6]. More about torture is found in Chapter 14 of this book.

As civilized societies searched for a more just and credible way to separate the innocent from the guilty, trial by torture lost credibility and was replaced by trial by jury. Although the jury in its early form was not made up of one’s peers, it is the origin of our judicial system in which the “Finder of Fact,” either a judge or a jury of peers, listens to evidence introduced by witnesses. The Finder of Fact then decides the defendant’s guilt or innocence based on some standard of proof.

As is still the case in our current judicial system, this involves the evaluation of objective facts—that is, data that can be confirmed physically—and the testimony of competent witnesses and experts. The latter involves the subjective interpretation of the witnesses’ credibility and/or expertise by the judge or jury and, among other things, is subject to manipulation by a clever liar. Although the jury system proved more humane and more just, the Finder of Fact’s inability to separate truth from deception in complex cases leaves it seriously flawed.

The infamous Dreyfus case, in which a Jewish-French army officer was falsely convicted by fabricated evidence and a prejudiced court, focused attention on the need for a better means of detecting liars and their fabrications. That need was experimentally addressed in a series of scientific attempts beginning in late nineteenth-century Europe. By this time, the scientific community had a basic understanding of the autonomic nervous system.

Scientists understood the physiological changes that occurred in the human body caused by fear and stress and correctly assumed that those changes would occur when a suspect experienced the fear of being caught in a lie. The research centered on finding a reliable and timely means of measuring those changes.

In the early 1890s, Angelo Mosso, an Italian physiologist, studied the effect of fear on the cardiovascular and respiratory systems. Mosso was particularly interested in measuring circulatory flow changes in the body. He developed a mechanical device known as the "Scientific Cradle," often called "Mosso's Cradle." This device was nothing more than a balanced, table-like platform, mounted on a fulcrum [2].

Mosso theorized that the flow of blood to the head changes during emotional stress, such as that caused by fear of detection. This, he believed, explained why a person's face flushes or whitens during emotional states. He theorized that this sudden change of blood flow to the brain caused by fear would result in a slight shift in the subject's body weight, and thus a corresponding measurable movement of the cradle.

Mosso proposed he could analyze the lines drawn on the kymograph and determine the credibility of the witness. There is, however, no evidence that Mosso ever put his theory into practice. In all probability, the device was too crude and unreliable to make the kind of measurements that Mosso would have needed.

In 1895, Cesare Lombroso, an acquaintance of Mosso, applied the use of more precise instrumentation sensitive to changes in volumetric displacement to measure emotional changes and detect deception. Lombroso postulated:

It is well known that any emotion that makes the heartbeat to quicken or become slower causes humans to blush or pale. These vasomotor phenomena are entirely beyond our comparative. If we plunge our hands into the volumetric tank invented by Francis Frank, the level of the liquid registered on the tube above will rise and fall at every pulsation. Besides these regular fluctuations, variations may be observed which correspond to every stimulation of the senses, every thought, and above all, every emotion [2].

The "volumetric glove," developed by Patrizi, was considered an improvement over the volumetric tank. The suspect put his hand in a sealed rubber glove filled with air. Changes in air pressure due to heart pulsations were then recorded on a Marey tympanum and on a revolving cylinder covered with smoked paper.

Lombroso's daughter writes in *The Criminal Man*:

My father sometimes made successful use of the plethysmograph to discover whether an accused person was guilty of the crime imputed to him, by mentioning it suddenly while his hands were in the plethysmograph or placing the photograph of the victim before his eyes.

Lombroso became the first person to use scientific instrumentation successfully in the detection of deception. He is considered the father of modern criminology. He is also known for his less than scientific theory of physiognomy, which was a system he developed to identify persons prone to criminal behavior based on their physiology and bone structure.

Luigi Galvani, in his 1791 paper "Animal Electricity," had developed a theory that electricity flowed through living organisms and that differences in this electricity could be measured. Galvani erroneously reached this conclusion when he mistakenly noticed a

dissected frog's leg muscle contract, but didn't note that the muscle accidentally came into contact with a piece of metal containing an electrical charge. His theory was wrong; there is no animal electricity of the sort that Galvani had postulated. However, the principle of electrical conductivity aroused the interest of other scientists in his field.

One of the scientists who had followed Galvani's experiments, Hans Christian Oersted, discovered a connection between electricity and magnetism. His work intrigued André Ampère, who published a paper on September 18, 1820, concerning an instrument he constructed to measure the strength of electrical currents. In honor of Galvani, Ampère named his instrument a "galvanometer" [7].

In 1897, Harold Sticker became the first person to suggest the application of the galvanometer for detecting deception [2]. Sticker, a psychologist, experimented on sweat gland secretion as a measure of psychological stress. In pursuit of his data, he was the first experimenter to apply Ampère's principle to measure physiological change. Sticker's research was not original: it was an extension of research completed by Adamkiewicz, who had already demonstrated that sweat gland activity was linked to the mental processes [2]. Sticker simply applied the principle, theorizing that stress would lead to increases in the secretion of the sweat glands. He believed that changes in skin conductivity caused by sweating could be measured; that a galvanometer attached to a person would allow the observation of galvanic skin response (GSR), changes in the body's resistance to small charges of electricity; and that the GSR reflected changes in the subject's mental excitation. Sticker further suggested that the use of the GSR, together with showing the person pictures or asking questions, would stimulate emotional responses that could then be reliably measured physiologically.

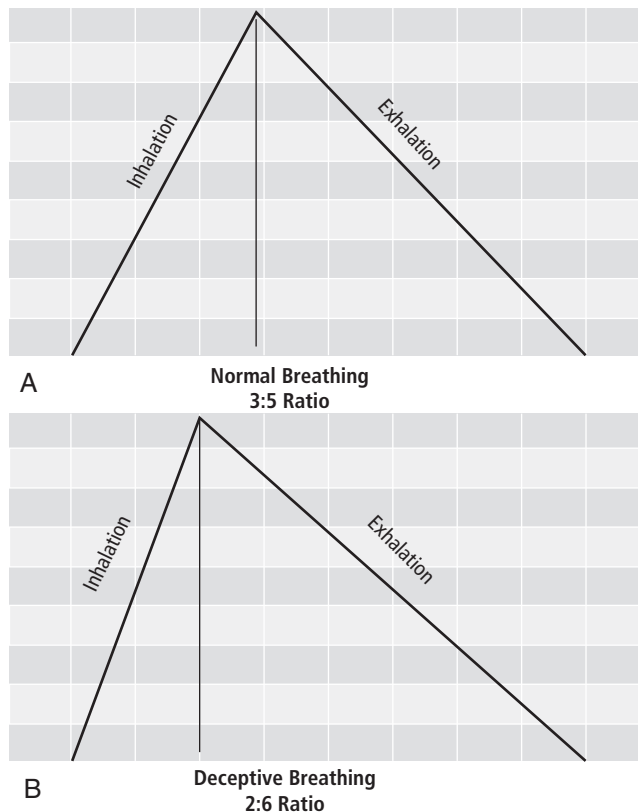
In 1902, a German professor of psychology, William Stern, wrote an article, "Die Aussagepsychologie" ("The Witness Psychology"), hypothesizing that a person's statement depends on the cognitive ability of the person, as well as on the interviewing process used to obtain the statement. Considered the "Father of Statement Analysis," Stern began the research which has led to the development of criteria based statement analysis [8].

In 1907, S. Veraguth suggested the use of the GSR in conjunction with psychological word association tests [2]. He proposed that the GSR be used as a diagnostic tool in assessing psychological disorders. He also coined the term "psycho-galvanic reflex." Following Veraguth's suggestion, such prominent psychologists as Jung and Peterson began using the GSR to detect emotional issues with their patients.

The concept of applying scientific instrumentation to measure physiological changes indicative of deception was first advanced by Hugo Mustenberg in 1909. Mustenberg, a professor of psychology at Harvard University, was concerned that perjury was destroying the integrity of the judicial system. In "On the Witness Stand," Mustenberg devoted an entire chapter to recommending that physiological activity of a witness be monitored as testimony was given to ensure that the witness was telling the truth [3]. He also asserted that the simultaneous measurement of a broad range of physiological responses would be more reliable. Among the physiological parameters that he suggested be monitored were muscle contractions, eye movement, breathing, cardiovascular activity, and changes in electrodermal activity (GSR). Following the publication of his book, a great deal of research began to appear concerning deception and physiological functions.

In 1913, early results of this research were reported by Vittorio Benussi, an Italian scientist. Benussi conducted experiments in deception and was able to formulate a method of interpreting the respiration cycles of subjects for determining whether or not they were being truthful [3]. Benussi measured the length of time it took the individual to complete the two different parts of a single breath: the inhalation (breathing in), and the exhalation (breathing out). His highly accurate research demonstrated that following a conscious lie a subject's inhalation period shortened, and the exhalation period became longer. He called this the subject's I:E ratio.

Meanwhile, other physiological research was proceeding. In 1917, a student of Mustenberg, William Marston, published a research paper on the discontinuous method of measuring changes in systolic blood pressure readings to detect deception [3]. Periodically during an interview, he would take the interviewee's standard blood pressure measurements via an arm cuff and then chart any significant changes in systolic blood pressure. Marston reported 96 percent accuracy in detecting deception using this method.



**FIGURE 1.1** (A) Normal breathing cycle (I:E ratio 3:5). (B) Change in breathing following deception (I:E ratio 2:6).



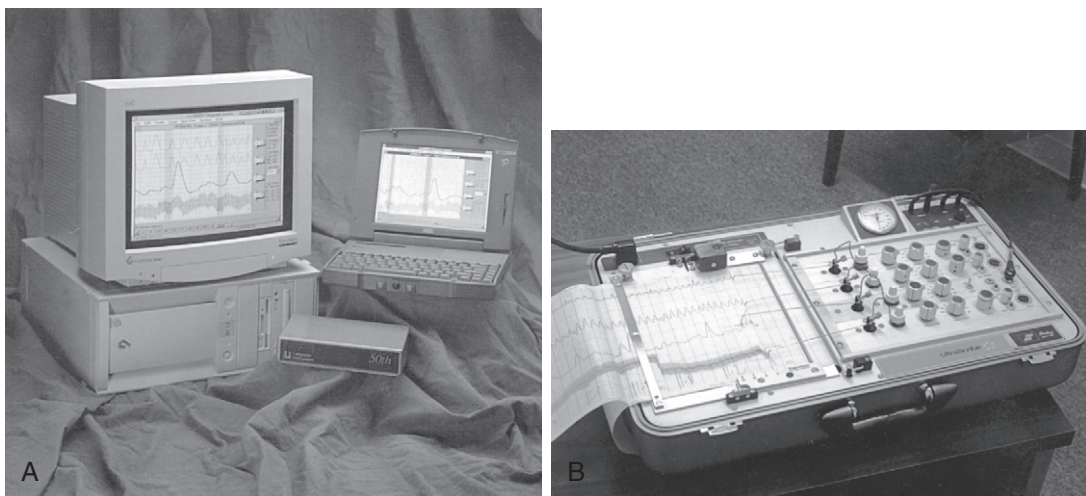
In 1921, the Mackenzie polygraph instrument, which could continuously record complex physiological changes, was developed for European physicians [3]. There was speculation that the device, if applied to the detection of truthfulness, could measure and record changes as specific questions were being asked, so that a record would be available for later review. With the encouragement of August Vollmer, Chief of Police, Berkeley, California, Detective John A. Larson combined the Mackenzie ink polygraph to record and monitor changes based on the research of Benussi and Marston [3].

Larson constructed a two-pen lie detector that measured breathing and continuous changes in cardiovascular activity. He named his instrument the “Cardio-Pneumo Psychogram,” but it was quickly nicknamed the “Breadboard Polygraph,” because in its construction he used a breadboard for the base. Larson became the first person in law enforcement to administer polygraph tests to criminal suspects to assess their truthfulness.

To date, there have been many improvements made to the basic polygraph instrument. The questioning techniques used with them have also been refined. Indeed, the pioneers of modern lie detection did their work well. In creating this highly reliable instrument, they based their art on the sound principles found in the sciences of psychology and physiology.

Many other attempts at monitoring physiological changes have been made in the past century. These include attempts to detect changes in the voice, infrared monitoring of the facial area, computerized analysis of nonverbal microexpressions, measurement of brain waves, and functional magnetic resonance imaging (fMRI) scans of the brain to detect differences in activity between truth telling and lying.

Polygraph testing, although it has obvious strengths, has some inherent limitations: it requires written consent, a lengthy interview, and instrumentation and chart analysis to determine the truth. It can be perceived as an invasive inquiry because of the necessary attachments from the instrumentation to the subject. The instrument itself can create a heightened emotional state, which may explain the more significant number of false



**FIGURE 1.2** (A) Computerized polygraph. Source: Lafayette Instrument, Indiana, USA. (B) Analog polygraph. Source: Stoelting Instrument Co., Illinois, USA.

positives (truthful suspects determined deceptive) than false negatives (deceptive suspects determined truthful) [3]. And finally, it cannot be applied ad hoc.

The psychophysiological processes that cause changes to take place in a suspect's body during a polygraph can also be observed less formally and intrusively by an interviewer trained in the techniques of the Forensic Assessment Interview. Deception is detected through analysis of the suspect's conscious and unconscious nonverbal behavior and projective analysis of unwitting verbal cues independent of the polygraph instrumentation. The Forensic Assessment Interview, a noninstrumental analysis, may seem limited in that there is no technological reference, no paper trail; however, it offers a considerable advantage: the absence of technology leaves the suspect less aware of what is being monitored and less guarded and intimidated. Most importantly, the interviewer can evaluate a broader range of suspect responses to arrive at a reliable assessment of witness/suspect credibility.

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## SUMMARY

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- The search for truth is not a modern concept. It dates back to the very beginnings of civilization.
- The earliest test for truth was trial by combat, where the truth teller was determined by fighting ability.
- Societies then began using psychological and physiological tests to determine truth, known as trial by ordeal.
- Trial by torture is still the predominant method of ascertaining truth in the world today and is being given much thought since the September 11, 2001, attack on the United States.
- Trial by peers, our judicial system, is an attempt to ascertain the truth.
- Modern attempts at determining truth include polygraph, nonverbal behavior, unwitting verbal cues, voice stress, pupilometrics, various forms of brain activity, and voice stress. Accuracy ranges from above 95% with the polygraph, to below a coin toss with voice stress.
- The Forensic Assessment Interview Technique allows the interviewer to assess nonverbal and verbal behavior without the need of attachments to make accurate determinations of truth or deception.

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## Truth and Lies

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What is a lie? What is truth? The definitions can be blurred. In the statement of a witness, truth does not necessarily represent what actually occurred. It is a recollection of a perception – with all its biases, filters, and predispositions – without any intention to distort or deceive. Lies do not necessarily represent complete distortions of reality. Therefore it is necessary to define and describe what the “truth” is and, for that matter, what is a “lie.” For example, let us say that two friends are walking down the street when suddenly a mail truck runs into the rear of a police car. The police officer gets out of the vehicle and asks them what they observed. Both of them give statements that, on further review, represent two substantially different versions of what happened because of differences in position and when each of them had their attention drawn to the accident.

Could both be telling the truth? The answer, of course, is “Yes,” because both reported what they perceived and therefore believed to have happened. This latter issue is crucial. How we perceive things affects our recollection of the event. Perception is influenced by internal factors such as age, weight, health, cultural background, acuity of the senses, and preoccupations. External factors that affect perception include where we are standing, what we are doing at the time, how much light there is, and so on. What we perceive is what we believe to be true. Therefore, if both friends reported what they believed to have happened, though their perceptions were somewhat different, they were both telling the “truth.” Interestingly, if you could establish the ground truth, which is what in fact did happen, we might find considerable inaccuracies in both representations; however, without that, both would be telling the truth!

It is important to remember this when dealing with investigations of “he said, she said” matters. There was a polygraph case involving a married couple. The wife alleged physical abuse, and the husband denied it. Both were scheduled for an examination, which appeared to be a pretty easy case. One obviously was telling the truth, and one obviously was lying. They both came out truthful. How can that be? In any cases of this type, there are four possible outcomes:

1. He is telling the truth and she is lying.
2. She is telling the truth and he is lying.
3. They are both lying.
4. They are both telling the truth.

In this polygraph case that ended in outcome 4, the husband's perception was that the wife was assaulting him and he pushed her away trying not to hurt her. The wife's perception was that he pushed her head into a wall in an attempt to hurt her. For both of them, their perceptions were their respective reality!

For the purposes of this text, the operating definition of the truth is the deliberate, complete, and objective communication (whether verbal, written, or by gesture) of the recollection of a person, place, thing, and/or event, which the communicator (speaker) believes to exist, have existed, or occurred. Conversely, untruth – a lie – is:

1. The deliberate communication to another, verbally, written (i.e., a bad check), or by gesture (i.e., a fake smile), of something that the communicator knows or suspects is not the case; or
2. The presentation or omission of information, with the deliberate intent to deceive and mislead someone who is requesting the truth.

As we were growing up, our parents, religious leaders, and teachers taught us that it is morally and ethically wrong to tell a lie. Despite the positive effects these people have had in our lives, these same individuals have modeled for us that it is acceptable to lie regularly. Your mother tells you never to lie, but as you answer the phone, she whispers, "If it's for me, tell them I'm not home." You were 14 years old, but airline tickets were half price for those under 13, so your parents tell you to look younger so that the tickets for your vacation flight to Disney World will cost less. We tell our children about tooth fairies, Santa Claus, the Easter Bunny, and many other beings that do not exist.

Picture yourself visiting a dying friend in the hospital. "How do I look?" your friend asks. You lie, because the truth is unkind in this context. You reply, "Great! You're really looking better. You'll be out of here in no time," as you think to yourself, "Carried by me and several of your other friends." These lies are rationalized as "white" or ethically necessary lies. In this context, we all lie! Most are harmless lies that are actually necessary to our social interaction with other people. These lies are social conventions: they reduce interpersonal friction and foster goodwill. Such lies do not usually pose a threat to our well-being, whether we are the tellers or receivers.

The other category of deceit is the troublesome one – the intentionally harmful and self-serving lie. Fortunately, it is the one most open to detection. The process of socialization in which people are conditioned to feel guilt and fear detection and subsequent punishment when they tell serious lies produces observable reactions. In telling the lie, the liar is attempting to evade responsibility for an unethical, immoral, and/or illegal act. Moreover, the lie will likely defame or defraud someone. As a result the liar, affected by fear and guilt, has observable psychophysiological reactions.

Once someone has made the decision to lie, there are two primary ways for him to proceed: lying by omission or commission. Lying by omission is generally the method of choice. It is tacit, easier, and involves less risk because no invention is required. By denying or leaving out relevant information, the liar chooses the path that offers the least risk of detection, as he runs from the truth and makes no commitment to fabricated information. This person may rationalize that concealing information is not morally objectionable because he has not fabricated information, and therefore may experience less guilt having

chosen the path of passive deception. However, passive deceit usually contains some elements of fabrication or evidence of missing information that a knowledgeable interviewer can detect and expose through detailed inquiry; this will force the liar to commit to invention or fabrication, thus psychologically heightening the fear of detection. Lying by commission, fabricating information, can be viewed as active deceit. This involves greater cognitive energy – commitment, invention, and defense – and the enhanced risk of contradicting prior information, or giving information that can later be proved to be false. The risk here is great. When asked a question, the suspect has two choices: tell the truth, or lie. If he chooses to tell the truth, it is easy, because the truth is free-flowing and requires very little mental energy. If he chooses to lie, he now is presented with numerous additional choices and concerns: how big a lie to tell, what to put in, what to leave out, contradicting prior inventions, punishment if caught, etc. It should be noted, this being the case, that the majority of what a deceptive suspect says is actually true.

Consider the following, in which a person lies by telling the truth, but distorts the context by the manner in which he tells it. A man comes home late and his wife demands to know where he has been. He sarcastically replies, “Out with my girlfriend!” which is exactly where he was.

Imagine a scenario where the previously mentioned man called home and told his wife that he would be working late. He has informed her he would take a break for dinner, then do some more work, and then come home. Instead of working until 5 P.M., he actually worked until 5:30 P.M. He then met his girlfriend, had dinner with her, stopped at a motel, returned to the office to pick up some papers, and then went home. He told his wife the truth. He worked late, stopped for dinner, later returned to the office, and then went home. He omitted certain vital details, thus lying by omission. Had he fabricated an explanation, that he had to stay late for a meeting, that would have involved active deceit, and a greater possibility of detection.

A good interviewer must learn to sift through whatever truth there is in a clever liar’s story. The interviewer cannot be misled by a superficial reaction to the interviewee’s affect or tone. To sort among the various statements, the interviewer must focus on the components of the statement that indicate possible deception or deliberate omission of information. This sorting process is enabled by the understanding of nonverbal behavior and the assessment of unwitting verbal cues.

It is a given that everyone being interviewed will feel a little apprehensive and nervous and cannot be counted on to respond disinterestedly: this is natural. Truthful people experience some apprehension that the interviewer will be less than **competent** and thus accuse them of crimes they did not commit. Deceptive people are afraid that the interviewer will be competent and will discover that they do, in fact, bear some or all of the responsibility for the matter under investigation. James Matte identifies this as the innocent person’s “fear of error” versus the guilty person’s “hope of error” [1].

To a great extent, the anxiety of the truthful interviewee can be moderated and the fear of the involved interviewee exaggerated by the initial impression the interviewer makes (Figure 2.1). By appearing and acting as a professional, the interviewer has this dual effect on his interviewees. Close your eyes and imagine what a professional CEO of a major corporation looks like at work. If you are a male, picture a male, and if you are a female, picture a female. Pay particular attention to the attire and office.

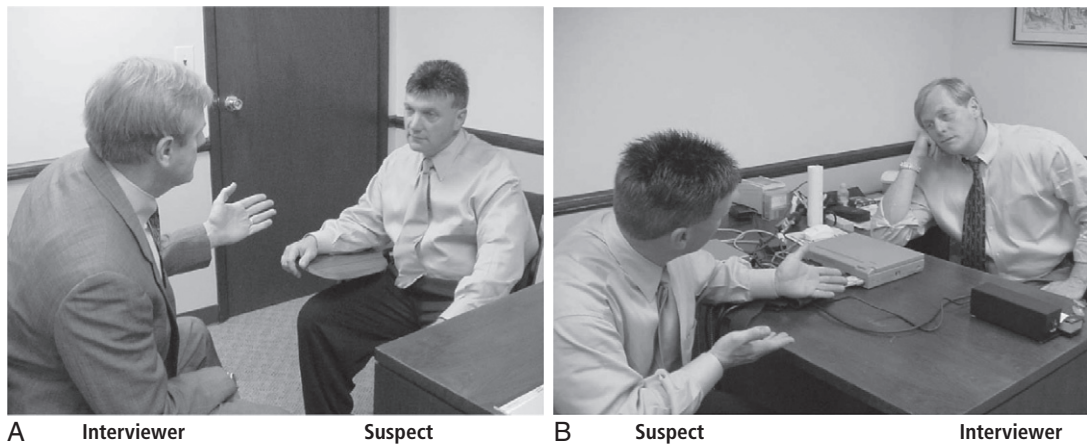


FIGURE 2.1 Who would you believe is more competent?

If you visualized a man, did he have on a T-shirt and shorts? Was he wearing a sport jacket and slacks? Did he wear a tie? Was he wearing a suit? If you selected a woman, did she have on slacks and a blouse? Chances are the man wore a suit and tie, and the woman wore a dress or suit. That is how most of us imagine a “professional” at work. You probably also visualized a neat desk and an office with professional-looking furniture. Thus, you have demonstrated that professionalism is at least initially conveyed through appearance and environment.

How does one dress to look professional? Men should be dressed in suits. Generally the best colors are dark colors, such as blue, black, charcoal, and gray. Shirts should be clean and pressed. The professional male will almost always be wearing a white shirt, or perhaps a light blue shirt. Shirts of other colors should be left home. The tie should be conservative, and there should not be any visible tattoos, body piercings, earrings, or excessive jewelry. Footwear should be in good condition and well shined. Obviously the professional male has well groomed hair, as well as any mustache or beard. The professional woman will dress in a skirt suit, dress, or pants suit. As with the male, the colors should be dark. White blouses also do well for the female, and there should be no excessive decorations on it. The professional woman will not be wearing ostentatious jewelry. Her hair will be neatly groomed, and her use of cosmetics and perfume will be minimal.

Remember, every truthful suspect interviewed is afraid that the interviewer is **incompetent** and will accuse them of a crime they did not commit. Every deceptive suspect is afraid the interviewer is **competent** and will accuse them of the crime they did commit. Truthful suspects, who through appearance and surroundings perceive the interviewer to be competent and objective, experience a reduction in their fear of being wrongly accused of involvement in a crime. Their fears will moderate, and their behavior will become less stressed, and thus more indicative of truthfulness, as the interview progresses. In contrast, deceptive suspects will be threatened by the appearance of a competent interviewer, who they perceive can identify them as being involved. Their fear of having their deception revealed will increase during the interview; thus, under heightened stress, they will exhibit even more

deceptive behavior. Of course, if the interviewer looks or acts incompetent, he will still have a dual effect. The truthful suspect's fear of a mistake will increase, causing him to appear deceptive. There will also be a reduction in the deceptive suspect's fear of being caught, and his behavior will appear more truthful.

The interviewer's demeanor is also extremely important. He must convey to the interviewee that he is an unbiased investigator, whose only client is the truth. If he appears to have already reached an opinion as to the interviewee's involvement in the crime under investigation, it will cause the fear and anxiety of both the innocent and guilty suspects to increase.

In addition to the importance of the initial impression the interviewer makes on the interviewee by appearance, demeanor, and the environment of the interview, there are certain techniques that can be used to psychologically enhance the interview process. For example, when the interviewee comes into the room, the interviewer can gain rapport by paralleling the interviewee's nonverbal behavior, identifying his neurolinguistic mode of preference, and/or finding and discussing something held in common with the interviewee before beginning the assessment. These contextual issues are discussed in subsequent chapters.

## SUMMARY

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- An untruth may be caused by many things, other than a deliberate attempt of deception.
- A lie is defined as the deliberate communication to another, verbally, written (i.e., a bad check), or by gesture (i.e., a fake smile), of something that the communicator knows or suspects is not the case; or the presentation or omission of information, with the deliberate intent to deceive and mislead someone who is requesting the truth.
- There are many types of lies. As forensic interviewers, we are interested in lies told by a suspect in an attempt to escape punishment for deviant acts committed.
- Every suspect, truthful and untruthful, will enter the interview in an elevated emotional state due to fear. Truthful suspects fear they will be falsely accused of a crime they did not commit by an incompetent interviewer. Untruthful suspects fear they will be accused of a crime they did commit by a competent interviewer.
- If the interviewer is perceived as competent, the truthful suspect's fear will begin to dissipate as the interview progresses, and the untruthful suspect's fear will increase, resulting in an increase of deceptive leakage behavior.

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## Psychophysiological Basis of the Forensic Assessment

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The determination of where truth can be found, and the detection of lies, is a discipline based on scientific principles. These scientific principles are grounded in the data derived from research findings in physiology and psychology. Therefore, it is extremely important that a good interviewer understand those physiological and psychological processes that produce the manifestations that allow for an accurate assessment of truth or deception.

The key physiological source of these manifestations is found in the body's autonomic nervous system, in a mechanism commonly called the "fight or flight" response. This psychophysiological response occurs when an individual consciously or unconsciously perceives a threat to his immediate well-being. This response involves a complex and specific range of physiological changes occurring spontaneously, which prepare the individual to either stand and fight, or flee the threat. A less well-entrenched phenomenon related to this mechanism has been identified as the "freeze/hide" syndrome [1]. The latter occurs in those circumstances when the threatened individual is too young, too weak, or too psychologically disempowered to fight or flee. Although less frequently considered, there is as sound a basis for "freeze/hide" as there is for "fight/flight."

Consider what threats primitive humans faced from other species. Other than a snake, what predators could he outfight or outrun? None! Therefore, man's most likely survival response was to freeze and hope the predator did not see him, like a deer caught in headlights. Today, under circumstances where an individual cannot flee and perceives that fighting will be ineffectual, hiding as a means of avoiding confrontation with an overwhelming force is instinctual. In the tragic circumstances of a house fire, young children who cannot escape are almost always found hiding under a bed or in a closet. The child lacking the strength to fight or the experience to flee is left with the only natural option for the weak or inexperienced: to "hide" from the threat. Think back to when you were a child, lying in bed with the thought that something or someone was going to get you. What did you do? Most likely you "hid" under the covers!

These same options apply to any threat, including the threat of being exposed. Thus, the guilty suspect of a criminal investigation being interviewed by a law enforcement officer experiences the threat of being detected, as real and vital a threat as any other. This suspect

has these same three instinctual options: fight, flee, or freeze/hide. It is the conflict among these evolutionary drives and the psychological reality of his situation that will create the nonverbal and verbal indicators that the trained interviewer reads and interprets as signs of a response to a threat. In this case the threat is that of being exposed as the culprit, and the resultant psychophysiological response can be read as deception.

To better understand the “fight or flight” response, consider the following stimuli and responses. It’s late at night, and you are walking down the street alone in a less than desirable, unfamiliar neighborhood. Your senses are heightened, and you are, as one might expect, apprehensive and nervous. As you walk by an alley, a person appears out of the shadows and shouts, “Hey, you!” You quickly jump back. Your heart begins to beat faster, and your mouth becomes dry. The digestion of your dinner stops as the blood needed for this function is redirected from your digestive organs to the large muscles in your legs, back, and arms and to your brain. This causes a sensation of “butterflies” in your stomach. Your pupils dilate to admit more light and also to give you a deeper field of vision. You get goose bumps on your arms, caused by piloerection (hair standing erect), and your breathing increases as you prepare to meet the threat. Your senses of hearing and smell are also enhanced. These are all instinctual responses, easily observable and almost impossible to suppress.

Suddenly, the stranger asks, “Do you have a match?” You answer, “No,” and quickly walk away. As you turn the corner, you see a police officer walking his beat near your car. You take a few deep breaths and give an audible sigh of relief, and your body returns to its prethreat norm. What you have experienced in this scenario is an example of the body’s fight/flight mechanism and is fully explainable in scientific psychophysiological terms.

Physiologists have found that one of the requirements for any living organism’s survival is to maintain an ideal internal environment free of distress or threat. This is known as homeostasis. In humans this homeostatic condition is made possible by the maintenance of normal physiological functions by the body’s unique nervous systems:

1. The central nervous system (CNS) consists of the brain and spinal cord.
2. All other nerve pathways are within the peripheral nervous system, which itself separates into the somatic nervous system and the autonomic nervous system (ANS).
  - (a) The somatic nervous system is involved with voluntary control over your skeletal muscles. For example, you control and direct the movement of your arms and hands with your skeletal muscles through your somatic nervous system.
  - (b) The autonomic nervous system, as previously discussed, controls those involuntary physiological functions of the body and has considerable psychological impact as well. The autonomic nervous system controls smooth muscles, glands, and organs not usually under conscious control. Right now, you are not telling your heart, “Beat, beat, beat,” yet your heart is beating. You are not thinking, “Breathe, breathe, breathe,” yet you are breathing. These functions are being controlled through your autonomic nervous system. The autonomic nervous system is divided in its functions: the parasympathetic nervous system (PNS) and sympathetic nervous system.
    - (i) The parasympathetic nervous system is the “housekeeping” or braking system. It is responsible for conserving energy and making sure necessary bodily functions such as digestion and waste elimination take place. It also functions



to restrain sympathetic arousal and attempt to maintain homeostatic norm. In doing so, it conserves physiological resources.

- (ii) The sympathetic nervous system is our emergency or action system. It is the system that causes the sudden and dramatic changes manifested in the example cited previously.

The brain is in constant struggle with various psychological and physiological stressors to maintain or regain homeostasis through managing the competition of the parasympathetic and sympathetic nervous systems. The brain slows the heart down by sending it a parasympathetic neural message, or speeds it up by sending it a sympathetic message. It is constantly performing a cardiac-output physiological balancing act.

Generally, the parasympathetic nervous system increases abdominal activity, allowing for digestion and waste elimination, while it slows thoracic (chest) activity and conserves energy by slowing the heart rate, lowering blood pressure, and decreasing the rate of breathing. The sympathetic nervous system decreases abdominal activity (there is no need for digestion or waste elimination under conditions of dire threat) and increases thoracic activity in an attempt to get more oxygen to the critical areas of the body necessary to assist in survival (Figure 3.1).

Thus, the parasympathetic nervous system is constantly trying to balance the activity of the sympathetic nervous system in order to conserve energy and prevent bodily dysfunction. However, frequently its efforts are defeated. When this occurs, sympathetic arousal takes place, causing sudden involuntary changes to prepare for the threat. The heart rate is increased and additional levels of adrenaline are secreted into the blood. The combination of an increase in cardiac output and adrenaline causes an increase in blood pressure. Additional red blood cells are released from the spleen to increase the amount of oxygen delivered to the body cells and remove the additional waste products produced by the excited metabolism.

The underlying physiology is also stressed. The liver, fat, and muscle tissue which store energy as glycogen are infiltrated by adrenocorticotrophic (ACTH) hormones. These hormones immediately help convert energy stored in these areas to actual energy to be released into the bloodstream. Research has established that ACTH also affects mind function and improves memory. Endorphins, which are natural narcotics, are simultaneously released into the bloodstream (this pseudopharmaceutical mechanism assists us in not experiencing pain from injuries incurred until after the fight). The endorphins also help

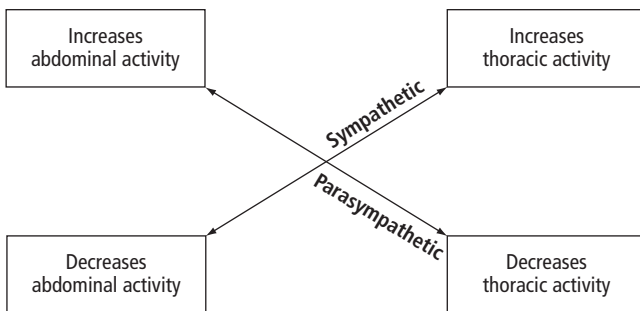


FIGURE 3.1 Overview of parasympathetic/sympathetic controls of the body.



you overcome your fear of the situation. Clotting enzymes are released to prevent profuse bleeding. There is vasoconstriction of the peripheral arterioles, which redirects the blood supply away from the skin surfaces to other parts of the body (this decreases the amount of blood that will be lost in case of injury, and causes the “ghost white” appearance often observed in people experiencing fear).

In conjunction with the foregoing changes, there will also be a combination of differentiated vasoconstrictions and vasodilatations, as blood is rerouted from areas of less importance to areas of primary importance in the body, or the body’s core, during the emergency. There is an increase in sweat gland activity to help cool the body down and act as a lubricant to help prevent abrasions during a fight. Palmar sweat (moisture in the hand) also provides for a better grip. The hair may stand on end (piloerection or goose bumps). This physiological mechanism of raising the hair helps cool the skin surface, allowing air to circulate more freely over it. In earlier periods of our species evolution – before clothing – this hair “standing on end” may have served to make us look larger, fiercer, and less palatable to predators (Figure 3.2).

The interaction of the two branches of the autonomic nervous system is clearly seen and felt (Figure 3.3). Sympathetically, visual and hearing acuity increase, maintaining the individual in a heightened state of awareness. As the pupils dilate, more light is admitted, extending far vision. Sympathetically, the salivary glands are inhibited. They are part of the digestive system and considered unimportant during fight/flight. This causes the “dry mouth” phenomenon utilized by earlier cultures in trials by ordeal.

Some research suggests that memories imprinted during this heightened mental state are more vivid and may account for “reliving” and highly accurate recall experienced by traumatized individuals. Others may argue that the endorphins may explain why victims of traumatic injury often do not remember it. Whichever occurs, one thing is certain: the mind-body’s sympathetic arousal during a threat is a highly evolved process designed to totally protect the individual during emergencies and afford it the best chance for survival.

The parasympathetic nervous system is the “ying” to the sympathetic nervous system’s “yang.” Its job is to bring the body back into homeostasis – to conserve precious energy to



FIGURE 3.2

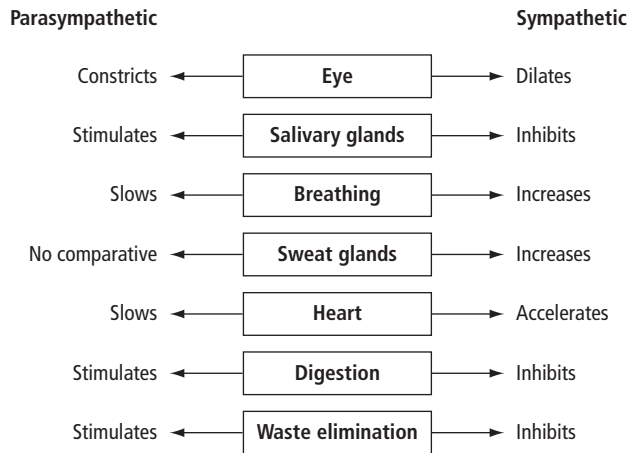


FIGURE 3.3 The autonomic nervous system.

“calm” the physiological seas, so to speak. If the parasympathetic nervous system should overcompensate as it attempts to return the body to its prethreat norm, involuntary urination or even defecation may result. Many police officers have often taken note of how, on occasion, they responded to the scene of a burglary only to find human feces in the middle of the floor. Some people theorize that this defecation is sexually or socially related behavior, but it is likely that it is caused by the overcompensation of the parasympathetic division, after the strong sympathetic arousal caused by fear of detection associated with committing a burglary. This overcompensation explains why people sometimes faint during extreme emergencies, and why deceptive suspects often display leaning/supportive behaviors.

Although the forgoing example was one of perceived physical threat, the responses to psychological or even supernatural threat are similar. A guilty suspect may become weak in the knees or appear to lose balance and have the need to support himself during the periods of greatest threat. Extreme sympathetic and parasympathetic arousals appear most obviously in cases where there are reports of death caused by “voodoo” curses. Victims who strongly believed they had been cursed would die after displaying chronic symptoms of fright (sympathetic arousal), which depleted their adrenaline, causing death due to low blood pressure [2]. Alternatively, sympathetically/parasympathetically induced voodoo death can also be caused by hypovolemic shock. This results from the constant heightened state caused by sympathetic arousal: victims’ intestines lack the necessary blood and fluids to sustain cell life, and organ necrosis and death results. Whichever explanation applies in a given instance, these cases clearly validate the General Adaptation Syndrome postulated by Hans Selye, a Canadian physiologist [3], and the need for the body to be able to regain a homeostatic norm.\*

\*Selye reported that on experiencing distress, the body entered an “alarm” stage, where psychophysiological factors were heightened. The body next entered a stage of “resistance,” where it attempted to overcome the distress. If the body was unable to correct the problem, it entered into a stage of “exhaustion,” which ultimately led to death.

Usually alterations to the body's homeostatic norm are not drastic or life threatening. They are, however, clearly measurable, and measuring changes in three of the body's systems is the basis for the polygraph examination. During a polygraph examination, the examinee is attached to the polygraph instrument, and several charts of data are collected while the examinee answers only "yes" or "no" in response to the questions asked. Requiring only yes or no answers minimizes vocalization and subsequently reduces distortion created in the breathing pattern of the examinee, which is inherent in prolonged speech patterns. In addition to breathing, the polygraph instrument records electrodermal skin activity and cardiovascular changes, such as changes in pulse rate, mean blood pressure, and blood volume [4].

Moreover, the same physiological changes, in one degree or another, that are recorded on a polygraph instrument also appear during the telling of a lie in an interview when the subject experiences undue stress caused by the fear of detection. While the polygraph technique elicits one series of measurable changes, consider the greater number of additional, observable physiological changes suppressed using this technology. Many physiological changes caused by the tremendous energy and strength the body is producing during this heightened state of arousal, which would cause changes in body position and nonverbal behavior, cannot be assessed because of the subject's instructions to sit still.

The forensic interviewer, on the other hand, is not limited only to observing changes in the three physiological parameters that the polygraph monitors. He or she is trained to make global use of the senses to detect leakage of deceptive behavior, regardless of how it occurs, during the Forensic Assessment Interview. Understanding why these changes occur and how to recognize them will enable the reader to determine truth or deception and separate innocent from guilty suspects.

It is a given that the sympathetic nervous system kicks into action whenever the brain perceives a threat. In considering data presented to the interviewer as a result of sympathetic enervation, we should be aware of the work of W. B. Cannon. Cannon, a famous Harvard psychologist, reported that when a cat was fed a meal containing a radiation-opaque substance and placed on a table so an x-ray of its stomach could be taken, digestion went on normally. The cat's stomach made rhythmic movements known as peristaltic action. When a dog was brought into the room, which represented a threat to the cat's well-being, the cat became sympathetically aroused, and its digestion suddenly ceased.

The question remains: Why does telling lies constitute a threat significant enough to cause this sympathetic enervation? There are several theories for this cause-effect relationship. They include conditioning, approach-avoidance conflict, and psychological set (also referred to as "salience") [5].

Classical or Pavlovian conditioning [6] was discovered by the Russian physiologist Ivan Pavlov, while he was attempting to study salivation in dogs. To start the dogs salivating, Pavlov presented them with food. His experiments were disrupted when just the sight of him or his assistants caused the dogs to begin salivating even before food had been presented. Pavlov realized that salivation could be psychologically caused; and, he had taken on a special relationship with food in the minds of the dogs. Every time he had previously entered the room the dogs were presented with food. Now, just the sight of him caused salivation.

Pavlov called the presentation of food an “unconditioned stimulus” (UCS), which he described as any stimulus capable of causing a reaction to occur without any prior training or learning having taken place. Pavlov labeled the reaction or response that occurred when a UCS was presented an “unconditioned response” (UCR). In Pavlov’s chance discovery, food was the UCS, and salivation was the UCR. Pavlov theorized that if a neutral stimulus (NS), such as himself, were paired enough times with a UCS (i.e., food), then the NS would take on the properties of the UCS and cause the UCR (i.e., salivation) to occur, even though the UCS was not present. The neutral stimulus had become a “conditioned stimulus” (CS), and the UCR was now a “conditioned response” (CR) (Figure 3.4).

When a child is caught doing something “wrong” (wrong behavior can be very subjective) by his parents, he is yelled at, disapproved of, spanked, or in some other way punished. This automatically causes sympathetic arousal to occur. Punishment is the UCS, and sympathetic arousal is the UCR. Throughout our lifetimes, when we tell self-serving lies and get caught, we are punished. Lying, therefore, becomes associated or paired with punishment. It becomes a conditioned stimulus (CS), which can then cause a conditioned sympathetic arousal to occur (Figure 3.5).

A second explanatory theory is that of “conflict” [5]. Anytime mental conflicts occur, we experience emotional changes that, in turn, cause physiological changes to occur. If you have the choice of going to a movie or to a football game, and you really want to do both, you are experiencing an approach-approach conflict. The greater your desire to attend both events, the greater the conflict would be, and the greater the resulting physiological changes that will be created. Avoidance-avoidance conflict results from having to choose between two negatively impacting options. The greater the negative impact of the options, the greater the accompanying physiological response.

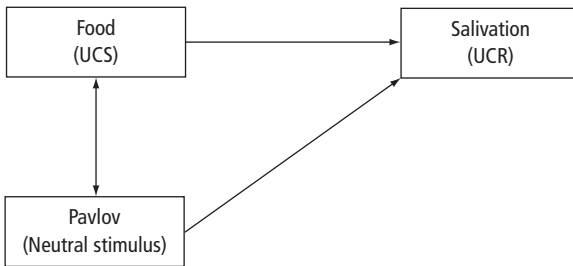


FIGURE 3.4 Classical/Pavlovian conditioning.

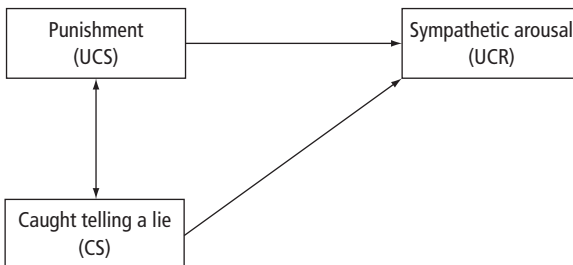


FIGURE 3.5 Conditioned response to a lie.

When an action causes something desirable or undesirable, with neither being predictable, it is called an approach-avoidance conflict. A laboratory rat in a Skinner box\*\* is taught that by pressing a lever it will receive a reward of a food pellet. When the experimenter unpredictably alternates the outcome by intermittently introducing a punishment of an electric shock when the lever is pressed, the rat does not know whether it will be rewarded with food or punished with an electronic shock. The rat wants to receive food, but fears receiving an electric shock, and it now experiences an approach-avoidance conflict, because the same action can produce either outcome.

Like the rat in the Skinner box, an individual telling a lie also places himself in an approach-avoidance conflict. He is asked a question by the interviewer and answers with a lie. If he gets away with his deception, he is rewarded. If his lie is detected, he is punished. He is unsure what the result will be. The greater the reward and punishment, the greater the mental conflict will be, and the greater the accompanying sympathetic arousal.

A third possible theory involves the psychological concept of cognitive dissonance. When a person holds two contradictory ideas simultaneously, he will experience an uncomfortable feeling [7]. The “ideas” or “cognitions” in question may include attitudes and beliefs, the awareness of one’s behavior, and facts. This theory is one of the most influential and extensively studied theories in social psychology.

Dissonance occurs when a person perceives a logical inconsistency among his or her cognitions. This happens when one idea implies the opposite of another. For example, a belief that lying is wrong, as a person tells a lie, is inconsistent. This contradiction creates dissonance, which is experienced as anxiety, guilt, shame, anger, embarrassment, stress, and other negative emotional states. These negative states, in turn, cause physiological changes to occur.

Polygraph expert Cleve Backster (Figure 3.6) introduced the theory of psychological set [4]. Psychological set postulates that an individual being asked a series of questions will mentally focus on those questions that have the greatest salience, because they pose the greatest interest or immediate threat to his general well-being at that point in time. The salience of the question is determined by the person himself. The Forensic Assessment Interview utilizes relevant questions dealing with the crime, to pose the greatest threat to the guilty suspect because he will be forced to either confess to or lie about the matter at hand. Comparison questions designed to deal with earlier transgressions or peccadilloes are utilized to threaten the innocent suspect. The fear of being caught in a lie offering the greatest threat, relevant or comparison questions, will cause accompanying physiological changes, which result in the leakage of deceptive behavior. Through the use of relevant and comparison questions, and given the ability to observe and detect changes associated with sympathetic arousal, the trained interviewer can monitor the suspect’s psychological set and solve the puzzle of truth or deception.<sup>†</sup>

\*\*B. F. Skinner, the famous behavioral psychologist, designed a plastic, see through cage with a metal floor to allow him to study animal behavior.

<sup>†</sup>To allow you an area of comparison, and give you the ability to properly identify truthful suspects, you will learn how to develop and introduce “comparison questions” in the chapter on question formulation. These questions, as you will see, will become the greatest threat for the innocent suspect.



FIGURE 3.6 Photo of Cleve Backster.

Although there is no agreement on which theory or theories in combination actually account for the phenomenon, most professionals in the field rely on Backster's postulates. Theoretical debate aside, we do know that physiological changes reliably take place in an individual's body when he or she tells a lie. The degree of change will depend on many factors [8]:

1. The suspect's perception of the interviewer's ability to detect the truth
2. The suspect's past success in similar situations where he lied
3. The degree of guilt and shame the suspect feels about his actions
4. The degree of guilt or shame the suspect experiences about lying to the interviewer
5. The extent of the suspect's reward or punishment if he succeeds or fails in his attempt at deception

One possible problem the interviewer must be aware of is that to date, there has not been any reliable information that allows us to precisely differentiate among the various emotional stimuli that could cause the changes produced by the sympathetic division; that is, there is no known way to precisely positively identify a cause based on any given physiological response. The sympathetic change would be similar whether the emotional change causing it was due to fear, anger, hate, sexual arousal, or joy. Therefore, as forensic assessors we understand that we must precisely limit the stimuli as best we can, so that we can assign a distinct cause to any effect we observe. In order to do that, we must set up the assessment interview as a controlled scientific experiment in which the only variable introduced is our series of questions. This is the only way we can prevent ambiguity in assessing a response that might have arisen from any one of a complex range of emotions, rather than simply fear of detection of lying. Only under such controlled conditions can we accurately determine that the behavioral changes we observe are due solely to the interviewee's perception and subsequent fear caused by his or her attempt to deceive us.

## SUMMARY

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- A Forensic Assessment Interview must be set up as a scientific experiment where the only stimulus presented is the interviewer's question, and all extraneous stimuli are controlled.
- Under these circumstances, when a suspect lies, emotional changes should occur because of conditioning, conflict, or psychological set.
- This emotional imbalance will cause subsequent physiological changes resulting in observable behaviors, the degree of which may be affected by various factors.
- These factors will include the interviewee's perception of the interviewer's ability to detect deception, the interviewee's past experiences at deception, and the interviewee's perception of the seriousness of being caught.

## References

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## Preparation for the Interview/Interrogation

The interview and interrogation are two related but fundamentally different processes. The interview is an information-gathering process. An interview is best described as a conversation between two or more people, preferably face-to-face, with the purpose of gathering whatever relevant information is available. The information could be as commonplace as what happened during an automobile accident, or as critical as trying to sort out the innocent from the guilty in a serious crime by use of the Forensic Assessment Interview Technique (FAINT). It is the latter type of interview that we will concentrate on in this text.

**Interview**

Purpose is to gather information.

**Interrogation**

Purpose is to get a confession.

The interrogation, on the other hand, seeks to encourage the guilty to admit to their involvement in a crime or other incident. These differing goals, of necessity, affect the nature of the setting, the behavior of the questioner, and the scope of the questions.

The interview itself is a nonsuggestive process, because the interviewer is there to collect and make an objective determination of the facts and determine whether the interviewee is truthful and/or credible. An “interviewer” must not contaminate the information being collected with excessive and/or direct input. He must display an unbiased professional attitude. The tone of the interview must be objective and nonjudgmental. With some degree of frequency, investigators or clients will provide subjective or biased information. Often their information is correct. However, there will be times when the information given is not correct, even though those providing it may consider themselves to be offering accurate data. This incorrect information may be jaded by conscious or unconscious bias or prejudice, or even self-interest. Thus, the burden of truth finding falls on the interviewer, who must remain focused on determining the objective reality.

The “interrogator,” on the other hand, must project to the suspect that there is absolutely no doubt in his mind as to the suspect’s guilt. He must display an attitude of confidence



that he will get the truth. This confident attitude will be crucial in breaking the resistance of the deceptive suspect. Of course, if the interrogator has incorrectly assessed the guilt of the suspect, this air of confidence may cause hostility and aggression in the truthful person, which should alert the interrogator to reassess his diagnosis.

**Interview**

Purpose is to gather information.  
Nonaccusatory.

**Interrogation**

Purpose is to get a confession.  
Accusatory.

Because the interviewer is there to gather information, the FAINT interview is highly structured, but remains free flowing, nondirective, and, where appropriate, open ended.

An interrogation, on the other hand, is highly structured and focused and follows a carefully researched ten-step procedure: "The Integrated Interrogation Technique." This procedure is proven to be highly effective in obtaining admissions and/or confessions from the guilty.

**Interview**

Purpose is to gather information.  
Nonaccusatory.  
Free flowing.

**Interrogation**

Purpose is to get a confession.  
Accusatory.  
Structured.

The flow of communication between the interviewer and suspect, versus the interrogator and suspect, will differ dramatically. During the interview the flow of communication is "5:95." The interviewer speaks 5% of the time, asking questions and directing the conversation. The suspect speaks 95% of the time, as he answers the questions. This is in keeping with the goals of the interview process, which is to gather information. The less the interviewer talks, the more information he gathers. The less the interviewer talks, the purer the information which he collects will be. Avinoam Sapir, the innovator of SCAN (see Chapter 5), teaches that the suspect is not stupid! He will learn how to answer the interviewer's questions based on the information the interviewer reveals.

The interrogation is by nature a face-to-face encounter, where the interrogator has only one purpose: to obtain a confession from a guilty individual. The time for collecting information has passed; therefore there is no need for information-seeking questions. The interrogator is only seeking confirmation of information he already knows or highly suspects. All the interrogator wants the suspect to do is nod or say "Yes" when he asks a leading question, such as, "Is that why you did it (the crime)?" In fact, asking questions that seek information suggests that the interrogator does not have the necessary information to be certain that the suspect committed the crime. This weakens the interrogator's chance of success. Therefore, the interrogator makes sure that a "95:5" conversation mode is maintained, in which the interrogator is speaking 95% of the time, and the suspect only 5% of the time.

Another reason for the interrogator to maintain verbal dominance is that if the suspect is not saying he committed the crime, the only thing he will be saying is he did not commit the act! The more the suspect fortifies his position of innocence, the more difficult the interrogator's objective of obtaining a confession becomes. It is much harder for an individual to admit something he has been adamantly denying for the past hour or two than if he had just been sitting there listening to the interrogator.

**Interview**

Purpose is to gather information.  
 Nonaccusatory.  
 Free flowing.  
 Suspect speaks 95% of the time.

**Interrogation**

Purpose is to get a confession.  
 Accusatory.  
 Structured.  
 Suspect speaks 5% of the time.

The location of the interview may be varied. It may be in an office, or in the suspect's home or place of work. The interrogation definitely needs to be in the interrogator's office. Humans, like all animals, are territorial. They will fight harder and feel more secure on their own "turf." The suspect needs to be denied the "home field" advantage. In addition, it is much more difficult for a person to confess, knowing that as soon as they leave the room they will have to face their loved ones or coworkers.

**Interview**

Purpose is to gather information.  
 Nonaccusatory.  
 Free flowing.  
 Suspect speaks 95% of the time.  
 Varied locations.

**Interrogation**

Purpose is to get a confession.  
 Accusatory.  
 Structured.  
 Suspect speaks 5% of the time.  
 Interrogator has "home field" advantage.

The interview/interrogation room should not be a small, threatening enclosed space. A nine by nine (9' × 9') room is adequate. The room should contain a desk and two or three chairs. The furniture should not be too elaborate; similarly, it should not give one the feeling of impoverishment or despair. It is acceptable to have some nondistracting pictures on the wall, but they should not be on the wall the suspect will face during the process of being interviewed or interrogated.

The easier it is for the innocent suspect to relax, the easier it is for the interviewer to make an accurate assessment. The easier it is for the guilty suspect to focus on his desire of getting "it" off his chest, rather than concentrating on his fear of punishment, the easier it is for him to confess. Therefore, an environment that reminds the suspect in an interview or interrogation that he is in an interrogation room – a custodial environment of four bare walls, shabby furniture, locked doors, and barred windows – is counter-productive. The environment should not be so comfortable as to distract, but should be supportive and nonthreatening. Most importantly, the environment, as well as the

interviewer/interrogator's clothing, should be free of custodial reminders – no handcuff tie tacks or empty holsters.

The interviewer/interrogator's chair should be on casters to allow him to move into or out of the suspect's space when he wants to. The chair should be higher than the suspect's chair, because height gives a psychological perception of superiority. The room should be free of outside or inside noise and other distractions. If there are recurring outside noises, the authors suggest using a white-noise machine. There should be no telephone in the room, and all mobile phones should be turned off or put into the silent mode. The room should have a means for monitoring, either by two-way mirror or with a video camera.

There is only one difference between the interview room and the interrogation room: the spatial distance between the chairs of the interviewer and suspect, and that between the interrogator and suspect. The distance between interrogator and suspect should be much closer than with the interviewer and suspect.

The science of and judicious use of personal space is called "proxemics." Dr. Edward T. Hall, Professor of Anthropology at Northwestern University, who conducted extensive research into this phenomenon, found that distance relationships among people of varying degrees of intimacy have a direct effect on a person's manner of relating [1]. Humans are territorial, and they have territorial zones that imply different degrees of acceptance and different degrees of comfort with particular people they interact with within those zones. When these zones are violated, that is, when a less welcome individual intrudes beyond a psychological zone barrier, there are certain predictable responses. Although distances and those who may enter a given zone vary from culture to culture, the presence of the zones themselves does not. For example, although we all have intimate zones, in the Arab culture a close intimate distance is acceptable between men, and Arab men are often seen holding hands. In Western culture, we would find this very uncomfortable, even embarrassing.

Dr. Hall identified four spatial zones in which most people in Western culture relate to one another:

Proxemics for North America Intimate: Contact to 18" ~ Personal: 18" to 4' ~ Social: 4' to 12' ~ Public: 12'+ ~

1. Intimate Distance ranges from actual physical contact to as far away as 18 inches, still within touching distance. We allow only our most intimate associates to enter this zone. Invasion by anyone else is anxiety producing, with anxiety increasing as distance is reduced. When circumstances require our personal zone to be invaded – for instance, in a crowded elevator, subway, or bus – we psychologically isolate ourselves and tighten our muscles. In a crowded theater, we focus our attention to the event and studiously ignore our neighbors. Given that this zone creates the greatest anxiety and involves the strongest responses, much of the interrogation will take place in this zone. Remember, the last territory a person can defend is what he is thinking – it is the job of the interrogator to get inside that last place and effectively stop the suspect's resistance.

2. Personal Distance ranges from 18 inches out to 4 feet. Dr. Hall calls the latter the “limit of physical domination.” This is just outside touching distance, yet close enough for some personal discussion to take place. The Forensic Assessment Interview will take place in the outer limits of this zone.
3. Social Distance ranges from 4 to 12 feet. Four to 7 feet is the distance where we conduct most of our informal transactions. Seven to 12 feet is where more formal social and business relationships take place.
4. Public Distance is the furthest limit of our territorial zones. It ranges from 12 to 25 feet or greater. These are teaching or public speaking distances. Still greater distances are of marginal personal concern.

People feel threatened when they perceive their personal zone rules are violated. To test this phenomenon yourself, during a meal start encroaching on your fellow diner’s territory by slowly moving your silverware, condiments, drink glass, and so on, into their side of the table. Observe how uncomfortable they appear to become. Better yet, imagine the anxiety you would experience if you were sitting in an almost empty theater and someone you did not know sat in the chair next to you.

Distance between the interviewer and suspect should be at the outer limits of the personal zone, approximately 4 feet away. This will ensure that the distance does not cause the suspect to display unnatural defensive behavior, which could then be mistaken as deceptive behavior or adaptors. During the interview, the only time we want to cause these types of behaviors is if the suspect decides to attempt deception in answer to one of our questions.

During the interrogation the interrogator should begin at a distance of 3 to 4 feet, with a forward body lean, and slowly move into the suspect’s intimate zone (18 inches to contact) each time he senses weakness in the suspect. Each movement forward should reduce the distance between the interrogator and suspect until one of the interrogator’s knees is between the suspect’s legs. This will increase anxiety and vulnerability and increase the suspect’s desire to confess, if guilty. If not guilty, this invasion will harden the suspect’s resistance.

#### **Interview**

Purpose is to gather information.  
 Nonaccusatory.  
 Suspect speaks 95% of the time.  
 Free flowing.  
 Varied locations.  
 Conducted in “Personal-Social Zone.”

#### **Interrogation**

Purpose is to get a confession.  
 Accusatory.  
 Suspect speaks 5% of the time.  
 Structured.  
 Interrogator has “home field” advantage.  
 Begins in “Personal,” ends in “Intimate Zone.”

Interviewers can take notes during the interview as long as their writing behavior and affect are consistent. Any sudden change in writing behavior, whether one stops writing or suddenly begins writing, will alert the suspect that there has been a change in the process and subsequently affect his verbal and nonverbal behavior.

During the interrogation, notes are not necessary: one is not gathering information. Writing during the interrogation communicates to the suspect that the interrogator does not have all the answers. If the interrogator is not sure whether the suspect did the crime, why should the suspect admit to it? The interrogator only wants the suspect to nod "Yes" to a leading question, such as, "Is that why you did it?" After obtaining the confirmation of guilt, the interrogator can then document it.

#### **Interview**

Purpose is to gather information.  
 Nonaccusatory.  
 Free flowing.  
 Suspect speaks 95% of the time.  
 Varied locations.  
 Conducted in "Personal-Social Zone."  
 Writing OK if consistent.

#### **Interrogation**

Purpose is to get a confession.  
 Accusatory.  
 Structured.  
 Suspect speaks 5% of the time.  
 Interrogator has "home field" advantage.  
 Begins in "Personal," ends in "Intimate Zone."  
 No writing until after suspect confesses.

As we lecture across the country, we ask participants when a suspect must be given their "Miranda warnings." It appears there is general understanding that "Miranda" does not apply to private security. The Constitution protects citizens against government, not against other citizens. "Miranda" only applies to governmental personnel, such as law enforcement agents or agents of public agencies. When governmental personnel are required to give "Miranda" seems unclear. We generally get three responses to this question: if it is accusatory, if the investigation has focused on a single suspect, and if it is custodial. According to the Supreme Court the test for "Miranda" is not based on whether the communication is accusatory, or whether the investigation has focused on a single suspect, but based *solely* on whether the situation would be viewed as "custodial" in the mind of an average person. Therefore, it is not necessary to give a "Miranda warning" (see Chapter 17, "Legal Considerations") in an interview setting because it is not a custodial situation. However, the fact is, the interviewer must give "Miranda" whenever his agency requires it!

#### **Interview**

Purpose is to gather information.  
 Nonaccusatory.  
 Free flowing.  
 Suspect speaks 95% of the time.  
 Varied locations.  
 Conducted in "Personal-Social Zone."  
 Writing OK if consistent.  
 "Miranda" not legally required.

#### **Interrogation**

Purpose is to get a confession.  
 Accusatory.  
 Structured.  
 Suspect speaks 5% of the time.  
 Interrogator has "home field" advantage.  
 Begins in "Personal," ends in "Intimate Zone."  
 No writing until after suspect confesses.  
 "Miranda" may be legally required.

Many law enforcement agencies have suspects sign a visitors' book when they arrive at their location to show the voluntary nature of the interrogation. For many interrogators "Miranda" creates a bigger psychological block than it does for the suspect. Too many interrogators believe that once given "Miranda," the suspect will not confess. This often results in the self-fulfilling prophecy: "If I give "Miranda", the suspect will not confess; because the suspect will not confess, there is no reason to work hard to get a confession." Because the interrogator does not work hard, there is no confession, and "Miranda" is blamed.

The interviewer should maintain truthful open body positioning. His goal is not to possibly contaminate the interview by exhibiting negative nonverbal behavior. There is an evolutionary tendency for individuals in a submissive role to mimic the nonverbal behavior of the dominant individual, nonverbally communicating, "I'm like you – please like me." Therefore, the suspect may unconsciously decide to mimic or parallel the interviewer's behavior. If this occurs and the interviewer is modeling defensive nonverbal behavior, it will negatively affect the nonverbal assessment. The interviewer's truthful nonverbal behavior, on the other hand, will send a subconscious message to the suspect, which will create openness and help establish rapport.

The interrogator also maintains truthful open body positioning. If the suspect mimics the interrogator's behavior, the nonverbal message to his brain will be open: to tell the truth. By maintaining truthful nonverbal behavior, the interrogator communicates a more believable verbal message to the suspect. Even though the suspect may never have read a book or taken a course in detecting deception, he will have an innate sense that something is wrong if there is a lack of consistency between the interrogator's nonverbal and verbal behavior. Therefore, consistency is crucial.

#### **Interview**

Purpose is to gather information.  
 Nonaccusatory.  
 Free flowing.  
 Suspect speaks 95% of the time.  
 Varied locations.  
 Conducted in "Personal-Social Zone."  
 Writing OK if consistent.  
 "Miranda" not legally required.  
 Interviewer demonstrates truthful nonverbal behavior in both situations.

#### **Interrogation**

Purpose is to get a confession.  
 Accusatory.  
 Structured.  
 Suspect speaks 5% of the time.  
 Interrogator has "home field" advantage.  
 Begins in "Personal," ends in "Intimate Zone."  
 No writing until after suspect confesses.  
 "Miranda" may be legally required.

In an assessment interview, the interviewer is using a structured question format. Thus, the average Forensic Assessment Interview takes approximately 20 to 30 minutes, this being the limit to the average individual's close attention span.

There is no time limit for an interrogation unless stipulated by law, such as Pennsylvania's "six-hour rule."<sup>\*</sup> The interrogator should take as long as necessary to get the confession. The

<sup>\*</sup>Under the six hour rule, statements obtained more than 6 hours after an arrest should be suppressed to guard against the coercive influence of custodial interrogation. See *Commonwealth v. Davenport*, 370 A.2d 301, 306 (Pa. 1977).

interrogation is over when the suspect confesses, or requests the presence of an attorney. Although the suspect is mentally encumbered with the cognitive process of deception and threat of punishment, the bottom line is still a struggle for psychological dominance. The one who gives up first is automatically the loser. The interrogator may tire, but so will the suspect, and the interrogator has the advantage of being the controlling force.

#### **Interview**

Purpose is to gather information.  
 Nonaccusatory.  
 Free flowing.  
 Suspect speaks 95% of the time.  
 Varied locations.  
 Conducted in "Personal-Social Zone."  
 Writing OK if consistent.  
 "Miranda" not legally required.  
 Interviewer demonstrates truthful nonverbal behavior in both situations.  
 Takes approximately 30 minutes.

#### **Interrogation**

Purpose is to get a confession.  
 Accusatory.  
 Structured.  
 Suspect speaks 5% of the time.  
 Interrogator has "home field" advantage.  
 Begins in "Personal," ends in "Intimate Zone."  
 No writing until after suspect confesses.  
 "Miranda" may be legally required.  
 No time limit.

The good interviewer/interrogator must apply his alertness and intelligence to understand and assess the verbal and nonverbal behavior of the suspect. He must have patience and perseverance and display an attitude both inwardly and outwardly of never giving up. The first time the interrogator looks at his watch, or displays any behavior indicating that he is under time constraints, or is tiring, he has lost; the suspect will realize that if he can just hold out a little longer, he can escape. It is not unlike a psychological game of "chicken," boiling down to who flinches first.

The interrogator has the additional job of helping the guilty suspect find relief, a sense of cleansing in confession. If the interrogator becomes judgmental, the supportive environment that helps the guilty suspect to confess will disappear. Therefore, there must be empathy and rapport. Without rapport, empathy cannot be communicated; that is, the interrogator must communicate that he has the ability to "walk a mile" in the other person's shoes, to feel the stress, conditions, and circumstances that were operating at the time of the crime. The suspect needs to sense that his feelings, motivations, and fears are being understood. Spending time developing this sense of mutuality and empathy will allow the guilty suspect to set aside his adversarial posture, forget his fears, and be more forthcoming in this supportive emotional environment.

The interrogator must sound and appear sincere. He must come from a helping position, a position of genuine concern for the suspect and his predicament. He must believe that the "truth" is the product of and answer for the suspect and must show the suspect how being truthful will help him, not the interrogator.

To do that, the interviewer/interrogator must have the ability to communicate and relate to a wide variety of people, to talk and deal with people from all walks of life, from the unskilled laborer to the upper echelon executive, from the illiterate street person to the

college professor. This presents the interviewer/interrogator with a language problem: he must converse at a level of communication the suspect will comprehend, but at the same time he must not appear artificial or patronizing. For example, after we conducted a seminar on interviewing, one participant shared his problem in interrogating. The participant was a middle-aged, college-educated African American who was a security director for a major corporation. His manner was professional and his dress was impeccable. His problem was that although he had a very high success rate of obtaining confessions from white suspects, he had a very poor success rate with minority suspects. When asked how he communicated with minorities, he replied, matter-of-factly, that he tried to mimic their urban street dialect: for instance, in the case of African Americans he would use, "S'up Bro?" His usage of their dialect rang false! Ironically, he undermined his own credibility acting like a street guy from the "hood," something he obviously was not.

The good interviewer/interrogator constantly tries to obtain a better understanding of human behavior. He never stops studying it or seeking higher levels of insight. Why do people lie? Why do they decide to tell the truth? What obstacles must be removed to clear the path for a confession? That makes him the good counselor he must be, because he is counseling a person in making an extremely difficult decision: to tell the truth in spite of the consequences that might accompany it. He must learn how to demonstrate the advantages of telling the truth, while diminishing the suspect's fear of punishment. He must believe in truth; he must live it and model it for the suspect.

Thus, the successful interviewer/interrogator never sneers, ridicules, bullies, belittles, acts prejudicial, antagonizes, ridiculously bluffs, loses his temper, or makes promises he cannot keep. He is a professional, a seeker of truth. He has no axe to grind with the suspect. He is not there to judge. He is fair, understanding, and a good listener. Most of all, he is in control. He is the guide to lead the guilty person on a journey from denial to truth, and to assure the innocent that his innocence will be confirmed. Remember, the best salespeople are the ones who believe in the product they are selling. We sell truth!

## SUMMARY

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- To be a good interviewer/interrogator, you must be a good communicator.
- Interviews and interrogations are two separate processes.
- Mixing these two processes is the formula for failure. Remember the differences.

## Reference

[1] E.T. Hall, *The Silent Language*, Hall Doubleday, New York, 1959.



# Morgan Interview Theme Technique (MITT)

---



The author of this interviewing technique, Raymond Morgan, started his law enforcement career with the San Diego Police Department. After a number of years in street law enforcement he went to work as a Criminal Investigator for the San Diego County district attorney's office. Assigned to the federally funded Organized Crime Unit, he began working motorcycle gangs as a facet of organized crime. His effectiveness in this endeavor led to numerous grand jury investigations and indictments of members of the Hell's Angels and Mongols motorcycle gangs. Following the indictment and arrest of thirty-two members and associates of the Hell's Angels motorcycle gang in 1978, the mother chapter of the Hell's Angels in Oakland, California, approved Morgan's assassination. Shortly after this assassination approval, two members of the Hell's Angels were arrested as they staked out Morgan's home, their automatic weapons were confiscated, and they were charged by the U.S. Attorney's office for conspiracy to commit murder and weapons violations.

Morgan later moved his family to Idaho, where he finished his doctoral internship in Counseling Psychology and went to work for the Idaho Police Officers Standards and Training Academy as a Behavioral Science Instructor and taught Criminal Justice at Boise State University. He was called on by law enforcement agencies throughout Idaho to conduct preemployment psychological testing, polygraph examinations, criminal interviews, and criminal profiling in crimes of violence. Following the development of his

interviewing technique, he went to work for Naval Criminal Investigative Service and taught criminal interviewing to law enforcement officers in the United States and in several foreign countries. He retired from NCIS in 2005 and remains active in law enforcement training.

In his law enforcement preemployment testing, he used a personality assessment test known as the Thematic Apperception Test (TAT). This is a projective test where the law enforcement applicant is shown a series of sketches and is asked to tell a brief story about each sketch. Experimentally Morgan used several of the TAT sketches in a criminal case involving the sexual abuse of a 4-year-old female. In the interview and administration of the TAT sketches to the father of the sexually abused 4-year-old, the father told the following story to one of the sketches: "Looks like a man cheating on his wife, wishing he'd never done it. If he feels as guilty as he looks, he'll never do it again." Morgan then used the father's response to the TAT sketch to obtain a full confession. Morgan realized from this criminal case that the administration of a few sketches in the interview by an investigator could be another very effective tool in the detection of deception and began to develop the Morgan Interview Theme Technique (MITT). A further in-depth explanation of the TAT initially used by Morgan follows.

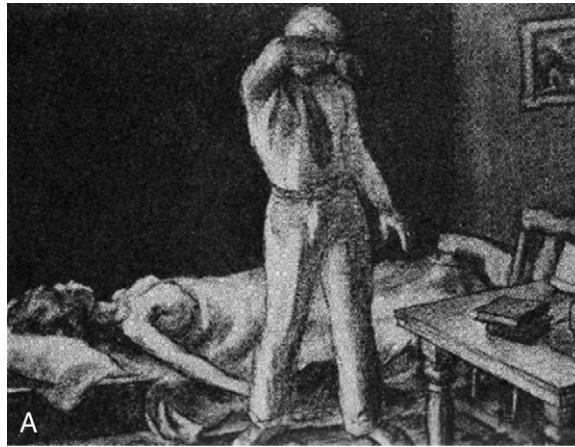


FIGURE 5.1A

The Thematic Apperception Test was developed in the 1930s by the American psychologists Henry A. Murray and Christiana D. Morgan at Harvard University to explore the underlying dynamics of personality, such as internal conflicts, dominant drives, interests, and motives. The TAT is a projective personality test. A projective test in personality assessments is a test designed to let a person respond to ambiguous stimuli (sketches), presumably revealing hidden emotions and internal conflicts [1]. In the TAT, an individual views ambiguous scenes of people and is asked to describe various aspects of the

scene; for example, the subject may be asked to describe what led up to a scene depicted on the sketch, the emotions of the characters, and what might happen afterwards. The examiner then evaluates these descriptions, attempting to discover the conflicts, motivations, and attitudes of the respondent. In the answers, the respondent “projects” their unconscious attitudes and motivations into the sketch, which is why these are referred to as “projective tests” [2].

Similarly, in the MITT, an individual is shown vague sketches and asked to make up stories about them. The stories should include what happened prior to the scene in the sketch, what is happening now in the sketch, and an ending. Research indicates that when people make up stories from their imaginations, they must draw on their own life experiences. Therefore, approximately 30% of what a person tells in the form of a story is actually related to his or her own past history.

Initially Morgan utilized several sketches from the twenty sketches in the original TAT sketches, and later he developed his own sketches that resemble various types of crime scenes. He called his method the MITT (Morgan 1986/2007). He divided the sketches into four basic types: Irrelevant, Relevant, Apprehension, and Guilt and Remorse sketches. The relevant sketches are then subdivided into sketches depicting nonviolent crimes, violent crimes, and sexual crimes. The MITT has 42 total sketches, of which 5 are Irrelevant, 18 are Relevant Nonviolent, 8 are Relevant Violent, 6 are Relevant Sexual, 3 are Apprehension, and 2 are Guilt and Remorse sketches.

Five sketches are generally presented to the suspect during the MITT administration. Morgan begins the MITT process by handing the suspect an irrelevant sketch (Figure 5.1B) and requesting that he make up a story about the sketch to include, “What led up to what you see in the sketch, what is happening now in the sketch, and what is the outcome or end of the story?”



FIGURE 5.1B Irrelevant MITT Sketch IR 1.

He also developed gender-specific irrelevant sketches: a woman looking out a window, and a man in a suit (Figure 5.2A and B). This is the second sketch presented to the suspect. He originally used the female sketch for women and the male sketch for men, reporting that this gender-specific sketch helped suspects to project themselves into the stories. Morgan currently uses the same gender sketch for all suspects in investigations where there are multiple suspects of both genders to be consistent in his presentations.

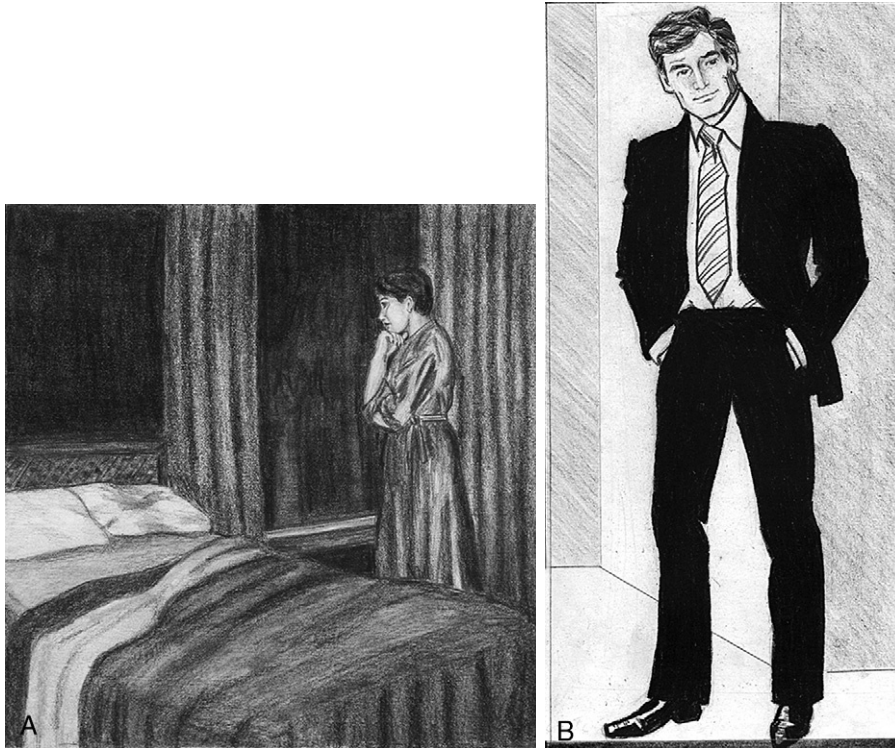


FIGURE 5.2 (A,B) Gender specific irrelevant sketches.

Next, the suspect is given a relevant sketch that is as close as possible to the actual crime (Figure 5.3). Truthful suspects will often observe the sketch for what it is, openly stating to the interviewer that it reminds them of the crime under investigation, and their stories will frequently deal with the crime being investigated. Deceptive suspects, on the other hand, will often completely avoid the obvious, separate themselves from their story, and on occasion project blame to others. The investigator will also frequently see changes in the suspect's nonverbal behaviors when the suspect sees the relevant sketch for the first time.



FIGURE 5.3 A sketch Morgan uses very effectively in child sexual abuse cases. Relevant Sexual Sketch RS 4.

The relevant sketch will force the deceptive suspect to recall his involvement in the crime being investigated, and it will always produce apprehension anxiety (fear of being caught) in the deceptive suspect. Further, it often produces both unconscious verbal and nonverbal indicators of deception. The relevant sketch is followed by an Apprehension sketch (Figure 5.4). This sketch allows the deceptive suspect to project his anxiety and fears of being caught into his story. In an industrial loss case (missing money), Morgan listened as one of four possible suspects in the theft of the money told this story for MITT Apprehension Sketch A-1.



FIGURE 5.4 MITT Apprehension Sketch A 1.



Boy! I don't know, he looks like he's in trouble somehow. What led up to it? There are too many things that could lead to trouble. He's tired and he hasn't had anything to eat. He doesn't have any money. So the hand on his back is going to help him and buy him some food and send him on his merry way I guess, because in real life you wouldn't give him a job. You might feed him but that's about it. That's a hard one!

Morgan reports that this suspect confessed to stealing the money in the confrontation stage of the interview.

The last sketch shown to the suspect is the Guilt and Remorse sketch. Often deceptive suspects will project their own feelings of guilt or remorse for the crime they committed into their story. Morgan developed these gender-specific sketches: in each sketch a male or female is holding their head in their hands (Figure 5.5A and B).

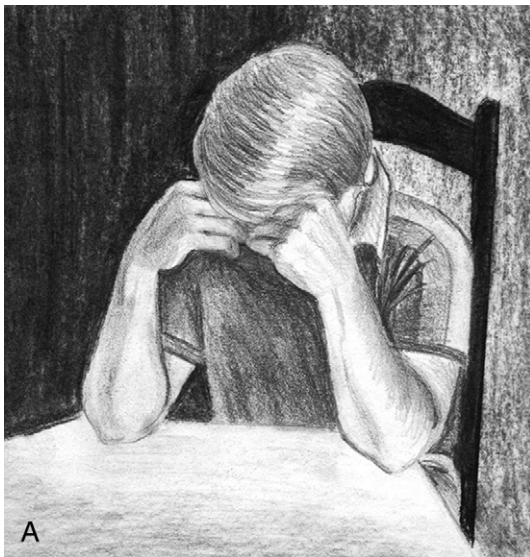


FIGURE 5.5A MITT GR 1.

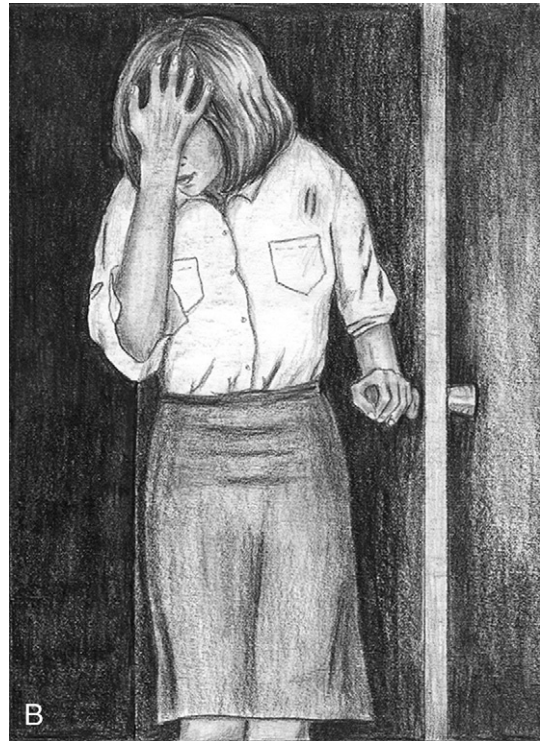


FIGURE 5.5B MITT GR 21.

The MITT administration is utilized in the Forensic Assessment Interview after the interviewer has completed the background and personal data and issued a score for Posture/Demeanor. The authors then introduce the process to the suspect in the following way:

Before we start the actual interview I'd like to show you a series of sketches. This is something I do in all my interviews and I've found that it helps stimulate the open and honest conversation you and I are about to engage in. I am going to give you the sketches one at a time and I'd like you to make up a story about each

one. Tell me what happened before the scene you see on the sketch, what is happening in the scene, and make up an ending to the story for me. For example, if I were to show you a sketch of an adult male driving a vehicle you might tell me that the adult male “went to the store to buy cigarettes,” that’s what happened before the scene on the sketch. You then might tell me that “he is now driving back to his home,” that’s what is happening now in the sketch and finish the story by telling me that “he arrives home safely,” thus the end of the story.

Morgan used the TAT as part of his personality assessment of law enforcement applicants. His development of the MITT in criminal interviews, however, was for a very different purpose. He recognized that any investigator who used the MITT in an interview could easily gain insight from the verbal and nonverbal responses of the suspect and add another effective tool to his endeavor to determine truth or deception. Recognizing the variables in human behavior, we offer the following generalizations regarding suspect responses to the MITT.

1. Truthful suspects generally recognize the relevant sketch as a similar crime scene to the one they are being interviewed about and openly state the obvious or create a story about the crime. Deceptive suspects generally do not want to talk about the crime, and even though they may ask the interviewee if it is a crime scene, when instructed that it is their story, they will sometimes make up a story with no crime in it.
2. Truthful suspects often have upbeat stories. Deceptive suspects more frequently have downbeat stories.
3. Truthful suspects often create logical stories. Deceptive suspects often create illogical stories. They may even see relevancy to the irrelevant sketches.
4. Truthful suspects often have no trouble making up endings for their stories. Deceptive suspects frequently have trouble making up endings because they do not know how their current situation will end.

Morgan would utilize the five-sketch sequence shown in [Figure 5.6](#) in an industrial loss of money case where the administration of a polygraph is not an option.



FIGURE 5.6A Irrelevant sketch (child looking at a violin).

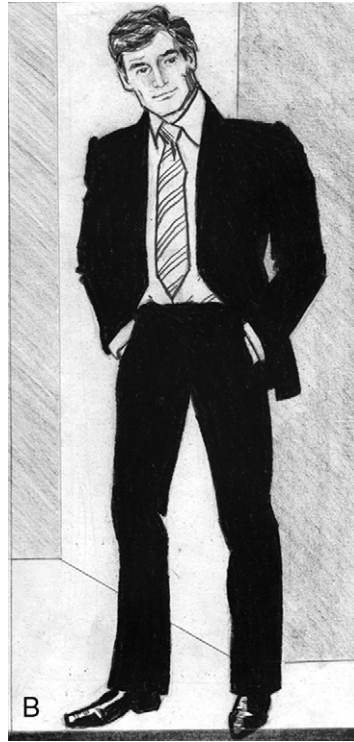


FIGURE 5.6B Irrelevant sketch (gender specific).



FIGURE 5.6C Relevant sketch.





FIGURE 5.6D Apprehension sketch.

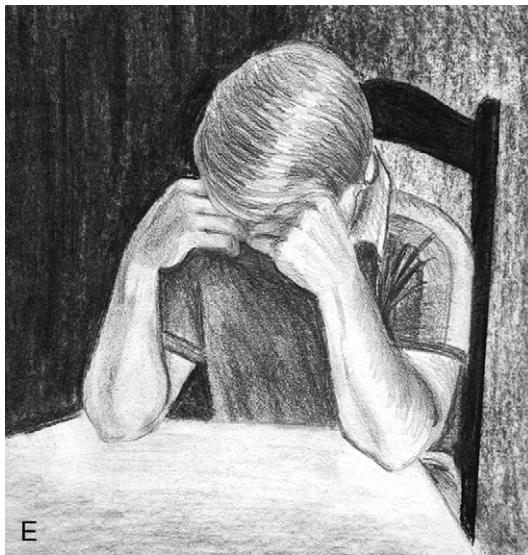


FIGURE 5.6E Guilt and Remorse sketch (gender specific).

The entire procedure takes about 5 minutes. There are several advantages to utilizing the MITT in your forensic interview:

1. In about 10% to 15% of the cases, you will be able to identify the person who committed the crime, based on their stories to the sketches. For example, in the case you will review later in this chapter, four suspects were interviewed using the MITT. When presented with the sketch of the arson, only one suspect created a story that had nothing to do with fire.
2. Based on the stories to the MITT sketches you may be able to develop information that can be used during an interrogation. For example, in the arson investigation, the suspect looks at Apprehension Sketch A-3 (female taking a polygraph examination) and starts his story with, "It looks like a person wanting to . . . it's a person testifying in court." It appears the suspect was about to say, "It looks like a person wanting to **confess**." During the confrontation stage of the interview this suspect may be told that it is obvious he wants to tell the truth and put this act behind him.
3. The process tends to break the ice for truthful suspects, reducing their level of anxiety, while increasing the level of anxiety for the deceptive suspect.

4. It gets everyone talking, and therefore has a positive effect on the rest of the interview process.
5. It will assist the investigator in narrowing the focus of the investigation in multiple suspect cases.

In the FAINT interviews, the authors give a single overall score for the MITT of a +1 (appears truthful), 0 (inconclusive), or -1 (appears deceptive), which will be added in with the remaining scores of the Forensic Assessment Interview. When multiple suspects are being interviewed, a score of -2 may be given when one or more suspects have already received a -1; however, as demonstrated later in the administration of the MITT, one particular suspect is clearly more deceptive than the previous interviewees, resulting in the -2 score.

Here are the MITT portions of the FAINT interviews of four suspects in an arson case in which the fire was set in the back room of a store where all of the interviewees were employed. Each interview excerpt is followed by the FAINT scores the interviewee was given.

### MITT SUSPECT 1

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FIGURE 5.7 Irrelevant Sketch IR 1 (child looking at a violin sitting on a table).

S: Is the girl smiling in the picture?

I: It's your picture; you can say anything you want.

S: Okay, it looks like the girl is home. It looks like her dad or mom may have bought her a violin and now she's staring at it, and then ... it's something she always wanted, and then ... she learns how to play it and plays it beautifully. *(smiles)*



FIGURE 5.8 Irrelevant Sketch IR 5 (gender specific: male in suit).

S: Okay, it looks like a man walked out of an elevator out into a hallway. Now he's looking out in the hallway to see if that's the way he needs to walk and that's the way he takes.



FIGURE 5.9 Relevant Sketch RNV 9 (sketch of office where the curtains are on fire).

S: Looks like a lady just walked into an office and discovered it was on fire. She'll grab a fire extinguisher and call the fire department.

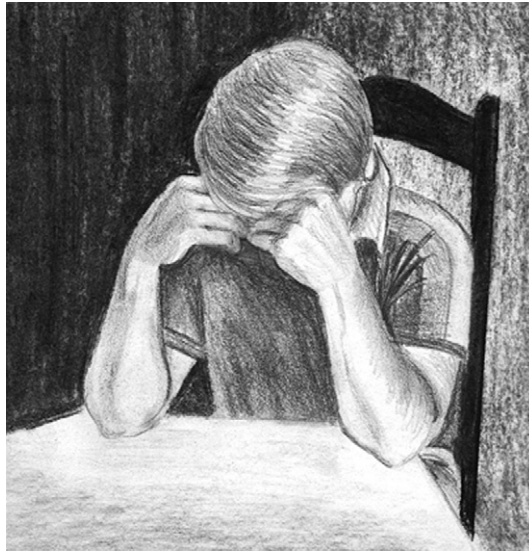


FIGURE 5.10 Guilt or Remorse Sketch GR 1 (gender specific).

S: Looks like a boy ... had something on his mind, and he's sitting at the kitchen table worried about something and I guess his parents come in and talk to him about it.

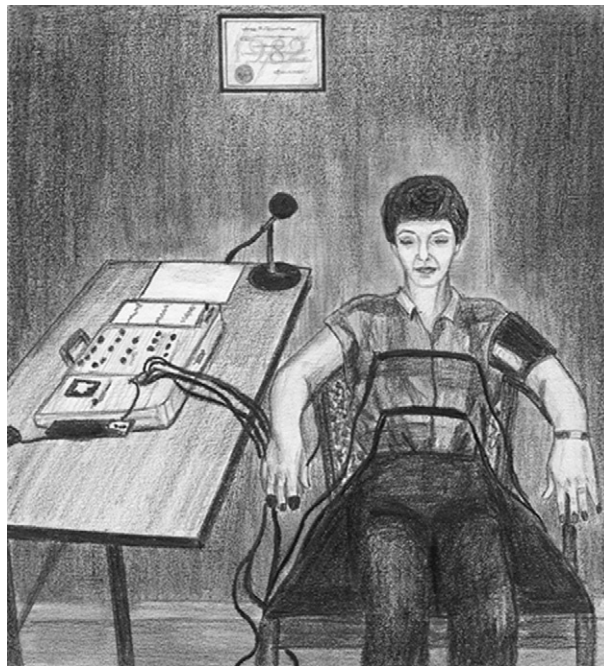


FIGURE 5.11 Apprehension Sketch A 3 (person taking a polygraph test).

S: Okay, it looks like a lady is taking a lie detector test (*looks up for approval/smiling*). She's now in the process of the test. Now ... afterwards it will tell if she's lying or telling the truth.



Score: +1

Saw a fire in the relevant sketch, stories were upbeat, made sense, and stories had endings.

## MITT SUSPECT 2

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FIGURE 5.12 Irrelevant Sketch IR 1 (violin).

S: ... I'm not good at this.

I: It's okay, take your time.

S: ... To me it just looks like she's just thinking about music.

I: How's it come out? What happens in the future?

S: To me she looks like somebody who really wants to play an instrument like that. And she's just thinking real hard about it. And that's her, her future. She gets ... if you really want something and think about it you'll get it in the end.

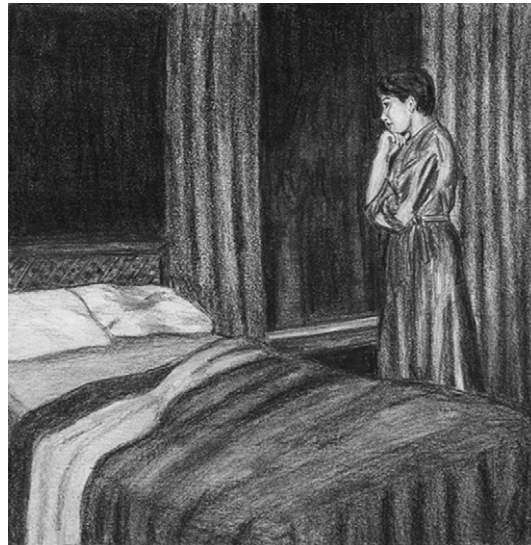


FIGURE 5.13 Irrelevant Sketch IR 4 (gender specific: woman looking out a window female suspect).

S: . . . It looks like a woman. Her husband hasn't come home yet. She's wondering if he is okay. He comes home, had to work late.



FIGURE 5.14 Relevant Sketch RNV 9 (sketch of office where the curtains are on fire).

S: (*adaptive stress gesture: hand to back of neck*) . . . A fire. (*soft voice*) . . . Looks like it got most of the house . . . most of the office. Call the fire department and put it out.

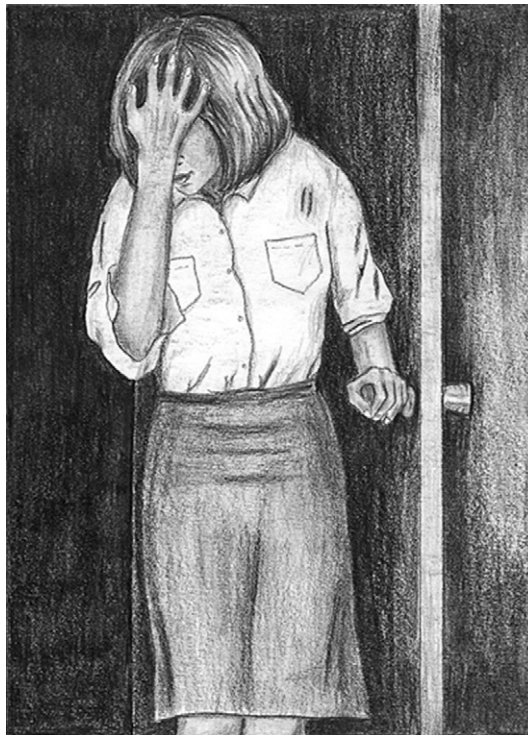


FIGURE 5.15 Guilt or Remorse Sketch GR 2 (gender specific).

S: ... She looks like she walked in and seen something ... (*nods, NO*) ... she could've either walked in and seen something bad, or walked in and something's burning in front of her face. ... I don't know. I'm not good at this. (*nervous laugh*)



FIGURE 5.16 Apprehension Sketch A 3 (person taking a polygraph test).

S: Polygraph. I've had it before. If something happened or somebody don't believe you they'll give you a polygraph test and it'll tell if you're bad or good.

I: So how's it come out?

S: I don't know.

I: It's your story.

S: ... If she ain't got nothing to hide, I'll say good.

Score: -1

Used a nonverbal stress gesture when she saw the relevant sketch; saw the relevant issue of fire in the guilt or remorse sketch; had problems with endings and had to be prompted for outcome or end of the story.

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**MITT SUSPECT 3**

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FIGURE 5.17 Irrelevant Sketch IR 1 (violin).

S: Before she wants to learn how to play the violin, and now she's trying to figure it out. (*shrugs/slight hand illustration as talks*) . . . She gets good. Plays a concert.

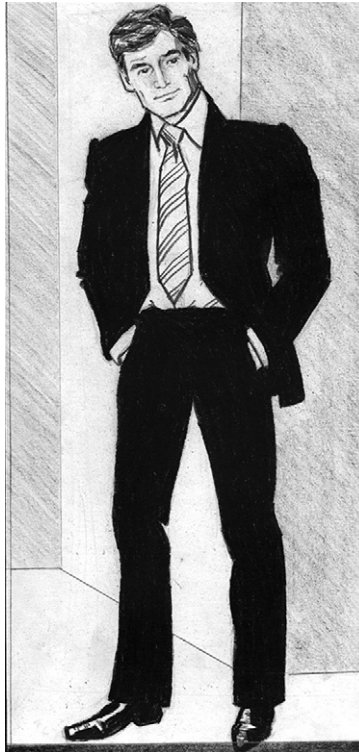


FIGURE 5.18 Irrelevant Sketch IR 5 (gender specific: male in suit).



S: Uh ... before the guy's looking for dress clothes (*slight hand illustration as talks*). Now he's trying on a suit. Fits good and he gets it.



FIGURE 5.19 Relevant Sketch RNV 9 (sketch of office where the curtains are on fire).

S: Uh ... before ... I guess the kid's playing with fire (*slight hand illustration as talks*) Now the room's on fire. (*shrugs*) Guess he calls the fire department. (*slight laugh*)

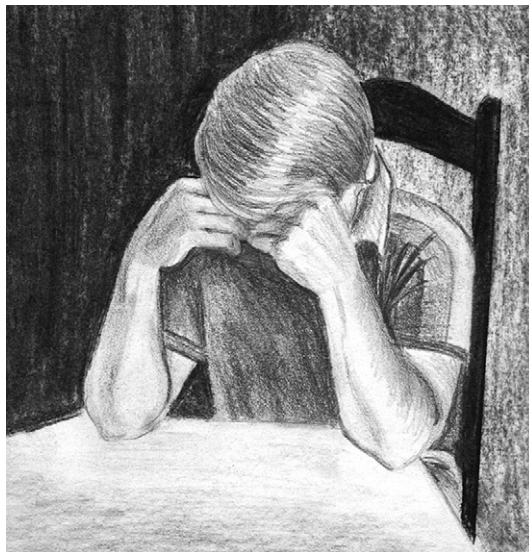


FIGURE 5.20 Guilt or Remorse Sketch GR 1 (gender specific).

S: Before a kid's having trouble. Now he's just thinking. Gets it all settled.

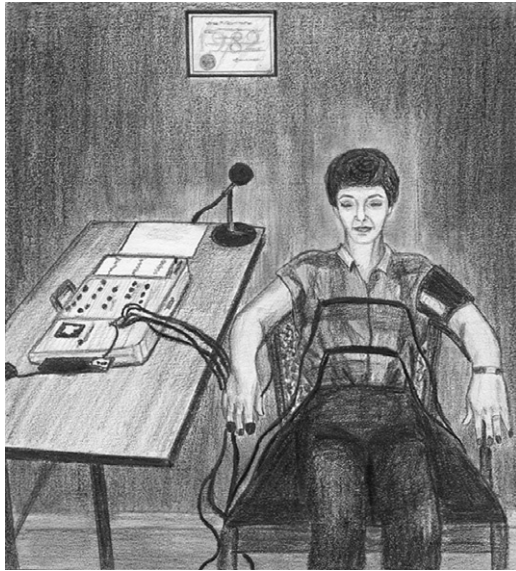


FIGURE 5.21 Apprehension Sketch A 3 (person taking a polygraph test).

S: Before he was witness to crime or something, now he's on a polygraph test . . . after (*shrugs*) he's guilty.  
(*slight snicker*)

Score: -1

Sees the fire but minimizes it: playing with matches; has the person taking the polygraph test guilty; interesting that the person only witnessed the crime.

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#### MITT SUSPECT 4

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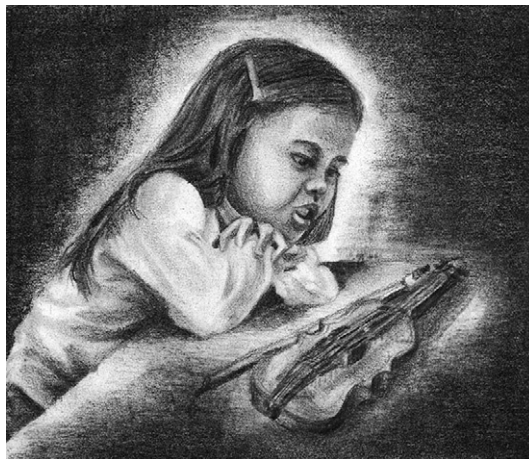


FIGURE 5.22 Irrelevant Sketch IR 1 (violin).

S: She wants to learn how to play the violin and she's sitting there studying studying studying the chords, the pictures and stuff (*illustrates with hand*). And the outcome is she learns how to play it.

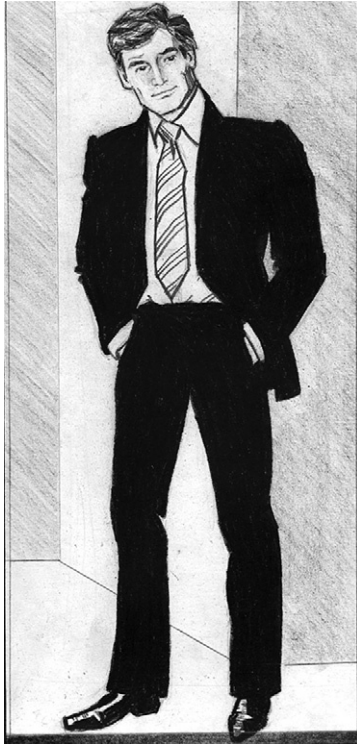


FIGURE 5.23 Irrelevant Sketch IR 5 (gender specific: male in suit).

S: ... A guy walked in a room and sees someone's sitting there. And there's suspicion ... the guy sitting there don't know him and he's suspicious and it turns out to be one of his old Army buddies.



FIGURE 5.24 Relevant Sketch RNV 9 (sketch of office where the curtains are on fire).

S: ... Boy came to see his father, but his father's not there. So the boy assumes he went home.

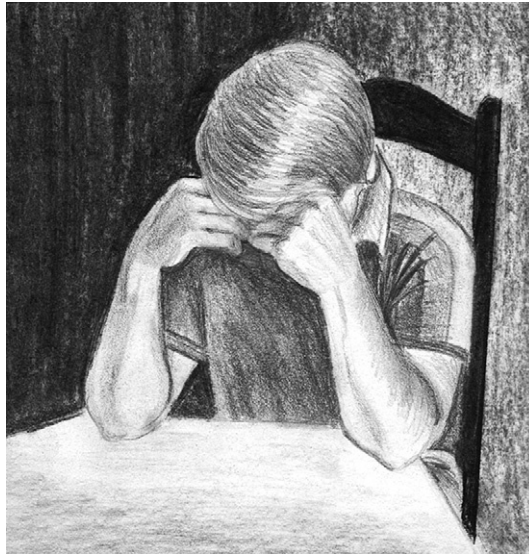


FIGURE 5.25 Guilt or Remorse Sketch GR 1 (gender specific).

S: (*touches nose*) . . . The boy heard his father passed away and he's sobbing about it, but it turned out not to be his father but a friend of his father.

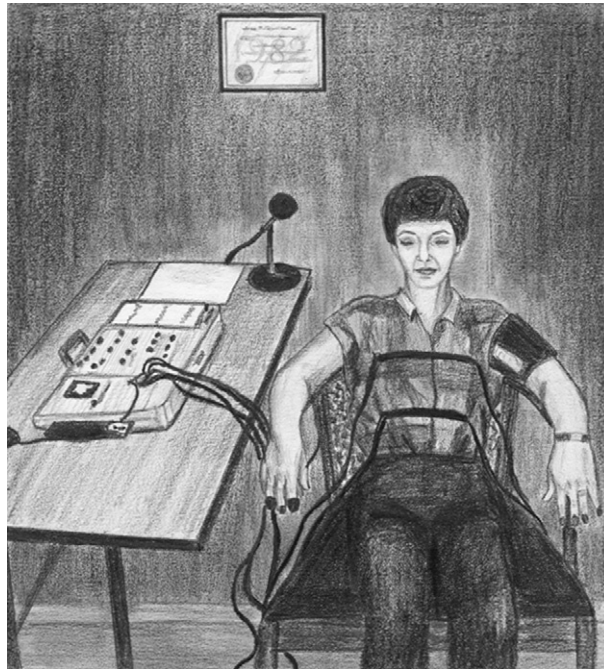


FIGURE 5.26 Apprehension Sketch A 3 (person taking a polygraph test).

S: It looks like a person wanting to . . . it's a person testifying in court . . . he's got some wires hooked up to him, like a lie detector test . . . he's calm . . . and . . . he's telling the truth.



Score: -2

A score of -2 was given because two earlier suspects had already received a -1, and this suspect's MITT was clearly more problematic because he was the only suspect who did not see fire in the relevant sketch. Also, during the background questioning at the beginning of the FAINT interview, the author mentioned that he was in the military to establish rapport with the suspect, and the suspect stated he wanted to be in the military. Now, the suspect actually describes himself and the interviewer in the second sketch.

Interestingly, in the case just presented, the first suspect was innocent. The second suspect was also innocent, but had been involved in an arson as a child. The third suspect was innocent, but had guilty knowledge of the fourth suspect, who actually set the fire and confessed.

Contact the Academy for Scientific Investigative Training, Nathan J. Gordon and William L. Fleisher, for information on MITT interview training seminars and purchase of the "Morgan Interview Theme Technique MITT."

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## SUMMARY

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- MITT is a projective test where the suspect is asked to make up stories concerning five presented pictures.
- MITT only takes a few minutes to administer and tends to reduce the anxiety of the innocent and increase the anxiety of the deceptive.
- MITT allows for the identification of the deceptive by their reluctance to talk about the relevant issue, their downbeat stories, their inability to make up endings, and their illogical presentations.
- MITT also gives the interviewer information that can be used during an interrogation to facilitate admissions and confessions

## References

[1] Wikipedia, [www.wikipedia.org](http://www.wikipedia.org).

[2] Ibid.

## Forensic Statement Analysis

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Today, an important aspect of evaluating written, transcribed, or videotaped statements today is forensically analyzing them. Currently, there are two major techniques used in the substantive analysis of statements: Criterion Based Statement Analysis (CBSA) [1] and Scientific Content Analysis (SCAN) [2].

CBSA is a method that developed from a long tradition of research in the field of witness psychology. The research began with the three following works: *La Suggestibilité (Suggestibility)* by Alfred Binet in 1900; *Die Aussagepsychologie (Witness Psychology)*, by William Stern in 1902; and the previously mentioned “On the Witness Stand” by Hugo Münsterberg in 1909 [3].

William Stern (1871–1938), one of the major German psychologists in the field of personality and developmental psychology, published an untitled article in 1904, “The Testimony is an Intellectual and an Audition Product.” This title accurately describes the concept of witness psychology, which maintains that “testimony” is a performance that depends not only on personal characteristics, but also on characteristics of the situation in which the statement was given [3].

In the early 1900s, Stern and other German psychologists began experiments concerning the credibility of witness testimony of children and adults in alleged cases of sexual abuse. They observed the influence that other people had on the statements of children.

In 1967, Udo Undeutsch, a professor of psychology in Germany, formulated a working hypothesis for evaluating the credibility of testimony [1]. This “Undeutsch Hypothesis” (named by German psychologist Max Steller in 1989) stipulates that descriptions of real memories differ qualitatively from fabricated testimonies.

This notable difference is based on the supposition that a fabricated statement demands from the prevaricator a greater cognitive effort, greater creativity, and also a great deal of self-control. The production of a lie requires more cognitive energy than the production of a truthful account.

A lie needs supporting strategies such as creativity and control processes to ensure that different elements of the falsehood fit together without contradiction. This leads to the assumption that the quality of true statements might differ from invented or fabricated ones. The quality will differ in such a way that invented statements may be “poorer” in

quality, because more cognitive energy has to be allocated to creative or control processes. Therefore, the description of the alleged event might result in a poorer outcome, fewer details, and a less vivid picture than reports about experienced events.

In other words, the statement not based on a real experience will be less elaborate than a statement based on genuine recollection. This hypothesis gave a new foundation for the research and verification of criteria that can differentiate a truthful statement from a fabricated one [3].

In the late 1980s, psychologists Stellar, Raskin, Trankell, Koehnken, and Epsin did empirical research in CBSA and validated that this method can differentiate statements based on reality from those that are fabrications [4]. However, this method cannot differentiate between statements based on reality and statements that were influenced by suggestion. Psychologists continue to research this method today.

The evaluation of a statement uses the following nineteen criteria [1].

### **General Characteristics:**

#### **1. Logical structure**

- When a free report is coherent and logical, yet not in chronological order, it is acceptable.
- To ensure credibility, the entire statement is searched to determine if the content is concrete, original, precise, and evident.
- Contradictions and contradictions to natural laws (technical, medical, psychological, etc.) negatively affect the credibility of the statement.

#### **2. Unstructured production**

- The fictitious statement is generally ordered in a chronological way.
- It is very difficult to lie in a nonstructured way.
- When the act is described in a discontinuous manner, but nevertheless fits together like a mosaic, as an entire unit, then it is a qualitative sign of the fulfillment of this criterion.

#### **3. Quantity of details**

- A credible declaration gives more information than a fabricated one. This criterion is based on the assumption that for a witness who didn't experience what he/she is reporting, it is difficult to invent a complex and detailed story while staying logical and free from contradiction.
- This criterion refers to the relevant issues in the declaration.

**Specific Contents:** In this category the emphasis is on the quality of the information given by the witness. The cognitive aspect involved in developing the statement plays a primary role.

#### **4. Contextual embedding**

- This criterion refers to the relevant issues in the statement. Real memories about an event are more connected to time and space than fabricated ones. This criterion can be accomplished only if the relevant act is described in a detailed way, giving reasonable information to each situation that concerns time and space in order to explain the relevant act.

### 5. Descriptions of interactions

- The relevant criminal act has to be described by several sequences of actions and chains of reactions.
- The more complex the sequence, the more valuable this criterion is. For example:

He pointed a gun at me and I put my hands up in the air and he took the papers from my hand. I tried not to let go and he hit me with the butt of the gun and ran away. When he grabbed the papers a small piece ripped off that was still in my hand.

### 6. Reproduction of conversation

- This criterion is accomplished when we have a complexity of conversation sequences referring to the relevant act.
- When a witness refers to a conversation with only one sentence, like, “Give me those papers,” then this criterion is not fulfilled.

He pointed a gun at me and said, “If you cooperate you won’t get hurt” and I put my hands up in the air, and said, “**What do you want?**” He said, “**Give me those papers,**” and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, “**Don’t make me hurt you,**” and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand.

### 7. Unexpected complications during the incident

- There is agreement, without restriction, that when this criterion is present it is a very important indication of the credibility of the statement.
- The description of an unexpected disruption within the act, or complications that cause the ending of the act (for instance a telephone call), would be a very difficult cognitive task for a witness to fabricate if they are not telling the truth.

He pointed a gun at me and said, “If you cooperate you won’t get hurt” and I put my hands up in the air, and said, “What do you want?” **Another person suddenly walked into the parking lot and he told me to put my hands down and don’t move.** After the person left he said, “Give me those papers,” and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, “Don’t make me hurt you,” and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand.

### Peculiarities of Content:

#### 8. Unusual details

- An extraordinary description or the reference of a rare detail in connection with the criminal act is considered a solid indicator of a reality-based statement.
- Extraordinary details are the opposite of stereotypical reports. These details have to refer to the crime.

He pointed a gun at me and said, “If you cooperate you won’t get hurt” and I put my hands up in the air, and said, “What do you want?” Another person suddenly walked into the parking lot and he told me to put my hands down and don’t move. **He suddenly pushed the gun into my stomach and came very**



**close to me.** After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand.

### 9. Superfluous details

- The integration of peripheral details in the testimony about the relevant act is a sign of a real experience.
- Both issues get mixed in the memory and are recalled together as a part of the experienced event.
- The peripheral details are not necessary to describe the event. Therefore, a person who didn't experience a criminal act would not mention peripheral details.
- Peripheral details are only considered if the witness describes many details of the relevant act, thus allowing for the differentiation between what is relevant and what is peripheral.

He pointed a gun at me and said, "If you cooperate you won't get hurt" and I put my hands up in the air, and said, "What do you want?" Another person suddenly walked into the parking lot and he told me to put my hands down and don't move. He suddenly pushed the gun into my stomach and came very close to me, **almost like it was two people hugging.** After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand.

### 10. Accurately reported details misunderstood

- This refers to details not understood, but reported in an exact form.
- This occurs when the witness describes a situation in an exact way, but does not understand the significance or meaning of his description. For example, consider this statement: "*He took me to his room and I noticed a lump of putty on his desk. I found it strange that an adult would be playing with putty.*" The putty described in this statement is actually an explosive, C4 that was used in the commission of a terrorist act.

### 11. Related external associations: reference to exterior incidents

- This criterion is accomplished when the statement mentions conversations where the accused person makes references about other comparable situations with another person.
- If a witness describes that he talked later with another person about the criminal act, this criterion is not fulfilled, because the other person had nothing to do with the act.

He pointed a gun at me and said, "If you cooperate you won't get hurt. **I am sure you know this happened to someone else from your office and because he cooperated I did not hurt him**" and I put my hands up in the air, and said, "What do you want?" Another person suddenly walked into the parking lot and he told me to put my hands down and don't move. He suddenly pushed the gun into my stomach and came very close to me. After the person left he said, "Give me those

papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand.

## 12. Accounts of subjective mental state

- Reference to internal-psychological states.
- This criterion is accomplished when the statement reports in a differentiated way the emotional or sensory reactions of the person in reference to the criminal act.
- A simple reference to a threatening situation cannot justify the presence of this criterion.

He pointed a gun at me and said, "If you cooperate you won't get hurt. I am sure you know this happened to someone else from your office and because he cooperated I did not hurt him" and I put my hands up in the air, and said, "What do you want?" Another person suddenly walked into the parking lot and he told me to put my hands down and don't move. He suddenly pushed the gun into my stomach and came very close to me. After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand. **I felt my legs trembling, I almost collapsed. I thought he was going to kill me. How would my family exist?**

## 13. Attribution of perpetrator's mental state

- If the statement contains specific elements concerning the psychological state of the accused person it is a sign that the statement is based on real experience (i.e.: heavy or rapid respiration).
- This has to be reported in a spontaneous way, not as a response to a question.

He pointed a gun at me and said, "If you cooperate you won't get hurt. I am sure you know this happened to someone else from your office and because he cooperated I did not hurt him" and I put my hands up in the air, and said, "What do you want?" Another person suddenly walked into the parking lot and he told me to put my hands down and don't move. He suddenly pushed the gun into my stomach and came very close to me. **I could feel his breath on my neck. He was breathing rapidly. His cheek touched mine. It felt cold and clammy.** After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand. I felt my legs trembling, I almost collapsed. I thought he was going to kill me. How would my family exist?

**Motivation Related Contents:** The previous categories described the contents and elements from cognitive psychological aspects. The following criteria concerns the motivation and the presentation of the self as by the suspect, and whether he tries to put himself into a favorable light in an attempt to convince the interviewer he is being truthful.

## 14. Spontaneous details: spontaneous corrections

- When there are spontaneous corrections (not grammatical ones) it is a valuable sign of the credibility of the statement.
- Fabricated statements rarely have spontaneous corrections.

He pointed a gun at me and said, "If you cooperate you won't get hurt. I am sure you know this happened to someone else from your office and because he cooperated I did not hurt him" and I put my hands up in the air, and said, "What do you want?" **I didn't just put my hands up, he told me to put my hands up in the air.** Another person suddenly walked into the parking lot and he told me to put my hands down and don't move. He suddenly pushed the gun into my stomach and came very close to me. I could feel his breath on my neck. He was breathing rapidly. His cheek touched mine. It felt cold and clammy. After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand. I felt my legs trembling, I almost collapsed. I thought he was going to kill me. How would my family exist?

#### 15. Admitting lack of memory

- If a statement is based on reality the writer will not be afraid to admit gaps in memory.
- We have to be careful if the witness does this in response to a precise question. In that case we cannot differentiate between a real or false statement.

He pointed a gun at me and said, "If you cooperate you won't get hurt. I am sure you know this happened to someone else from your office and because he cooperated I did not hurt him" and I put my hands up in the air, and said, "What do you want?" I didn't just put my hands up, he told me to put my hands up in the air. Another person suddenly walked into the parking lot and he told me to put my hands down and don't move. He suddenly pushed the gun into my stomach and came very close to me. I could feel his breath on my neck. He was breathing rapidly. His cheek touched mine. It felt cold and clammy. **I am not sure if the gun was a revolver or automatic.** After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand. I felt my legs trembling, I almost collapsed. I thought he was going to kill me. How would my family exist?

#### 16. Raising doubts about one's own testimony

- It would be counterproductive for a person who is not telling the truth to question his own statement.
- This criterion is accomplished when the person reports in a spontaneous way that what he said before is so unbelievable that he himself wouldn't believe it if somebody told it to him.

He pointed a gun at me and said, "If you cooperate you won't get hurt. I am sure you know this happened to someone else from your office and because he cooperated I did not hurt him" and I put my hands up in the air, and said, "What do you want?" I didn't just put my hands up, he told me to put my hands up in the air. Another person suddenly walked into the parking lot and he told me to put my hands down and don't move. He suddenly pushed the gun into my stomach and came very close to me. I could feel his breath on my neck. He was breathing rapidly. His cheek touched mine. It felt cold and clammy. **I am not sure if the gun was a revolver or automatic.** After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened

my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand. I felt my legs trembling, I almost collapsed. I thought he was going to kill me. How would my family exist? **It seemed like it was a nightmare. I had to pinch myself to make sure it was really happening.**

#### 17. Self-deprecation: self-accusation

- If the person presents himself in a negative light, he admits his own errors, for instance, says: "It was my fault; I should have locked the door and not have let him enter," or "His caresses felt nice, but afterwards it wasn't nice anymore, it hurt," the presence of this criterion reinforces the hypothesis that they are reporting a real experience.
- A person who didn't experience what he is saying has the tendency to describe the act in a black-and-white way. He would like to convince people that he is pure (white), and the accused or accuser is completely evil (black).

... After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand. I felt my legs trembling, I almost collapsed. I thought he was going to kill me. How would my family exist? **It seemed like it was a nightmare. I had to pinch myself to make sure it was really happening. If I had left the papers in the office they wouldn't have been stolen.**

#### 18. Pardoning the perpetrator: discharging the accused person

- This criterion is present when the statement shows a neutral attitude toward the accused person.
- This attitude would be incompatible in the case of motivation for a false allegation.

... After the person left he said, "Give me those papers," and he took the papers from my hand. I tightened my hold and tried not to let go and he hit me with the butt of the gun and said, "Don't make me hurt you," and took the papers and ran away. When he grabbed the papers a small piece ripped off that was still in my hand. I felt my legs trembling, I almost collapsed. I thought he was going to kill me. How would my family exist? **It seemed like it was a nightmare. I had to pinch myself to make sure it was really happening. If I had left the papers in the office they wouldn't have been stolen. Maybe someone is forcing him to do this.**

#### Offense-Specific Elements:

#### 19. Detailed characteristics of the offense: crime-specific characteristics

- To fulfill this criterion, there has to be a sequence in the statement that has to do with criminology or victimology.
- The writer has no idea that what he says has anything to do with criminology or victimology. An example of this would be grooming behaviors used to manipulate the intended target/victim.

He took me to a fancy restaurant. Gave me a beautiful watch.

It is not necessary to find all of the nineteen cited criteria present in every statement. A lack of criteria does not mean the statement is untrue. This is especially so when analyzing a statement of a young child or mentally incapacitated person who may not have the verbal skills necessary to write or give a statement of high quality.

The number of criteria found in a given statement does permit the analyzer to make a qualitative evaluation of its validity. If the statement meets a combination of given criteria, which proves it to be of a high quality, it supports the assumption that the statement is based on reality and is true. There is no numerical scoring or cut-off established for this method.

The evaluation of the nineteen criteria is the “heart” of the analysis. However, it represents only a part of the whole opinion of the expert. The diagnostic process finds its value when the criteria is combined with other important elements, such as the birth of the statement, how the statement was developed, the personality traits of the person giving the statement, and their motivation for giving the statement.

In 1992, Stellar and Boychuk introduced the concept of Statement Validity Analysis (SVA), which takes into account information in addition to CBSA. The evaluator reviews all of the relevant case information and then analyzes the statement’s quality using the CBSA criteria.

In 1997, Stellar and Volbert proposed that the evaluator must ask the critical question, “Is this witness with his/her intellectual or physical capacities able to produce this statement without having experienced what was stated?” In other words, could the previous statement in this chapter have been written by a person who alleged the secret documents were stolen at gunpoint, who could have given such a high-quality statement with so many of the criteria present indicative of reality, and yet still be lying?

To answer this important question, the evaluator has to consider three elements:

- Personality Diagnosis – was the person giving the statement, considering his cognitive and physical characteristics, able to clearly and correctly perceive what happened and able to recall what happened?
- Genesis and Development of the Statement – taking into consideration the occasion and origin of the statement, and to whom it was given for the first time.
  - The reaction of the person receiving the statement for the first time must also be considered, as well as what questions they could have asked that might have influenced the statement.
  - If the person made more than one statement, the consistency between different statements must be analyzed, as well as the development of the statement.
- Motivation Analysis – It is necessary to analyze the different motivations that could cause a person to make a false allegation against somebody: for example, to protect someone else, for vengeance, to make oneself look better, or to cover up a different crime. We must differentiate between the individual’s motivation and motivation that may have been created by the environment (i.e., someone’s desire to create misinformation).

In considering motivation for false allegations, we have to be aware of the following points:

- Does the language correspond to the experiences of the witness?
- Are the emotions exaggerated in comparison to the event described in the statement?

- Are the emotions totally missing where you would expect them to be?
- Are there indicators for any suggestion in the environment?
- Are there other kinds of conflicts between the accuser and the accused person?
- Are there indicators in the genesis of the testimony for explaining a false allegation?
- Are there indicators in the statement for a violation of natural laws?
- Are there contradictions in the different statements (or different witnesses)?

In 1999, the German Supreme Court issued a standard for expert testimony in statement psychology. One of the major points of this standard is that the expert has to consider the “Zero Hypothesis” [1], which assumes that the statement is not truthful until one finds enough indicators to prove differently. In that case, the alternative hypothesis, that the victim’s statement is based on real experience, is accepted.

Courts in Germany and Switzerland order forensic psychologists to give expert opinions about the credibility of statements. The forensic psychologist’s task is to objectively evaluate the quality of the testimony. Although this process was originally created to determine the credibility of a child, it is also currently used to analyze the statements of adult witnesses.

The analysis must be performed in a systematic and transparent manner. The assessment of a statement made spontaneously and consisting of long sequences, without interruptions by questioning, ensures better validity than an assessment of a statement consisting of many long questions with short answers. Every interview should be videotaped to ensure transparency and accuracy.

### Warning

*A forensic psychological opinion in statement credibility has high validity only when the interview corresponds to a very strict scientific standard, and when the evaluation is done competently.*

In the late 1980s, Avinoam Sapir\* immigrated to the United States and began teaching a method of statement analysis he created, Scientific Content Analysis (SCAN) [2]. Sapir, with a background in code breaking for the Israeli intelligence service, and a polygraph examiner in the Israeli Police Department in Jerusalem, holds a bachelor’s degree in both psychology and criminology, and a master’s degree in criminology. He developed the SCAN technique by conducting extensive research into verbal communication, looking into the linguistic behavior used by people in communication.

There are two components to the SCAN system: obtaining a pure statement, and analyzing the quality of the structure and content of that statement. Sapir has found that the deceptive suspect, who does not intend to tell the truth, will express himself briefly as he tries to run away from the critical issue. He may minimize or attempt to ignore the facts of the crime. This will cause him to edit his statement. When we ask a person to write what they know about the crime and how they would explain it, they cannot write everything. They must edit it, telling us what they think is important for us to know [5].

In order for a person to establish commitment to what is being said, two requirements must be fulfilled:

\*For information on seminars in SCAN offered by Avinoam Sapir, go to [www.lsiscan.com](http://www.lsiscan.com).

1. The person needs to connect the statement to himself by using the word “I”;
2. The person needs to connect the statement to the past by using first person singular, past tense.

The most psychologically difficult “voice” for a person to lie in is the first person singular, past tense: “I did not touch my daughter’s vagina,” versus “I would not touch my child’s vagina.” When looking at the suspect’s answer, evaluate the psycholinguistic differences between truthful and deceptive suspects [5]:

<b>Truthful</b>	<b>Deceptive</b>
1. Rich in details.	Lack of details.
2. First person singular, past tense.	Deviates from the first person singular, past tense.
3. Proper introduction of the victim: “My daughter. . . .”	Improper introduction of the victim: “She. . . .”
4. Uses possessive pronoun: “My daughter. . . .”	Lack of possessive pronoun: “The child. . . .”
5. No gaps in time.	Missing time: “Two hours later. . . .”
6. Appropriate emotions in the right place (post-incident).	No emotions.
7. Will deny doing the crime before being asked.	Only makes denials to direct question.
8. Flow of story proper.	Incorrect flow of story.

The first step in SCAN is to obtain an open or “pure” statement. This is similar to the CBSA requirement of a spontaneous and lengthy statement without interruptions. The purpose of obtaining a pure version of events in the form of an open statement from the suspect is to enable the assessor to break the suspect’s linguistic code. In the FAINT interview, question 7, “Write in detail what you know about this and how you would explain it?” serves this purpose.

Once an open statement is obtained, the assessor will evaluate the flow of the statement. Point 8 in the box just shown describes the flow of the statement. Sapir identifies that a statement has three parts: the pre-incident (what happened prior to the onset of the incident), the incident itself, and the post-incident (what happened after the incident was over). Sapir has found that the flow of a truthful statement is generally composed of 20% pre-incident, 50% incident, and 30% post-incident. Simply put, a truthful statement is where the post-incident is a greater portion than the pre-incident, and the incident is usually the greatest portion of all.

<b>Flow of a Truthful Statement</b>	
Pre-incident:	20%
Incident:	50%
Post-incident:	30%
Incident > Post-incident > Pre-incident	

The reason the “flow” of the statement occurs in this manner is that deceptive suspects do not want to have to talk about the incident. Therefore, they have a tendency to devote a lot of time in the pre-incident as they attempt to avoid getting to the part of the statement dealing



with the incident, where they must lie. Once they arrive at the part of the statement where they must lie to conceal their involvement, they tend to lie by omission, resulting in a short narrative about the incident itself. The post-incident deals with what happened after the incident. In statements of false allegations, such as rape and molestation, this part of the statement is where a truthful person tells about the investigative process and their embarrassment about what was done to them, etc. The deceptive suspect does not have these experiences, which results in a very small post-incident portion of the statement.

Sapir also looks for signs of credibility in the statement. Credibility is established by proper use of pronouns and using first person singular, past tense to write about what happened.

If a person is not willing to write “I” in the statement, it is problematic. For example, when asked to write what happened the previous day (deposit was stolen from his workplace), from the time he awoke until he went to bed, a suspect writes:

*I woke up at 7 am. I got out of bed and went into the bathroom. I brushed my teeth, showered, and got dressed. I went downstairs ate breakfast and went to work. Punched in at 8:30 and worked the register till noon. Went to lunch until 1 pm and then went back and ran the register until 5 pm. Then I punched out and went home. I ate dinner and watched TV until about 10 pm and then went to sleep.*

Notice the pronoun “I” is in the statement before the suspect arrives at work and after he leaves, however during the critical time period when the theft would have occurred there are no “I’s” in the statement.

Consider the statement, “I am not having sex with that woman!” This is quite different from “I never had sex with that woman!” This person may have had sex with the woman in the past, but now that he has found out he is under investigation, he has terminated the relationship. “I am not having sex with that woman!” is technically a truthful statement; however, when stated in the first person, past singular, it is a patent lie.

In question 7, in the Forensic Assessment Interview, we request the suspect to write or tell us, “What is this about, and how you would explain it?” As in MITT, we give our assessment of their answer as +1 if we believe it is truthful, 0 if we cannot decide (inconclusive), or –1 if we assess it to be deceptive. To receive a +1, the answer must allow the interviewer to ask a very specific relevant question regarding the suspect’s commission of the crime under investigation, for example, “This is about the theft of money from the bank in the form of stolen checks.” “This is about whether I am being truthful” or “This is about a problem at the bank” would not meet this criterion and therefore would receive a –1.

In analyzing a written statement, pronouns also serve other important roles. Pronouns signify possession. This can be very important in cases of theft, property, and abuse. In an arson case, a suspect wrote the following statement.

**Please write what you did from the time you woke up, until you went to sleep, on Friday, January 7, 2000.**

I got up. I took a shower. I got dressed. I went downstairs to the kitchen. I ate a bowl of cereal and left for our store. It was about 6:30 a.m. I got into my car and drove to our store at 5200 Bridge Road. I opened and began setting up our registers for business. Nothing unusual occurred during the day. I did get a phone call from Joe, but we didn’t really talk about anything of importance. At 4:30 p.m. closed the store. Cleaned up. Left with seven other employees. As the door was locked I heard the phone ring. Went in the store to answer the phone. When I went in the store the phone stopped ringing. After a couple of minutes went back out, locked the door and everyone went home. I went home to make dinner, but around 6 p.m. got a call that there was a problem at the store so I went back. When I got home I ate, watched TV and went to bed. I think it was about 10 p.m. That’s about it.



This statement would have been scored a  $-1$ , because after reading it you would have had no idea as to what crime had been committed. Also, examine the use of pronouns in this statement, as well as where they are left out:

*I got up. I took a shower. I got dressed. I went downstairs to the kitchen. I ate a bowl of cereal and left for our store. It was about 6:30 a.m. I got into **my** car and drove to **our** store at 5200 Bridge Road. I opened and began setting up **our** registers for business. Nothing unusual occurred during the day. I did get a phone call from Joe, but **we** didn't really talk about anything of importance. At 4:30 p.m. (suddenly leaves pronoun out) closed the (our store suddenly becomes the store) store. (leaves pronoun out) Cleaned up. Left with seven other employees. As (leaves pronoun out) the door was locked I heard the phone ring. (leaves pronoun out) Went in the store to answer the phone. When I went in the store the phone stopped ringing. After a couple of minutes (leaves pronoun out) went back out, (leaves pronoun out) locked the door and **everyone** went home. I went home to make dinner, but around 6 p.m. got a call that there was a problem at (leaves pronoun out) the store so I went back. When I got home I ate, watched TV and went to bed. I think it was about 10 p.m. That's about it.*

Sapir identifies the quality of a relationship between the writer and others by how the writer introduces people in his statement. A truthful suspect wants the reader to understand his statement. People in the statement are therefore properly introduced. Failure to do this is indicative of a possible problem in their relationship. For example, if a person wrote, "I woke up at 7 am, got dressed and had breakfast with Kathy," but never told you that Kathy was his wife, that is problematic.

In analyzing a statement, Sapir looks for missing time. He maintains that the deceptive person would rather lie by omission than commission. Therefore, we do not look for lies in the statement to determine deception; we look for missing time and missing information. Words and phrases such as **after that**, **later on**, **I don't remember**, **started**, and **began** are all signs that information or time may be missing.

*I got up. I took a shower. I got dressed. I went downstairs to the kitchen. I ate a bowl of cereal and left for our store. It was about 6:30 a.m. I got into **my** car and drove to **our** store at 5200 Bridge Road. I opened and began setting up **our** registers for business. Nothing unusual occurred during the day. I did get a phone call from Joe, but **we** didn't really talk about anything of importance. At 4:30 p.m. (suddenly leaves pronoun out) closed the (our store suddenly becomes the store) store. (leaves pronoun out) Cleaned up. Left with seven other employees. As (leaves pronoun out) the door was locked I heard the phone ring. (leaves pronoun out) Went in the store to answer the phone. When I went in the store the phone stopped ringing. After a couple of minutes\*\* (missing information) (leaves pronoun out) went back out, (leaves pronoun out) locked the door and **everyone** went home. I went home to make dinner, but around 6 p.m. got a call that there was a problem at (leaves pronoun out) the store so I went back. When I got home I ate, watched TV and went to bed. I think it was about 10 p.m. That's about it.*

"After a couple minutes went back out" indicates missing information as well as a missing pronoun. This was when the writer went back into the store and set the fire.

\*\*Underline added for emphasis.

Sapir maintains that if a person tells us why something is happening in an open statement, it means that it must be sensitive to the person because he felt the need to explain it. Sentences with words such as **since**, **so**, or **because** often indicate these areas of sensitivity.

*I got up. I took a shower. I got dressed. I went downstairs to the kitchen. I ate a bowl of cereal and left for our store. It was about 6:30 a.m. I got into **my** car and drove to **our** store at 5200 Bridge Road. I opened and began setting up **our** registers for business. Nothing unusual occurred during the day. I did get a phone call from Joe, but **we** didn't really talk about anything of importance. At 4:30 p.m. (suddenly leaves pronoun out) closed the (our store suddenly becomes the store) store. (leaves pronoun out) Cleaned up. Left with seven other employees. As (leaves pronoun out) the door was locked I heard the phone ring. (leaves pronoun out) Went in the store to answer the phone.<sup>†</sup> (Tells us why something is happening = Sensitive Information). When I went in the store the phone stopped ringing. After a couple of minutes (missing information and leaves pronoun out) went back out, (leaves pronoun out) locked the door and **everyone** went home. I went home to make dinner, but around 6 p.m. got a call that there was a problem at (leaves pronoun out) the store so I went back. When I got home I ate, watched TV and went to bed. I think it was about 10 p.m. That's about it.*

In a suspected homicide case, a mildly retarded man reported he was feeding his 4-week-old baby food, for the first time. As he was doing this, he was using a paper towel to keep cleaning the baby's mouth and face. The towel was getting slimy, so he had to keep folding it. Eventually, it was a small wad of paper, which he allegedly "accidentally" dropped into the infant's mouth, while trying to clean out some spittle. Due to problems with his fine motor skills, he reported he accidentally forced the paper down the baby's throat when he tried to remove it. As a result of his action, the baby died.

When he was asked by one of the authors to tell what this incident was about and how he would explain it, he gave the following "open statement":

*I would say around 2:00 p.m. Jessica left the apartment to go to her sister's. She went to Mary's and both Mary and Jessica walked up. They were going to play bingo that night. They go quite often. Jessica goes 4 or 5 times per week; her mother goes everyday. When Jessica left she left me and the baby and my dog. The baby was asleep in the living room in a playpen. The baby slept all afternoon. When he woke up he began crying. I wanted to feed him, so I mixed up cereal and formula like it said on the box. I think it was Gerber oatmeal. I had to mix 1 or 2 tablespoons with Enfamil in a dish with warm water. I used a plastic measuring spoon to measure it. I was told by friends to feed the baby the formula and cereal. He was waking up every 15 minutes when we were feeding him by bottle, so I decided to start feeding him cereal and formula on this day. I placed the mix inside a plastic baby dish; the one that you put water inside to keep the food warm. I then took cereal into the living room. I picked up the baby and sat in my usual chair. I then got up and sat in a different chair. The arms of the chair are higher and it was hard to feed the baby. The baby was on my lap with my left arm under his head or back of the neck. The cereal was on the right side in the arm of the chair. I began feeding the baby with my right hand. I put almost all of the food into the baby's mouth. There was 4 ounces of formula and 1 or 2 tablespoons of oatmeal in it. I think I spent about 20 minutes feeding the baby. I spilled some of the cereal onto the baby's shirt and over his mouth. That chair certainly messed me up. I never said that the chair messed me up before. I had a paper*

<sup>†</sup>Underline added for emphasis.

towel with me. I think that after I took the food into the living room and put it on the arm of the chair. I returned to the dining room to get a paper towel. I put the paper towel on a stand that was next to the chair. I had to keep getting the towel to wipe his face and shirt. He was crying whenever I spilled it on his mouth. The third time I dropped it on him and also the fifth time I dropped it on him. I kept cleaning him off each time I spilled it on him. He was still crying. I always kept him real clean. The towel was filling up with the cereal and it was getting wetter and wetter and got slimy and small. You have to keep moving it around to get a clean spot on the towel. He was crying as I was wiping his mouth. Somehow, while cleaning him off, I dropped the towel into his mouth. I tried to get it out with my finger, but I was pushing it further in. I probably put my finger in 4 or 5 times, but I couldn't get it out. Then I tried other stuff when I got out of the chair. I was standing up; I turned him over. I had my hand on his chest. I then hit him on his back and squeezed on his stomach a little bit. I didn't squeeze hard because he was a little baby. I couldn't get it out, so I ran downstairs with the baby. I opened the door to Jessica's mother's apartment. All of them were standing there: Mrs. Mary Smith (Jessica's mother) and Jessica's father, her brother and his girlfriend, Terry Jones. I think I said that the baby got a piece of paper stuck down his throat. I think I gave the baby to Jessica's mother. The baby ended up on the couch with Billy doing whatever they told him to do. Some lady was telling us to hit the baby with the heel of the hand on the baby's back and also squeeze the baby. About 5 minutes later the ambulance people arrived. I think there were 3 or 4 ambulance people. They must have taken the baby off the couch and layed him on the table. They were ripping open packets of stuff and shining a light down his throat. They finally got it out with tweezers and set it on the dining room table. It was all bloody and messy, so I threw it into the trash can that was by the table. It was under a desk. They later showed it to me at the police station. It had cigarette ashes all over it. I didn't see anyone get it out. I just figured it was cigarette ashes because the trash can is always full of cigarette ashes. No one told me what the black stuff was on the towel, so I just figured it out. I didn't take it out of the trash can. I don't know who did it. When they were leaving I went upstairs to get my coat and came back down. I wasn't even half way down the steps when they were leaving. I could have gone with them if I wanted to, but I wanted to go get Jessica. There was nothing I could do for Jimmy while he was at the hospital except pray. I went back upstairs for more cigarettes for Jessica and myself. She would probably need cigarettes at the hospital. I then left and walked to the bingo hall. I asked for Jessica, but she wasn't there. I then went to Jessica's sister and asked Mary's boyfriend where Jessica was. He told me that she was at the bingo hall. I went back to the bingo hall and Jessica was there. I motioned for her to come to me. I told her that the baby was in the hospital. I'm not sure what she did. I don't remember whether she went back to tell Mary or whether she got her coat.

In analyzing this actual statement it is immediately noticeable that the suspect began by saying, "I would say around 2 p.m. Jessica **left** the apartment to go to her sister's house. She went to Mary's and both Mary and Jessica walked up. They were going to play bingo. They go quite often. Jessica goes 4 to 5 times a week, her mother goes everyday. When Jessica left she left me with **my** dog and **the** baby."<sup>‡</sup>

Sapir reports a high correlation between a suspect using the word "left" in the first sentence of a homicide case, and deception. Perhaps this is because it usually leaves the suspect alone with the victim, giving him opportunity to commit the crime.

Since the suspect didn't say who Jessica (his wife) was, using what Sapir terms "a proper social introduction," according to SCAN, it indicates a problematic relationship.

<sup>‡</sup>Underlines added for emphasis.

... wanted to feed him, so I mixed up cereal and formula like it said on the box. I think it was Gerber oatmeal. I had to mix 1 or 2 tablespoons with Enfamil in a dish with warm water. I used a plastic measuring spoon to measure it. I was told by friends to feed the baby the formula and cereal. He was waking up every 15 minutes when we were feeding him by bottle, so I decided to start feeding him cereal and formula on this day. I placed the mix inside a plastic baby dish; the one that you put water inside to keep the food warm. I then took cereal into the living room . . . .

I had a paper towel with me. I think that after I took the food into the living room and put it on the arm of the chair. I returned to the dining room to get a paper towel. I put the paper towel on a stand that was next to the chair. I had to keep getting the towel to wipe his face and shirt. He was crying whenever I spilled it on his mouth. The third time I dropped it on him and also the fifth time I dropped it on him. I kept cleaning him off each time I spilled it on him. He was still crying. I always kept him real clean. The towel was filling up with the cereal and it was getting wetter and wetter and got slimy and small. You have to keep moving it around to get a clean spot on the towel. He was crying as I was wiping his mouth. Somehow, while cleaning him off, I dropped the towel into his mouth. I tried to get it out with my finger, but I was pushing it further in. I probably put my finger in 4 or 5 times, but I couldn't get it out. Then I tried other stuff when I got out of the chair. I was standing up; I turned him over. I had my hand on his chest. I then hit him on his back and squeezed on his stomach a little bit. I didn't squeeze hard because he was a little baby. I couldn't get it out, so I ran downstairs with the baby. I opened the door to Jessica's mother's apartment. All of them were standing there: Mrs. Mary Smith (Jessica's mother) and Jessica's father, her brother and his girlfriend, Terry Jones. I think I said that the baby got a piece of paper stuck down his throat. I think I gave the baby to Jessica's mother. The baby ended up on the couch with Billy doing whatever they told him to do. Some lady was telling us to hit the baby with the heel of the hand on the baby's back and also squeeze the baby. About 5 minutes later the ambulance people arrived. I think there were 3 or 4 ambulance people. They must have taken the baby off the couch and layed him on the table. They were ripping open packets of stuff and shining a light down his throat. They finally got it out with tweezers.

Compare the changes of language in this statement given to the police by an alleged victim of rape:

I was walking around with Gloria. Ed see Gloria there talking I was on my way home he told her he would give us a ride to my house. I was going to get a coat but I didn't I told Jessica to go to her house and get her clothes and bring the baby with her back to my place that I would have her bed made. She didn't come back. Ed came and broke in my apartment. I was in the shower I didn't hear him come in when I was taking a shower I felt someone looking at me from behind. It was Ed and I yelled at him told him to get out! I asked for Gloria he told me she wasn't coming back. I ran to the bedroom to try and call the police but the phone was in the kitchen. I didn't get to the phone he came in the bedroom and (raped) me when he was in me meaning he had already entered me, the phone rang I was trying to get him off me he get the phone and gives it to me it was Gloria. I was trying to get to tell Gloria that he was in my house. I told her "He's here, he's back" then he hung up the phone he pushed me back on the bed and gets on top of me again. Then by the time Gloria got to my house he had his clothes back on she Gloria knocks on the door. He opened it Gloria asked him where was I and if I was okay. She goes in my bedroom where I was at she and her mother ask me if I was okay. I tell her mom "No" she asked me if he did I said "Yes" she asked if he raped me. They ask me if I want the police I told them no to leave me alone. Gloria told me no that they couldn't leave me alone because he might come back and hurt me. They took me to her house and I spend the night I took a shower I call my boyfriend, told him what happened. Then today, I went to make a full report of what happen.

When the suspect began the story with unimportant information about bingo games, it could also be determined there was a high chance the statement was going to be deceptive, and that unimportant information (to play bingo) was very important to the suspect and the story.

When the suspect used the possessive pronoun “my” in identifying the dog, and failed to use a possessive pronoun when talking about his son (“the baby”), the statement became highly problematic. It is also interesting that during the entire “incident” portion of the statement, “the baby” disappears and only “pronouns” are used to describe him. Once the “incident” is over “the baby” is back, and in the post-incident “the baby” actually has a name, “Jimmy.”

In SCAN changes of language without a change in reality are signs of possible deception. There are many changes in language in this statement, without apparent changes in reality:

In this confirmed truthful victim’s statement, notice that prior to being under attack, she uses the possessive pronouns “my”; however, once under attack she no longer uses “my” and instead uses “the.” As soon as the initial rape is over, she immediately uses “my” again, and when he reinstates the attack she switches back to “the.” In this statement the changes in language (my-the-my) are justified by the reality of what is happening in the statement, and in this case serve as an indicator of truthfulness.

Out-of-sequence information in a statement is viewed as problematic and another possible sign of deception. SCAN maintains that a person should not tell you the end of the story in the beginning, because that would indicate he is not reliving what happened. In the statement concerning baby Jimmy, there were portions that were clearly out of sequence:

*I picked up the baby and sat in my usual chair. I then got up and sat in a different chair. The arms of the chair are higher and it was hard to feed the baby. The baby was on my lap with my left arm under his head or back of the neck. The cereal was on the right side in the arm of the chair. I began feeding the baby with my right hand. I put almost all of the food into the baby’s mouth. There was 4 ounces of formula and 1 or 2 tablespoons of oatmeal in it. I think I spent about 20 minutes feeding the baby. I spilled some of the cereal onto the baby’s shirt and over his mouth. **That chair certainly messed me up. I never said that the chair messed me up before. I had a paper towel with me. I think that after I took the food into the living room and put it on the arm of the chair. I returned to the dining room to get a paper towel. I put the paper towel on a stand that was next to the chair.** I had to keep getting the towel to wipe his face and shirt. He was crying whenever I spilled it on his mouth. The third time I dropped it on him and also the fifth time I dropped it on him. I kept cleaning him off each time I spilled it on him.*

In this portion of the statement the suspect writes, “I picked up the baby and sat in my usual chair. I then got up and sat in a different chair. The arms of the chair are higher and it was hard to feed the baby.” Because there were only three people living in the house – the suspect, the baby, and the mother – if he changed the feeding location from “his usual chair” to “the other chair,” he is now in the wife’s chair. He then blames the incident on that chair, which is symbolic of his wife, whom he actually blames for his decision to kill the baby.

Later he writes,

*They were ripping open packets of stuff and shining a light down his throat. They finally got it out with tweezers and set it on the dining room table. It was all bloody and messy, so (Explaining why he is doing something indicates this is sensitive information. In this case he is attempting to get rid of the evidence) I threw it into the trash can that was by the table. It was under a desk.*

*They later showed it to me at the police station.* (Out-of-sequence information: telling us what will happen at the police station while still in the apartment) *It had cigarette ashes all over it. I didn't see anyone get it out. I just figured it was cigarette ashes because* (explaining why he is doing something indicates this is sensitive information) *the trash can is always full of cigarette ashes. No one told me what the black stuff was on the towel, so I just figured it out. I didn't take it out of the trash can. I don't know who did it. When they were leaving I went upstairs to get my coat and came back down.*

After the statement was analyzed and a FAIN interview was conducted, the suspect was informed that he was not being truthful. He subsequently confessed that his baby was causing relationship problems between him and his wife; they (baby and wife) never bonded. She was always going to bingo now, leaving him home alone to care for the baby, and therefore he decided to kill him.

Sapir introduced the VIEW Questionnaire, which could be issued to suspects in a case, allowing the investigator to focus an investigation based solely on the analysis of what was written. This questionnaire was redesigned by one of the authors, with the assistance of Mr. Sapir, and is referred to as the SCAN Questionnaire.

The SCAN Questionnaire uses four types of questions:

1. Open questions to obtain information
2. Specific questions to force the guilty to lie
3. Projective questions to assess unwitting verbal cues
4. After-interview questions to help identify truthful suspects

Page One: INSTRUCTIONS:

We would like you to read the following instructions very carefully before you start answering the questions. We would like you to realize that:

- Every word is important and each one may be checked later on.
- This is not a draft and you have only one chance to write down your answers, so before you write we would like you to think as to how you are going to phrase your answers.
- Please write your answers as detailed as you can to enable us to understand your case.
- Use only pen while writing – no pencils or typing is allowed.
- Write in a clear handwriting in order to enable reading.
- You are not to make any corrections. If you feel that you would like to change your answers, please do it on the page provided, or put a circle around the mistaken words or sentence(s) you want to remove and continue on. Your correction will be taken into consideration.

Page Two:

We have reached the conclusion that something took place (theft of cash, sabotaged copier, etc.). How would you explain this? Please write in detail your ideas that would account for this.

Page Three:

If you were going to conduct the investigation, how would you do it?

Page Four:

List the five most important causes that could have created this situation.

Page Five (Optional Page depending on if the crime was recent enough to allow memory of events):

Describe in detail your work day on date, covering the time you came into work until the time you ended your day.

or

Describe in detail your day from the time you woke up until you went to sleep on date.

Page Six:

It doesn't mean you are right, and whatever you say is confidential; if you had to suspect someone of doing this, who would you suspect and why?

Who would you least suspect and why?

What do you think should happen to the person that did this when they are caught?

Would you give them a second chance?

Do you think this was deliberate (crime took place) or could it be accidental (lost)?

Page Seven:

Do you know for sure who did this?

Did you do this?

How do you think the investigation will turn out concerning you, and whether you did this?

Page Eight:

Would you like to change any of the information you provided?

Is there anything we did not ask you about that you think is important for us to know?

Page Nine (After Interview-Interview):

How do you feel now that you have completed this form?

Should we believe your answers?

If your answer to the last question was yes, give us one reason why.

What would you say if it was later determined you lied on this form?

While filling out this form what were your emotions?

Were you afraid?

If you were asked to pay for \_\_\_\_\_, how much would you be willing to pay?

To evaluate the questionnaire the last page (After Interview-Interview) is first analyzed: If the suspect answered question 2 (Should I believe your answers about whether you did the crime?) with "YES" and then answered any other question with:

- "I told the truth"
- "I did not lie"
- "I did not do the crime"

Then the suspect is placed in the "truthful" group. If they did not, place the suspect in the "problematic" group. If the suspect answered question 2 "NO" they automatically go in the "problematic" group.



Reissue the SCAN Questionnaires to all suspects in the problematic group, with one change to the questionnaire on the second page. Instead of saying "We have reached the conclusion that something took place. How would you explain this? Please write in detail your ideas that would account for this," we now say, "We have reached the conclusion **you have not told us everything you know about the crime**. How would you explain this? Please write in detail your ideas that would account for this."

Having to answer the questionnaire a second time is irritating to truthful suspects, and they are more likely to answer question 2 on the last page that we should believe their answers, and to now allow us to eliminate them as a suspect by answering at least one of the other questions in the After Interview-Interview:

- "I told the truth"
- "I did not lie"
- "I did not do the crime"

We can now analyze the answers to the projective questions on the questionnaire, using the same criteria we would use in the FAINT Interview: "What should happen to the person that committed this crime when they are caught?" and "Do you think they should get a second chance?"

Analyze page two of the questionnaire, using the concepts of statement analysis. Also, go through all of the questionnaires and identify if there is a strong focus by the group on a specific suspect, and whether there is any consistency in the group as to who should be eliminated as a suspect. Although it is not always correct, we cannot ignore the age-old formula: **LD + WD + Q = D**.

**If it looks like a duck, walks like a duck, and quacks, it is probably a duck!**



In an actual case involving the theft of some very expensive fur coats, eleven employees were issued SCAN Questionnaires. Following are the SCAN Questionnaires from four of the suspects. Please review their SCAN Questionnaires and analyze their answers in an attempt to identify the culprit.

Suspect 1:

Page One: Instructions

Page Two:

We have reached the conclusion that furs were stolen from your company. Please write in detail what you know about this and how you would explain it.

*I am not totally sold on the furs being stolen. The only thing I know is that the people walked out and the buzzer went off. We went outside and they were gone. Should I know more yes because I am in charge of the sales floor, but I don't. I am sorry*

Page Three:

If you were going to conduct this investigation how would you do it?

*I really don't know, but then again it is not my place to know. I am not in the investigation field.*

Page Four:

List the five (5) most important causes that would have created this situation.

*I don't there is 5 reasons. Let's face it if someone did steal the furs it has ot be for the money.*

Page Five:

Do you know for sure who took any of those missing furs?

*No.*

Did you take any of those missing furs?

*No.*

It doesn't mean you're right, and whatever you say is confidential, but, if you had to suspect someone, who would you suspect, and why?

*If it has to be someone I swear Bill because it looks like he took money, so if you can take one thing you can take anything.*

Who would you least suspect, and why?

*Jane, if it were her she would not go with all this.*

What do you think should happen to the person who took the furs when they are caught?

*They should be fired.*

Would you give them a second chance?

*No.*

How do you think the investigation will turn out concerning you, and whether you took any of those missing fur coats?

*Clear, because I don't steal.*

Would there be any reason evidence would turn up indicating you took any of those missing fur coats?

*No.*

Do you think those missing furs were stolen, or misplaced?

*I am not sold totally, but it is starting to look like they were.*

Page Six – After Interview-Interview:

How do you feel now that you have completed this questionnaire?

*I guess okay.*

Should we believe your answers concerning whether you took any of those fur coats?

*Yes.*

If yes, give one reason why.

*Because I don't steal.*

What would you say if the investigation proved you took a missing fur?

*It's wrong.*

What were your emotions while filling out this questionnaire? How did you feel?

*Well, I feel a little angry because if someone did take the furs that is money out of my pocket.*

Were you afraid?

*No.*

If you were asked to pay for missing furs, how much would you be willing to pay?

*I can't answer that because I didn't take them.*

Would you like to change any of the information you provided?

*No.*

Suspect 2:

Page One: Instructions

Page Two:

We have reached the conclusion that furs were stolen from your company. Please write in detail what you know about this and how you would explain it.

*I (first) learned that coats were missing or unaccounted for when we did an inventory back in March. Since I had just started, this was a new experience for me. We went through a process of looking through the sales books and discovered one or two pieces were in lay-away. The main reason the inventory that took place in June was taken because a Canadian Lynx was noticed missing. It was noticed missing when Jane decided to return all of the Lynx pieces to the manufacturer and get newer styles. Unfortunately I have no explanation how it disappeared. The only thing that bothered me through this was the fact nobody seemed surprised that there were pieces missing. Some were more upset than others. Jane was very upset, but she too was not surprised.*

Page Three

If you were going to conduct this investigation how would you do it?

*To be absolutely honest, I am not really sure. The thing that I would concentrate on is finding holes in my system and plugging them up. And what I mean by this changing some everyday routines, when we have unusual people come, they do not come unsupervised, they get counted not once but twice. No employees should be allowed to bring any type of bag into the store. No employee should be allowed to leave the building during working hours without management approval. I would tighten the reins a little.*

Page Four

List the five (5) most important causes that would have created this situation.

- 1. Lack of observation on the sales floor.*
- 2. Sales people not following instructions correctly.*
- 3. Lack of internal communication.*
- 4. Somewhat of circus like atmosphere @ times.*

Page Five

Do you know for sure who took any of those missing furs?

*No, I do not know for sure.*

Did you take any of those missing furs?

*No, I did not take any furs.*

It doesn't mean you're right, and whatever you say is confidential, but, if you had to suspect someone, who would you suspect, and why?

*My suspicions take me in two directions. One would be James. He is in a desperate situation as far as money. My other person is Gloria. She acts very suspicious.*

Who would you least suspect, and why?

*The person I would suspect the least is Ed. He is very concerned about his work and is always on time. He doesn't do drugs, not at least to my knowledge.*

What do you think should happen to the person who took the furs when they are caught?

*Definitely fired, and also prosecuted to the fullest extent.*

Would you give them a second chance?

*Not on your life.*

How do you think the investigation will turn out concerning you, and whether you took any of those missing fur coats?

*The investigation will turn out nothing against me. In fact, it will prove that I had nothing to do with the missing furs.*

Would there be any reason evidence would turn up indicating you took any of those missing fur coats?

*There would be no reason evidence would turn up I took any of those missing furs.*

Do you think those missing furs were stolen, or misplaced?

*I think stolen only because we looked in every nook & cranny.*

Page Six – After Interview-Interview:

How do you feel now that you have completed this questionnaire?

*I feel sad that we had to have an investigation but if it solves the problem it was worth it.*

Should we believe your answers concerning whether you took any of those fur coats?

*Yes, I have nothing to hide.*

If yes, give one reason why.

*Yes, because as long as this business is in business and I have a future it will God willing be mine to run.*

What would you say if the investigation proved you took a missing fur?

*I would say it was a bad investigation.*

What were your emotions while filling out this questionnaire? How did you feel?

*I was concerned with finding a solution. I felt that it is terrible we had to come to this.*

Were you afraid?

*No, not at all.*

If you were asked to pay for missing furs, how much would you be willing to pay?

*I wouldn't pay anything.*

Would you like to change any of the information you provided?

*No, I would not like to change any of the information I provided.*

Suspect 3:

Page One: Instructions

Page Two:

We have reached the conclusion that furs were stolen from your company. Please write in detail what you know about this and how you would explain it.

*Miscount In and Out Misplaced I can see missing one day and find the next.*

Page Three

If you were going to conduct this investigation how would you do it?

*More attention downstairs. People watching door more carefully.*

Page Four

List the five (5) most important causes that would have created this situation.

*Watching door. Check for alarms. Check in and out. The same things I said before.*

Page Five

Do you know for sure who took any of those missing furs?

No.

Did you take any of those missing furs?

~~(Ye)~~ No of course no. I'm sorry.

It doesn't mean you're right, and whatever you say is confidential, but, if you had to suspect someone, who would you suspect, and why?

No one.

Who would you least suspect, and why?

Everybody the same.

What do you think should happen to the person who took the furs when they are caught?

The bosses job.

Would you give them a second chance?

The bosses job.

How do you think the investigation will turn out concerning you, and whether you took any of those missing fur coats?

Make me sad that's all.

Would there be any reason evidence would turn up indicating you took any of those missing fur coats?

I don't think so.

Do you think those missing furs were stolen, or misplaced?

Misplaced and maybe some stolen by customers.

Page Six – After Interview-Interview:

How do you feel now that you have completed this questionnaire?

I feel sad. I feel very upset.

Should we believe your answers concerning whether you took any of those fur coats?

It depends on you. It's your opinion.



If yes, give one reason why.

*Because this is my answer.*

What would you say if the investigation proved you took a missing fur?

*No reason to believe this.*

What were your emotions while filling out this questionnaire? How did you feel?

*I feel angry.*

Were you afraid?

*No.*

If you were asked to pay for missing furs, how much would you be willing to pay?

*How can I pay for something that is not my concern?*

Would you like to change any of the information you provided?

*No.*

Suspect 4:

Page One: Instructions

Page Two:

We have reached the conclusion that furs were stolen from your company. Please write in detail what you know about this and how you would explain it.

*Manager ask to look in vault for missing coats. And they are concern for theyer machindies.*

Page Three

If you were going to conduct this investigation how would you do it?

- 1. Check with manufacturer.*
- 2. Check at shipping.*
- 3. Then ask everyone.*

Page Four

List the five (5) most important causes that would have created this situation.

- 1. Not counting coats coming.*
- 2. Not counting coats going out.*
- 3. Check paperwork coming.*
- 4. Check paperwork going out.*
- 5. Check inventory I and out from New York, new coats.*

Page Five

Do you know for sure who took any of those missing furs?

*No.*

Did you take any of those missing furs?

*No.*

It doesn't mean you're right, and whatever you say is confidential, but, if you had to suspect someone, who would you suspect, and why?

*Kathy from New York. A gut feeling.*

Who would you least suspect, and why?

*The new manager. I have a good feeling about him.*

What do you think should happen to the person who took the furs when they are caught?

*Ask why they did it.*

Would you give them a second chance?

*No.*

How do you think the investigation will turn out concerning you, and whether you took any of those missing fur coats?

*Never in my life. If I need something I just ask for it. This is like a family here, which is hard to find elsewhere.*

Would there be any reason evidence would turn up indicating you took any of those missing fur coats?

*No, not a concern in my part.*

Do you think those missing furs were stolen, or misplaced?

*Maybe misplaced, maybe stolen*

Page Six – After Interview-Interview:

How do you feel now that you have completed this questionnaire?

*Fine. Hoppe someone find out soon so everything can be ok!*

Should we believe your answers concerning whether you took any of those fur coats?

*Yes.*

If yes, give one reason why.

*I've been here 6 ½ years.*

What would you say if the investigation proved you took a missing fur?

*It won't, I told the truth. I did not do it.*

What were your emotions while filling out this questionnaire? How did you feel?

*I feel fine.*

Were you afraid?

*No.*

If you were asked to pay for missing furs, how much would you be willing to pay?

*No cause I never took the furs.*

Would you like to change any of the information you provided?

*No.*

It was our professional opinion that Suspect 1 and 4 could be eliminated from the investigation. On page 6, both suspects answered, "Yes" to the question, "Should we believe your answers concerning whether you took any of those fur coats? Suspect 1 then answered the question, "If you were asked to pay for the missing furs, how much would you be willing to pay?" with "I can't answer that because I didn't take them" "I didn't take them" eliminates this suspect from the investigation. Suspect 4 answers the same question with "No cause I never took the furs." This suspect also answers the question "What would you say if the investigation proved you took a missing fur?" with "It won't, I told the truth. I did not do it." "I did not do it" also would eliminate this suspect from the investigation.

Suspect 2 was also eliminated from the theft of furs, however it was believed that this suspect had stolen from the company. The authors came to this decision based on the belief that the shortest answer is the best answer and any deviation should be questioned. On page 5, when asked, "Did you take any of those missing furs?" the shortest answer would have been "No." Instead, the suspect answered, "No, I did not take any furs." He again uses the phrase "any of those missing furs" to several other questions in the questionnaire. The need for this extra verbiage indicated that he had taken something other than furs. During interrogation he admitted stealing cash from the business.

After reviewing Suspect 3's SCAN Questionnaire it was concluded that she in fact stole the missing furs, and that she would confess. On page 5, when asked, "Did you take any of those missing furs?" she answered, "~~Yes~~ No. Of course not. I'm sorry." Amazingly, she had begun to answer the question "YES!" She was not sorry for the mistake in answering the question on the questionnaire; she was sorry for what she did. Hence, the conclusion she wanted to confess, which she did very quickly. Also, on page 5, notice that this suspect is the only one who suspects no one, vouches for everyone, and refuses to answer the questions concerning what should happen to the person when caught, and if they should get a second chance. All of these are tell tale signs of her culpability.

As a result of the research, observations, and insights of the aforementioned statement analysis pioneers, serious application of forensic statement assessment has proven to be a highly effective means to gauge the veracity of witness and suspect statements. Its use today, by many law enforcement and intelligence agencies worldwide, is a fitting tribute to these investigative interviewing trailblazers.

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## SUMMARY

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- Two major systems of statement analysis are in use today: CBSA and SCAN.
- Both of these systems help identify deceptive suspects who write their statements from fabrication, rather than from real memories.
- The deceptive suspect would rather run from the truth than tell an outright lie.
- In statement analysis we see the deceptive suspect's failure to commit to their statement, and attempts to omit the portion of time when the crime was committed.

## Acknowledgment

The authors would like to thank Daphna Tavor, a Swiss based psychologist trained in the art of CBSA, SCAN, FAINT, and forensic psychophysiology, for her assistance in providing explanations of CBSA and possible examples of the application of CBSA in a suspect's statement not involving a sexual allegation.

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## Question Formulation: Irrelevant, Relevant, and Comparison Questions

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The questions we use in the Forensic Assessment Interview fall into four categories: Irrelevant, Relevant, Comparison, and Projective (this last category is complex and is discussed in the next chapter). One would not play a round of golf with just a driver and a putter, but would rely on a variety of differently functioning clubs to achieve the goal of the game. It is exactly the same with the question types we use in the Forensic Assessment Interview. As each club has been specifically designed for a particular golfing situation, so it is with the questions we use. Each type of question has its place; each one is important.

### IRRELEVANT QUESTIONS

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*Irrelevant questions* are questions that have no connection whatsoever to the matter under investigation, and therefore should pose no threat to the suspect. These questions usually are about the suspect's background. In short, they are not questions that innocent or guilty suspects have a reason to lie about. It should be noted that *irrelevant* in this case does not mean trivial; these questions are hardly unimportant to the overall interview process.

These "neutral" questions serve four very useful purposes. First, they establish the professional authority present in the room: it is the interviewer who asks the questions, and the suspect who must answer. Second, because both truthful and deceptive suspects will be at a heightened emotional state during an interview, these questions allow the interviewer to assess the suspect's normal behavior for this heightened emotional situation. Third, they allow the interviewer to identify something he may have in common with the suspect, which serves to immediately establish rapport. Fourth, they serve to minimize resistance by structure, a strategy used by deceptive suspects to try to escape answering a sensitive question by answering the interviewer's questions with a question.

If during this initial portion of the interview the conversation can change into a non-threatening discussion about a recent sporting event, or some other thing shared in common, such as military service or school experiences, it will allow the interviewer an excellent opportunity to monitor the suspect's situational "norm" truthful demeanor, as well as establish rapport with the suspect. It should go without saying that politics, religion,

and sex are usually emotionally charged topics that should be avoided. Irrelevant questions should cause no sympathetic nervous system physiological arousal.

Here are some examples of irrelevant questions:

What is your name?

Where do you live?

How old are you?

What is your marital status?

What is the highest grade you completed in school?

Were you ever in the military?

Remember that sometime during this part of questioning the interviewer must make the transition from what appears to be a trivial, closed-ended interview into something shared and in common with the interviewee. This will afford the interviewee some time to speak about nonthreatening things and allow the interviewer to assess the suspect's situational "norm" behavior.

## RELEVANT QUESTIONS

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*Relevant questions* are closed-ended questions dealing directly with the matter under investigation that must be answered in the shortest fashion, usually "Yes" or "No." These relevant questions will inquire into direct involvement, secondary involvement, or knowledge about the incident. These closed-ended questions must be formulated so that the innocent can answer them truthfully, while the guilty are forced to lie or admit their guilt. As such, these questions are designed to threaten the deceptive person only and cause sympathetic nervous system physiological arousal to occur.

Examples of direct involvement relevant questions:

Did you divert those funds for your own use?

Did you set that fire?

Did you take that money reported missing from the safe?

Did you force that woman to have sex with you?

Did you fire the shot that hit that man?

Examples of relevant questions concerning secondary involvement:

Did you plan with anyone to divert that money?

Were you present when that shooting took place?

Did you help anyone take that money?

Did you plan with anyone to set that fire?

Do you know for sure who harmed Mary?

Did you see who harmed Mary?

Did anyone tell you who harmed Mary?

Relevant questions must not contain words that are so evocative of emotion that the language itself might cause psychophysiological responses, regardless of whether the person is lying or telling the truth. Therefore, avoid emotionally charged words such as "kill,"

“rape,” or “steal.” For the same reason, avoid using intimidating legal words such as “burglarize,” “extort,” “bribe,” or “rob.” Legal words in and of themselves can be ambiguous and allow the guilty interviewee to hide behind a rationalization (e.g., “I didn’t take a bribe; I accepted pay for a special job”).

During the interview, keep relevant questions short and focused. Make sure that the interviewee understands the language and that it remains within his comfort zone. Whenever possible, use language that focuses the relevant question on the act itself, rather than language that connotes guilt or innocence. Questions framed around guilt and innocence may allow the suspect to rationalize that, although he may have committed the act, he did nothing for which he should feel guilty. Consider the question, “Did you steal that missing money from your employer?” The guilty suspect could rationalize that he is telling the truth when he answers “No,” because he was promised a raise at the beginning of the year that he never received. This mental justification permits him to rationalize that he didn’t “steal” the money, because the company owed it to him and he was just taking what actually belonged to him. To make the perpetrator in this mindset face his wrongdoing, it is much more effective to focus on the physical act by asking, “Did you remove any of the money that your company reported missing?”

In homicide interviews, avoid the question, “Did you cause the death of (victim)?” especially if the suspect had some type of relationship with the deceased. In reinterviewing an innocent man who failed a polygraph test when asked, “Did you cause the death of your daughter?” we asked him what he had been thinking about that might have registered as a positive reaction for lying. The man said he was thinking that he had caused her death because he felt responsible for it by not being there when she needed his protection most. His daughter was 4 years old and was taken from his house during the night. She was found sexually molested and beaten to death the next morning. He explained that as her father, he should have been able to protect her. He felt it was his failure, his fault that his daughter had been killed. When asked on a reexamination if he beat her to death, he answered “No,” and the polygraph confirmed his innocence.

As you can see, this notion of the cause of guilt and responsibility is open to a wide range of interpretation. The interviewee can internalize guilt without being the perpetrator or directly involved in the crime. An interviewee can feel responsible for not having acted to protect someone he cared about or loved. Consider these hypothetical circumstances. A boyfriend and girlfriend had a fight. The girlfriend got out of the car and walked away. The boyfriend left in anger but came back for her, didn’t find her, and went home. Later he found that on her way home she was raped and murdered. How did the boyfriend feel? Did he see himself as responsible? Did he feel guilt for his anger? If he had not given in to his anger, she would not have gotten out of the car, and she would still be alive.

The interviewer must make sure he is dealing with only one issue and aspect of the crime at a time. Imagine if the victim above had been raped by one perpetrator, but killed by his accomplice. The complex relevant question, “Did you rape and kill. . .” could be successfully denied by both, thus raising a second instance of ambiguity. In a multiple-issue crime, questioning should focus on the most serious act first. Considering the theory of *Psychological Set*, the guilty party could fail to leak deceptive behavior to what is perceived to him as the lesser crime, because he is waiting to be asked about the more threatening one. Cleve Backster labeled a subject’s internal ability to physiologically ignore a lesser threat



as *anti-climactic dampening* [1]. This anti-climactic dampening also explains why the deceptive suspect physiologically reacts more strongly to the relevant question than to the comparison question (see the next section), even though he is lying to both.

In all cases, extensive preparation for the interview may mean the difference between success and failure. Because relevant questions are meant to force the guilty party to lie, the interviewer needs to know as much about the crime and the interviewee as possible. That will enable the questions to be well framed and clearly focused. Such relevant questions generate the mental conflict and tensions that most threaten the guilty suspect and cause the observable psychophysiological changes that occur. Thus, the more known about the crime, the better prepared the interviewer will be, and the more productive the interview.

## COMPARISON QUESTIONS

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John E. Reid is usually credited with developing the *comparison question* used in forensic psychophysiology truth verification examinations [2]. The comparison question, in the opinion of the authors, is one of the most important question types for a successful determination of truth or deception. This question creates a mental environment for properly identifying truthful suspects. These are questions that are broad in scope and deal with issue themes similar to, but less threatening than, the relevant question issue. They are questions one would expect every innocent person would truthfully answer "Yes." In reality, comparison questions create a conflict and threat for innocent people, making them feel as if they must lie to be perceived by the interviewer as innocent of the substantive allegation. To get an understanding of and feeling for how comparison questions work, read the following questions and answer each truthfully in your own mind as you do so.

Examples of comparison questions:

General comparisons:

In your entire life, did you ever tell a lie to get out of trouble?

In your entire life, did you ever do anything for which you could be arrested?

Theft comparisons:

Prior to working for your current employer, did you ever steal anything from a job?

In your entire life, did you ever steal anything?

In your entire life, did you ever steal from someone who trusted you?

In your entire life, did you ever cheat?

Arson comparisons:

In your entire life, did you ever deliberately damage anything?

During the first 19 years of your life, did you ever play with matches?

Homicide comparisons:

During the first 22 years of your life, did you ever go out of your way to get even with anyone?

Between the ages of 19 and 23, did you ever lose your temper?

Sex comparisons:

During the first 20 years of your life, did you ever have an unusual sexual fantasy?

In your entire life, did you ever masturbate?

In your entire life, did you ever lie about a sexual matter?

You probably answered all, or most, of these questions "Yes," in your mind. However, almost every suspect who is innocent of the crime or "truthful" will hedge or answer them "No." To understand this, let's look at the dynamics involved with the area of "comparison" questioning.

Assume you are an "innocent as later verified" suspect in the theft of \$10,000 from the safe in the office where you work. The relevant question might be, "Yesterday, did you remove that missing safe money?" Because, you are innocent of the crime and did not take the money, you answer "No." However, because you are still a "suspect," even though you answered truthfully, this question may still hold some threat for you – no one likes to be accused of anything. Now the detective asks you, "What type of person would steal \$10,000 from his employer?" Then he elaborates, "This is the act of a thief. An honest person does not wake up one day and decide to steal money. A person who would do this is a person who has stolen from other jobs and from people who trusted him throughout his life. It is a pattern of criminal behavior that has evolved over a long time. This is the kind of person who would do this act. This is the type of person who, even if they did not take the missing safe money, should not be in a sensitive position like yours. I want to determine for sure that you are not that type of person. That is why I would like to know, in your entire life, did you ever steal anything?"

Now, if you are the "guilty as later verified" subject who had in fact taken the \$10,000 in question, you would not be concerned about this line of inquiry into your past stealing. Because you are there being questioned about the \$10,000 you actually took, you feel guilty and threatened by those relevant questions. The threat is immediate and real, because you may go to jail for the \$10,000 you took. That you are being asked about ever stealing things in the past seems psychologically unimportant to you at his time.

However, if you are that "innocent" suspect, think about what is going through your mind as you are asked the comparison question. You do not know what to do: lie or tell the truth. If you tell a lie about prior petty thefts, will you be detected? If you are detected, will the detective think you were the one who took the \$10,000? What if you tell the truth about stealing as a child? Will they think you are exactly the "type of person" who would steal the \$10,000, now that you have told them about the 50 cents you took from your mother's purse, or the candy bar you ate without paying for it on your last job? Even if they do not, the detective has already said, "That is the type of person who, although he did not take the \$10,000, should not be in a sensitive position like yours."

It is important to understand that at some time in their lives almost all individuals have stolen something, lied about something important to someone who trusted them, cheated someone, deliberately hurt someone, or done some other act of which they are thoroughly ashamed. These minor transgressions are the experiments with the rules by which most of us learn to become responsible members of the community, and committing them is an

integral part of our socialization. We are testing our social parameters, learning a sense of remorse or guilt, and usually growing into better human beings. However, this experimental antisocial behavior is something we are very reluctant to discuss with other people, let alone a stranger investigating a serious crime.

Now, if you were an innocent suspect, which type of question would bother you more? The relevant or the comparison? Obviously, the comparison question holds a greater threat for you because you are being asked to admit to something you actually did. You did not do the crime under investigation, so the relevant questions represent no threat.

In asking comparison questions, question framing is less agreed upon among interviewing professionals. Notice that some of the sample comparison questions begin with globally inclusive phrases such as "In your entire life, did you ever..." whereas other questions involve ages or begin with phrases that seem to exclude a great deal, such as "During the first 20 years of your life..." or "Between the ages of 19 and 23, did you ever..." This is because there is professional disagreement concerning the importance of using "inclusive" or "exclusive" comparison questions. John Reid and Fred Inbau, the innovators of the comparison question, recommended the use of inclusive questions, those that include the relevant time period under investigation. Thus, they recommended questions worded with the preface, "In your entire life..." They believed that the interviewer should make the comparison question as broad and general as possible. This would ensure that a suspect experienced the maximum threat, forcing him to lie in response to a question that he felt might lead the investigator to believe he was guilty of the relevant act.

The alternative position has been taken by Cleve Backster, who recommends that the comparison question be separated in time from the relevant issue. For example, if you are 24 years old at the time of the crime, he would ask, "During the first 21 years of your life..." or "Between the ages of 14 and 18..." Backster argues that this prevents the guilty suspect from perceiving the comparison question as a more generalized "relevant" question. Asked, "In your entire life, did you ever steal anything?" the guilty suspect answers "No," as he thinks, "I stole the safe money, yesterday."

The authors recommend the use of the Backster comparison question, where the comparison issue question is separated from the relevant question, while keeping the comparison period as broad as possible. This can be accomplished by going back 2 years from the person's age at the time the crime was committed. This will assure the interviewer that the innocent individual will be stressed by the comparison question, without contaminating the response of the guilty suspect to the relevant question. For example, with a 28-year-old subject: During the first 26 years of your life, did you ever steal anything?

The interviewer will use these various types of questions to determine truth or deception in the interviewees by comparing the person's psychological and physiological responses or "leaks" during the interview. The theory of Psychological Set states that an individual will react most strongly to that stimulus which holds the greatest interest, or represents the greatest immediate threat to his or her well-being, as determined by the interviewee himself or herself. If the subject displays more reactive signs to the comparison questions than to the relevant ones, it is a sign that he is truthful on the relevant issue. If, on the other hand, the subject exhibits the opposite behavior, by reacting more strongly to the relevant questions than to the comparison ones, it is a sign he is deceptive.

## SUMMARY

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- There are four types of questions utilized in the FAINT interviews: irrelevant, relevant, comparison, and projective.
- Irrelevant questions are generally background questions that have nothing to do with the investigation, and therefore offer no threat to innocent or guilty suspects. These questions establish the interviewer's professional authority, allow for assessment of the suspect's situational heightened emotional state, allow for the building of rapport, and assist in preventing resistance by structure.
- Relevant questions deal with the matter under investigation. They may deal with direct or secondary involvement. These questions must force the guilty to lie and allow the innocent to answer truthfully.
- Comparison questions are designed to cause a dilemma for the innocent suspect. They deal with deviant acts that everyone has performed in their lifetime. Yet the innocent suspect, who was prepared to answer all questions truthfully about a crime he did not commit, is now placed in conflict as to how to answer them.
- The subject's psychological set enables the interviewer to make determinations of truth or deception when observing the interviewee as he is questioned with relevant and comparison questions.

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# Projective Analysis of Unwitting Verbal Cues

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One of the most successful techniques developed to date to quickly separate the “innocent as later verified” from the “guilty as later verified”<sup>\*</sup> suspects is the Forensic Assessment Interview (FAINT). The Forensic Assessment Interview actually involves two concurrent types of assessment: verbal and nonverbal. The verbal assessment is made through an analysis of a series of projective questions,<sup>\*\*</sup> relevant questions, and comparison questions. As a brief review: The interview should begin with irrelevant questions to establish the professional authority of the interviewer. At some time during this initial period the interviewer must elicit nonthreatening conversation from the suspect to assess the suspect’s “truth-telling” norm for this emotionally heightened situation. The interviewer may accomplish this by finding something he has in common with the suspect and get him talking about it. It might be about his education, military experience, family, hobbies, or anything else of mutual interest that will encourage the suspect to talk. This conversation will also allow the interviewer to establish immediate rapport.

Once that has been done, the interviewer should ask projective questions that will elicit the unwitting verbal cues that are to be assessed. Projective questions must require the suspect to give a response based on the suspect’s own degree of culpability. Keep in mind that, although the projective questions are predominant, they are interspersed with comparison and relevant questions throughout the process. The number, sequence, and types of questions must be consistent for each suspect. The interviewer must ask each suspect exactly the same questions, in exactly the same sequence and manner. These precise and parallel interviews are the only framework within which the individuals’ verbal responses can be compared and analyzed reliably, so that the interviewer will be able to differentiate between truthful and deceptive suspects.

<sup>\*</sup>The terminology of “innocent as later verified” and “guilty as later verified” was established by Cleve Backster to accurately describe the substantive nature of a person’s guilt or innocence, which until verified by the facts of confession is speculative.

<sup>\*\*</sup>Projective questions are generally of a “what if...?” nature and designed to have the interviewee open up and release memories or repressed thoughts or attitudinal changes due to their actions.

Truthful and deceptive suspects have a fundamental difference in their attitude toward your investigation and its results. The truthful suspect wants the interviewer to be successful. He wants the interviewer to find the truth: that he – the suspect – did not commit, nor was he knowingly involved in, the crime under investigation. The deceptive suspect has different goals. He wants the interviewer to fail. He wants the truth to remain hidden, to create the illusion that he did not commit and/or was not involved in the matter under investigation.

Because of this very basic difference in attitude and expectation, truthful and deceptive suspects will differ in the ways they answer relevant, comparison, and projective questions. Truthful interviewees are usually more cooperative during the interview. This does not mean they are not nervous or afraid. Most truthful suspects fear that there is a chance that they might be accused of a crime of which they are innocent. Truthful suspects will become more at ease as the interview progresses and they realize they are in the hands of a fair, capable, and competent investigator. The truthful suspect will usually be more talkative and provide answers meant to help in narrowing the investigation and identifying the guilty party.

Deceptive suspects are also nervous and afraid. They are afraid that a competent investigator will identify them correctly as the individual who committed the crime. As they become aware of the interviewer's capabilities, their nervousness and fears do not dissipate but increase, as the discovery of their guilt becomes more likely. They generally have little or no information to provide and are not very talkative. They recognize that the more talking they do, the more information they have to fabricate, and the greater chance they have of slipping up and being detected. Their desire to use passive deception, lying by omission, is instinctive.

Given all this, there are notable language differences in the way that guilty and innocent interviewees respond to the interviewer's questions. Truthful suspects use strong terminology and speak about moral values when describing a crime. They will connect themselves to the issue and will not be afraid to use harsh words such as *rape*, *steal*, and *murder*. On the other hand, deceptive suspects will distance themselves from the matter and evade identifying the crime; they use less condemning, vague, and evasive language such as "It's about something that happened to some lady," or "It's about some money they think may be missing."

Truthful suspects will tell you who had the opportunity to commit the crime and include themselves in the group of suspects with opportunity, if that is the case. They will tell you whom they suspect, as well as who they think is innocent. They realize that this information will help you in narrowing the investigation and eliminate them from suspicion. Deceptive suspects will often make sweeping declarations explaining why they could not have committed the crime (e.g., "I went into the safe that day, but I couldn't have taken the money because a supervisor was nearby who could have seen me"). Or they claim little or no knowledge of the crime in an attempt to escape from helping with the narrowing of the investigation. They generally appear to have no information to offer, avoid speculating on anyone who might be involved, and vouch for no one, or everyone.

Truthful suspects appear interested in what is happening; their best interests are served by having the matter resolved. Deceptive suspects often are distant and unemotional during the interview process; their hope is that the investigation will go away, unresolved.

Truthful suspects argue actual innocence: "I didn't do it." Deceptive suspects argue legal innocence: "What proof is there that I did it?"

During the FAINT interview, two things can automatically indicate deception: the suspect employing "personal coding" or changing their "how and why."

Personal coding is when the suspect redefines the crime so that, in essence, it is no longer the crime under investigation. For instance, in the interview of a suspect accused of digital penetration of a very young child, when asked, "Finish this sentence, this interview and investigation is about . . . what?" he answered, "I thought it was about rape." When one of the authors replied, "Thought is past tense. What do you think it is about now?" he replied, "Bad touching." "What is bad touching?" he was asked. He replied, "You know, like ripping her clothes, smacking her." He was then asked, "How about if someone just stuck their finger in her vagina, but didn't rip her clothes or smack her, would that be bad touching?" "No," he replied. As you can see, by the suspect's own definition (personal coding), he was innocent of the crime under investigation.

The innocent suspect has no need to personally code the crime, since he is already innocent of the crime under investigation. Therefore, it is very important that the interviewer be cognizant of this attempt by some deceptive suspects to escape detection by personal coding.

A suspect's "how and why" refers to their oral or written explanation of what the investigation is about and how they would explain it. For example, a suspect asked to write what the investigation was about and how they would explain it wrote: "My wife interrogated my daughter and convinced her that my playing actions were sexual actions." Later in the interview he was asked, "Why do you think your daughter is saying this if it is not true?" He responded, "I think she is doing it for attention. Her mother and me are separated and I think she is trying to get us back together. For attention I'd say." This change of the suspect's "how and why" immediately identified him as deceptive.

The following motivational and behavioral differences are the key to how Projective analysis plays out during the Forensic Assessment Interview:

#### **Truthful**

Wants truth known.

Talkative.

Tries to narrow or assist investigation.

Uses appropriate and strong terms.

Expresses real feelings.

Admits the opportunity.

Argues actual innocence.

No use of "personal coding."

Consistent "how and why."

#### **Deceptive**

Wants truth hidden.

Not talkative.

Has no information/tries to broaden investigation.

Uses mild/evasive terms.

Detached/distant.

Denies opportunity/makes sweeping declarations to exclude self.

Argues legal innocence.

Uses "personal coding."

Changes "how and why."

John Reid was the pioneer in the use of projective questions in criminal interviews. A study published on the Reid Behavioral Analysis Interview (BAI) method used the



following fifteen questions to analyze verbal and nonverbal behavior to identify truthful from deceptive suspects [1]:

1. What is the purpose of this interview today?
2. If you did this you should tell me now. Did you do it?
3. Do you know who did it?
4. Who do you suspect of doing it?
5. Is there anyone you could vouch for, who you do not think would be involved?
6. Who would have had the best opportunity to do this if they wanted to?
7. Do you think this was done deliberately?
8. How do you feel about being interviewed?
9. How do you think the investigation will turn out on you?
10. Have you ever thought about doing this?
11. What do you think should happen to the person who did this?
12. Do you think the person should get a second chance?
13. Tell me why you wouldn't do something like this.
14. Why do you think someone would do something like this?
15. Have you told anyone about coming in for the interview today?

Four evaluators in that blind study assessed the suspect's attitude, posture (closed, uncomfortable, and rigid/frozen being signs of deception), and verbal responses. The evaluators properly identified 78 percent of the truthful suspects, misidentified 5 percent as deceptive, and found 17 percent inconclusive. The accuracy for deceptive suspects was 66 percent; 17 percent were identified as truthful and 17 percent were found to be inconclusive. Excluding inconclusive results, their average accuracy was 91 percent for truthful suspects and 80 percent for deceptive suspects [1].

The FAINT interview expands on the BAI interview by introducing the MITT sketches, adding projective questions as well as questions developed by Avinoam Sapir in his SCAN interview [2], utilizing comparison questions to help identify truthful suspects, simplifying the assessment of nonverbal behavior, and offering a system for quantifying observations.

Try to understand how truthful and deceptive suspects perceive the questions in the FAINT interview and their motivation for the responses to the questions in the ways described next.

1. "Finish this sentence for me. This investigation is about...?" (Projective)

**Truthful:** Respond quickly, telling the interviewer what the investigation is about, using strong terminology.

**Deceptive:** Slow in responding, often state they do not know what the matter is about, or use vague and evasive terms to describe the crime.

2. "Why do you think you were selected to be interviewed today?" (Projective)

**Truthful:** Explain why, often admitting they had the opportunity to commit the crime.

**Deceptive:** Often are unsure of why they were selected, or make general statements like "Everyone is."

3. "How do you feel about being interviewed?" (Projective)

**Truthful:** May admit nervousness, but show a positive attitude about the investigation and their desire to help find the truth.

**Deceptive:** Often express hostility toward the process, or exhibit a negative and uncooperative attitude.

4. "Please write/tell me in detail whatever you know about this and how you would explain it." (SCAN)

**Truthful:** Are talkative, informative, and seem open in their presentation. Their statement will be rich in details, properly describing and explaining the incident under investigation. Because the incident was in the past, their statement will be in the first person past tense, thereby showing commitment to what they are writing/saying. They will often deny doing the crime at this time, even though the question was not asked.

**Deceptive:** Have little or no information to offer. Will lie by omission, running from the lie by leaving out critical portions. The statement may lack pronouns, indicating a lack of commitment, or have excessive pronouns indicating "cutting and pasting" of the story.

5. "If you were the investigator, how would you conduct the investigation?" (SCAN)

**Truthful:** Give constructive information to help solve the crime, because that will clear them.

**Deceptive:** Offer no or very little information, because they do not want the crime solved.

6. "What are the five most important causes that created this situation?" (SCAN)

**Truthful:** Use strong terminology in explaining, such as "greed," "thief," "sick person," etc.

**Deceptive:** Often give reasons that have nothing to do with crime, such as personal problems.

7. "Did you ever think about doing something like this?" (Projective)

**Truthful:** Usually quickly deny such thoughts.

**Deceptive:** Hesitant in their denial, or make statements like "Everyone thinks about it, but I'd never do it."

8. "During the first (back 2 years from age when crime was committed) years of your life, did you ever (steal anything; cheat anybody; hurt anyone)?" (Comparison)

**Truthful:** Threatened by the question. Usually hesitate, make minor admissions, or use evasive language in denying it.

**Deceptive:** Not concerned with the question. It's not what they are here about, or worried about. Usually they will quickly deny doing anything like that.

9. "Did you (do the crime)?" (Relevant)

**Truthful:** Not threatened by the question, because they are innocent. Quickly deny committing the crime.

**Deceptive:** Threatened by the question. They also deny, but not as quickly or strongly. Often they will answer with evasive questions ("Why would I take money? I have money in my savings account"). Ask you to repeat the question to buy time, or challenge your question ("Are you calling me a thief?").

10. "Whatever you tell me is strictly confidential and it does not even mean you are right, but who do you suspect?" (Projective)

**Truthful:** Often reluctant, but generally help narrow the investigation by telling you whom they suspect.

**Deceptive:** Usually do not suspect anyone, or try to broaden the investigation by stating anyone could have done it, or claim the act really did not take place.

11. "Other than yourself, who can you say definitely did not do it?" (Projective)

**Truthful:** Help narrow the investigation by naming someone.

**Deceptive:** Usually will not vouch for anyone, or will vouch for everyone.

12. "What do you think should happen to those who did commit this crime when we catch them?" (Projective)

**Truthful:** Often describe swift and strong punishment.

**Deceptive:** Usually do not know, have not thought about it, or state it is not their job to make that decision. Sometimes they will give a truthful answer, because they have accepted what their punishment should be.

13. "Would you give them a second chance?" (Projective)

**Truthful:** Will almost always say "No."

**Deceptive:** Consider a second chance, often talking about it, depending on the circumstances.

14. "We will be doing a very thorough investigation. We will be interviewing everyone, doing forensic tests, etc. How do you think the investigation will come out concerning you, and whether you did this?" (Projective)

**Truthful:** They will quickly and emphatically state it will clear them.

**Deceptive:** Usually are unsure, do not understand the process, use hedge words like *hope* and *pray*, or want to know what kind of "forensic tests" you are going to conduct.

15. "Would there be any reason evidence (eyewitness, fingerprints, footprints, blood type, semen, etc.) will turn up indicating you might have done this?" (Projective)

**Truthful:** Quickly and strongly deny it, unless there is a valid reason for what you've suggested ("I go into the safe, so my fingerprints would be there"), and have already admitted it earlier in the interview when they talked about their opportunity to have committed the crime.

**Deceptive:** Usually give much more thought before denying it, or may come up with a vague reason it could have been possible.

16. (In employee theft cases) "My job is to recover the loss. Would you be willing to chip in your portion, so we could just recover what has been taken and drop the investigation?" (Projective)

**Truthful:** Usually are not willing to pay for something they did not do, and want the real culprit caught.

**Deceptive:** Will refuse, with statements like, "I can't afford it," or may agree to chip in so the investigation will be stopped and they will not be discovered.

17. "Did you tell anyone about what happened, and that you were going to be interviewed about it today?" (Projective)

**Truthful:** It is a major event in their lives and they usually have discussed it with family or friends.

**Deceptive:** Often do not discuss it with anyone, because someone may later want to know how they made out and they already perceive they will not make out well.

18. "Why do you think someone would have done something like this?" (Projective)

**Truthful:** It is beyond their comprehension, or they describe the perpetrator in a negative way: drug addict, sick person, thief.

**Deceptive:** Often do not know, give a "decriminalized" explanation, or will tell you the actual reason someone would do this in a rationalized view because it is the only explanation they perceive makes sense.

19. "Do you think this was deliberate (stolen, arson, happened), or could it have been an accident (lost, unintentional, made up)?" (Projective)

**Truthful:** Usually sure a crime was committed.

**Deceptive:** Often are unsure, or jump at the chance to end the investigation by attempting to convince the investigator that no crime took place.

20. "Did you lie to any question concerning (this crime)?" (Relevant)

**Truthful:** Not threatened by the question. Quickly reply "No."

**Deceptive:** Threatened by the relevancy of the question, may be hesitant or weak in their replies.

21. "In your entire life, did you ever tell a serious lie to get out of trouble?" (Comparison)

**Truthful:** Threatened by the comparison question, often are hesitant, use hedge words, or make admissions.

**Deceptive:** Quickly deny it.

22. "Regarding (the crime), did you do it?" (Relevant)

**Truthful:** Not threatened by the question. Quickly reply "No."

**Deceptive:** Threatened by the question, may be hesitant or weak in their reply, or give an evasive answer.

23. "If you were the investigator, and had three questions to ask to resolve this problem, what would they be?"

**Truthful:** Will name three strong relevant questions.

**Deceptive:** Will not name questions that would solve crime.

24. "As I told you, we'll be conducting a very thorough investigation and I may want to speak to you again. Do you have any problem with that?" (Projective)

**Truthful:** Presents no problem for them, offers total cooperation.

**Deceptive:** Usually agree; however, not too enthusiastically. They may even show some degree of surprise that you have finished the interview, because they thought they would be found out and immediately accused of the crime and interrogated.

Keep in mind that all truthful suspects will not answer every question in what we have termed a truthful manner, nor will every deceptive suspect answer every question in what we have termed a deceptive manner. Therefore, the interviewer must learn to use a global approach, to combine all of the information collected to make an accurate assessment.

## SUMMARY

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- The FAINTE interview involves two concurrent types of assessments: verbal and nonverbal.
- The truthful suspect wants the interviewer to be successful; the deceptive suspect does not.
- This fundamental difference in interviewee goals accounts for observable differences in how truthful and deceptive suspects answer questions.
- There are two things that can occur during the FAINTE interview that automatically indicate the suspect is deceptive: personal coding, or the changing of the “how and why.”

## Acknowledgment

The authors would like to recognize the work done by John Reid and Fred Inbau in behavioral symptom analysis and interrogation, and the excellent seminars on the topics still performed today by Reid and Associates [3].

## References

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## Nonverbal Behavioral Assessment

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The parallel line of suspect assessment is their nonverbal behavior. For the assessment to achieve a high level of reliability, the verbal portion of the assessment needs to be correlated with the sometimes more subtle responses of nonverbal behavior. The combined total response record is what provides the interviewer with the information and insight necessary for the determination of truth or deception.

One of the most complete modern texts written on nonverbal behavior indicative of deception is *Telling Lies* [1], by Paul Eckman,\* an American researcher. Eckman has developed a computerized system to evaluate micro facial expressions in an attempt to detect deception. In his book, he concludes that nonverbal cues can be highly accurate in determining truth and deception. However, Eckman maintains that to effectively interpret them, an individual should have a doctoral degree. In our opinion, his research, like most of the laboratory studies on nonverbal deceptive behavior, fails to generate the requisite emotional intensity present in an actual forensic field interview, and also fails to utilize a structured interview format, as is utilized in the FAINTE process.

Even without the emotional intensity created by an actual case, a study [2] conducted with nursing students, who were instructed to either tell the truth or lie concerning films they saw, resulted in 78% accuracy in detecting deception utilizing nonverbal behavior alone, and the accuracy increased with Criteria Based Content Analysis and Reality Monitoring techniques.

Frank Horvath, Ph.D., a Reid-trained polygraph examiner, reported [3] that Reid and Arther found the nonverbal behavior in [Box 9.1](#) to be indicative of truth or deception.

The FAINTE structure [4], which uses a simplified method of interpreting nonverbal behavior, appears to enhance a forensic interviewer's ability to interpret nonverbal cues. Similar to the chart by Reid and Arther, the FAINTE overview of nonverbal behavior for the truthful versus deceptive suspect is shown in [Box 9.2](#).

FAINTE classifies nonverbal behavior into the following three categories: emblems, illustrators, and adaptors:

- Emblems are defined as nonverbal behaviors that speak for themselves. They are very cultural, however extremely accurate as to a person's true communication. For instance,

\*Eckman is the model for the Fox Broadcasting Network drama series *Lie to Me!*, starring Tim Roth.

**BOX 9.1**

**REID AND ARTHUR: NONVERBAL BEHAVIOR  
INDICATIVE OF TRUTH AND DECEPTION**

**Truthful**

Genuinely friendly

Direct answers

Good eye contact

Cooperative

Lighthearted

Composed

Relaxed

Talkative

Overall truthful appearance

**Deceptive**

Overly friendly

Evasive answers

Poor eye contact

Uncooperative

Scared

Nervous facial movements

Nervous bodily movements

Nontalkative

Overall deceptive appearance

**BOX 9.2**

**FAINT: NONVERBAL BEHAVIOR INDICATIVE  
OF TRUTH AND DECEPTION**

**Truthful**

Relaxed and confident

Face to face body alignment

Increased use of illustrators

Natural and settled foot and body  
positions

**Deceptive**

Tense and defensive

Evasive body alignment

Use of adaptors

Tense, repetitive, restless foot and body  
movements

the authors have observed, in many areas of South Africa, people showing both thumbs up to communicate their approval of someone or something. The gesture says it all; no words are necessary.

- Illustrators are defined as nonverbal behaviors that help the listener understand the speaker's verbal communication. Nonverbally touching one's chest, saying, "Look at me. I have nothing to hide," as one verbally states, "I didn't do it!" is a sample of an illustrator. If a person is telling the truth verbally, it seems consistent that their nonverbal behavior would assist the listener in understanding the verbal message. FAINT maintains that as illustrators increase from the interviewee's norm, chances of the verbal message being truthful also increases.
- Adaptors are nonverbal gesticulations that do not help the listener understand the speaker's verbal message. They may even interfere with the listener's ability to comprehend what is being said. Someone covering their mouth as they speak is a prime





**FIGURE 9.1** When a suspect is asked, “How do you feel about being interviewed?” the “middle finger” emblem will provide a much more accurate communication than the words the subject provides.

example of an “adaptor” (Figure 9.2). If the verbal communication is a lie, it is in the best interest of the deceiver that the listener not be able to clearly interpret the verbal message. FAINT teaches that as the use of adaptors increases, chances of deception increase.

As you can see, illustrators and adaptors differ from emblems in that they parallel verbal communication, either supporting or distracting from any given statements. They are reflexive responses of the body to the underlying psychological state and/or the particular



**FIGURE 9.2** Adaptor.

communication. Because, in general, they are less consciously monitored, they provide greater access to the truthfulness of the speaker.

Nonverbal behavior physically undermines attempts of verbal deception. There are both physiological and psychological processes at the foundation of this category of behavior to explain this. Nonverbal behavior consists of a body of natural, subconscious, and instinctual responses to certain stimuli [5]. These responses support the overall theme of the subconscious – to protect the individual from any mental or physical distress or harm.

Studies of children who have been blind since birth show that they exhibit the same basic nonverbal behaviors to stimuli as sighted people, proving the innate quality of such behavior. A University of Chicago study [6] asked twelve sighted and twelve blind-from-birth children to determine how much water was in a glass. When both groups were asked how they determined their answer, both used similar gesticulations. The researcher concluded, “The fact that someone who had never seen gestures before would gesture, and sighted children would gesture to a partner they know can’t see, suggests that gesturing and speaking are tightly connected in some very fundamental way in our brains.”

Professor Stuart Campbell, at the Create Health Center for Reproduction and Advanced Technology, pioneered a new scanning technique to view the fetus [7]. To his surprise, images clearly showed the fetus yawning, blinking, sucking its fingers, and what seemed to be crying and smiling. This clearly shows that facial expressions are not solely environmentally learned.

A Jordanian study [8] demonstrated that lies can be detected by nonverbal cues in Jordanians and Malaysians. They reported that discrimination between lies and truths was clear, but was more accurate for truthful participants than for deceptive ones.

Although there appears to be clear evidence that nonverbal behaviors are innate, cultural nonverbal behaviors also exist, demonstrating that some gesticulations are also influenced by the learning process.

Charles Darwin observed and reported:

Some actions ordinarily associated through habit with certain states of mind may be partially repressed through the will, and in such cases the muscles, which is least under separate control of the will, are the most liable to act, causing movements that we recognize as expressive. In certain other cases the checking of one habitual movement requires other slight movements and these are similarly expressive [9].

Darwin observed that fear causes freezing and breathless behavior, accompanied by a violent heartbeat, dilated pupils, catching of the throat, cold sweat, erect hair, yawning, dry mouth, rigid muscles, protruding eyeballs, and trembling [9].

Freud is quoted as stating, “He that has no eyes to see, and ears to hear, may convince himself that no mortal can keep a secret. If his lips are silent, he chatters with his fingertips; betrayal oozes out of him from every pore” [4].

What both scientists noted is that there is a large range of physical reaction that is instinctual or so deeply implanted by the culture that it is outside the range of conscious control. Those responses, despite attempts at concealment or disguise, provide clues to the truth and undermine the attempt at verbal deception. In literature, the description of this category of nonverbal or body language is commonplace. Arthur Conan Doyle, medical doctor

and the author of books about Sherlock Holmes, frequently used nonverbal behavior as a major plot device, a major source from which Holmes made his deductions. In "A Study in Scarlet," Dr. Watson's review of a Sherlock Holmes article is as follows:

The writer claimed by a momentary expression, a twitch of a muscle or a glance of an eye to fathom a man's most innermost thoughts. Deceit, according to him, was an impossibility in the case of one trained in observation and analysis.

These physiological changes can be understood by examining the body's reaction to fear. When the brain perceives a threat, it prepares the body to survive it by enervation of the sympathetic nervous system. Sympathetic arousal, also commonly known as the emergency, or "fight or flight" system, through neural and chemical (adrenaline) stimulation causes many physiological changes in the body.

David B. Givens, of the Center for Nonverbal Studies, believes many of these nonverbal behaviors are actually a psychological attempt to escape the threat: "Apparently trivial self-touch gestures help us calm our nerves. Physical contact with a body part stimulates tactile nerve endings and refocuses our orienting attention inward, away from the stressful events out there [10]." (See [Figure 9.3](#).)

In attempting to utilize these recognized changes to assess a suspect's nonverbal behavior, the interviewer can divide the body into four separate areas that respond separately, and sometimes differentially:

- General posture
- The head and face



**FIGURE 9.3** Touching the throat may be a way to cause tactile stimulation and take the suspect's focus away from the interviewer.

- The arms and hands
- The legs and feet

All four of these areas address the issue of truthfulness by providing illustrators and adaptors to observe and assess.

## GENERAL POSTURE

The first thing the FAINTE interviewer will score is Posture/Demeanor. After completion of "Personal and Medical Data," a "+1" will be given if posture and demeanor of the interviewee is consistent with truthful behavior, a "0" is given if a difference cannot be discerned, and a "-1" is given if the observed behavior is considered deceptive (Figure 9.4).

A study by James [11] in 1932 identified four basic postures:

1. Forward lean indicates attentiveness
2. Backward lean or turning away indicates refusal or negativity
3. Chest expansion indicates pride, conceit, or arrogance
4. Exaggerated forward lean with head and shoulders down indicates dejection or depression

Research by Albert Mehrabian [12] in 1974 was consistent with James's findings, reaffirming that a forward body lean indicated friendliness, whereas a backward lean was



FIGURE 9.4 (A) Truthful posture. (B) Deceptive posture.

negative. Additionally, his earlier research (1969) supported the belief that body alignment indicated feelings of liking, whereas misalignment indicated disliking or disagreement.

Similarly, FAINT maintains that truthful people will usually use body position as an illustrator and have an open, settled, upright position. Often they will lean slightly forward, indicating interest in what is being said. Shoulders tend to remain squared, and their body is aligned with the interviewer's [4].

FAINT maintains that deceptive people will often show closed and defensive positions, such as crossed arms or legs. They may lean back and/or stretch out their legs, to perceptually increase the distance between the interviewer and themselves (Figure 9.5). Many times they assume a position of defeat, with their shoulders forward and their chin on their chest [4].

Another postural gesture is a sudden shoulder shrug, universally recognized as a sign of uncertainty and submissiveness in children's behavior [13]. Early works in nonverbal behavior, such as the writings of Darwin, considered the shoulder shrug. He writes: "When a man wishes to show that he cannot do something, or prevent something being done, he often raises with a quick movement both shoulders [9]." During the FAINT interview, when an interviewee shrugs his shoulders before answering, it is assumed that the nonverbal response cancels his verbal response, because nonverbally he is telling us that he does



FIGURE 9.5 Stretching out legs perceptually makes the interviewer look farther away.

not know the answer. For example, if when asked, “How do you feel about being interviewed?” an interviewee shrugs before giving an assumed truthful response, such as “Fine,” the positive verbal answer would be negated, and they would receive a score of “0.”

If an interviewee’s posture appears to be frozen, it may be indicative of fear. This is an interesting phenomenon, because we would expect our body’s response to fear to prepare us to fight or run. When we consider that there is virtually no animal predator of the human species that humans can outrun, or outfight without a weapon, freezing may be the best option for survival. Cleve Backster, a world-renowned polygraphist and innovator, lectured about a third possible body response to fear classified as “freezing,” or what he referred to as “holding and hoping [14].” Several other researchers [15] have also shown that “freezing” is in fact a third option for survival. This may be due to excessive muscle tension caused by the threat, or a reaction caused by the amygdala’s fear center.

Interestingly, poker players also show changes in their posture based on their attitude and hand strength. A player’s shoulders may suddenly slump when he is not confident (weak hand). Conversely, you may notice the player is very attentive and sitting in an erect position when he has a strong hand [16].

Many of the items previously mentioned as being of interest to Reid and Arther also fit into this category. We expect a truthful interviewee to be somewhat friendly, cooperative, and remain settled in his seated body and foot positions. The deceptive interviewee will often have an uncooperative attitude, or appear overly friendly. He may also appear detached or distant.



FIGURE 9.6 Hostile gesture.



As the many specific explanations for nonverbal behaviors observed are considered, the interviewer should be alert only to timely changes from the suspect's "norm." Proper timing for observation and assessment of these nonverbal areas starts when the interviewer begins to ask the question, and ends a few seconds after the suspect has answered. During the FAINT interview, nonverbal behaviors classified as adaptors, or indicative of deceptive behavior, will negate a verbal answer that would have been assessed as truthful (+1), resulting in an assessment score of "0."

One must realize that for the deceptive suspect, the pressure of the interview creates an unsolvable problem and conflict. Because of sympathetic arousal, the body is prepared for fight or flight, but the suspect cannot do either. She must sit there as the interviewer questions her, while this involuntary surge of energy takes place. To dissipate some of this nervous energy and to sublimate the problem, she may engage in displacement activities (Figure 9.7). All of these species' specific behaviors\*\* may be indicative of deception [4] and include:



FIGURE 9.7 Displacement activity.

\*\*Displacement activity varies from species to species and is specific: that is, a male elk defending his territory is compelled to stand and fight an interloper. The buck does not want to get injured or killed, but he cannot run away—sometimes a totally unrelated activity, such as scratching the ground with his hoof, emerges to dissipate the conflict. An ostrich faced with the situation may stereotypically place its head in the sand.



- Finger and foot tapping
- Restless body movements
- Playing with objects
- Swinging of legs
- Pulling up socks
- Smoothing out clothes
- Picking imaginary lint from clothing
- Studying the fingernails

## HEAD AND FACE

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Observation of the head and face begins with head positions [4]. Tilting the head to the side is an illustrator that suggests cooperation, interest, and belief in what is being said. A slight head tilt is therefore indicative of truthfulness and demonstrates the suspect's desire to gain rapport. Turning one's ear toward the person who is speaking furthers the interviewee's ability to hear what is being said, a sign of a truthful person. This is totally opposite to the intent of a deceptive person, who tries to block sensory input by covering the ears as not to hear the threatening questions. We have all observed the child who covers both ears and makes noises so as not to hear his parents' admonitions.

As the interviewer talks, nodding the head up and down indicates agreement by the interviewee, and nodding from side to side indicates disagreement. Anthropologist Desmond Morris, in *Body Watching* [17], asserts that this behavior goes back to birth. Trying to put something unwanted into the baby's mouth results in resistance by the baby moving his head side to side: the "no" gesture. When being held by the mother, if hungry, the baby raises his head up and down to find the nipple: the "yes" gesture.

Mehrabian's research supports that affirmative head nods are more likely in truthful suspects, finding that lower rates of head nodding are clearly correlated to deceptive communication [18].

When the interviewee's jaw is jugged forward, it indicates hostility or aggression, and if it is on his chest, it indicates defeat or depression (Figure 9.8) [4].

The face is the most common part of the body to observe; however, it is also the most difficult to interpret. It has a very complex muscular structure and can show more than one emotion at a time.

It is important to analyze the face as a complex structure and isolate the individual expressive elements to check for consistency among them. When both eyebrows are raised, with the mouth partially open, it usually suggests surprise. One eyebrow raised indicates confusion or skepticism. If the eyebrows are squeezed together and lowered, it suggests anger, worry, and/or confusion (Figure 9.9).

People are aware that their facial expressions are easy to observe, and they tend to guard them. Facial expressions also occur at high speeds. Attempts at masking or hiding bona fide facial expressions may be detected when they are held too long, occur too frequently, and the expression is inappropriate for the matter being discussed. An exaggerated smile is one of the most common facial masks used in an attempt to hide fear. The difference between genuine, spontaneous reactions and masking behavior can often be detected



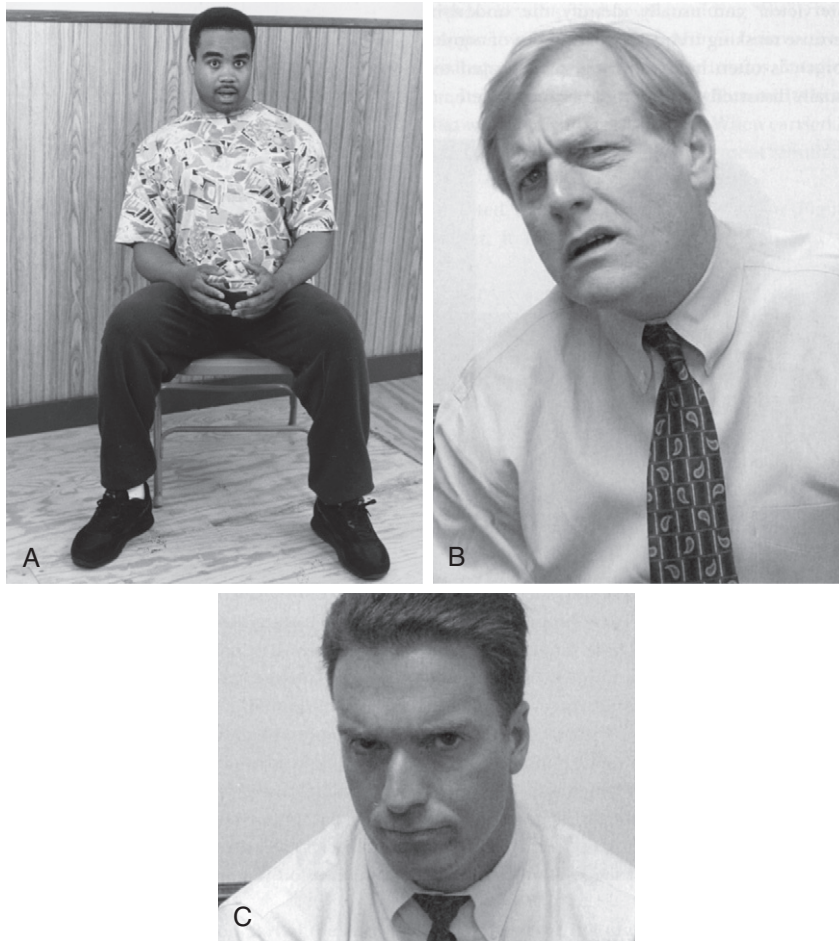
**FIGURE 9.8** (A) If the jaw is jutted forward, not tilted, it indicates anger or aggression. (B) If the chin is on the chest, it indicates defeat, depression, and/or boredom.

because the latter does not affect the eyebrows, which normally are involved in a genuine expression (Figure 9.10). Other common attempts used by suspects to mask include appearing to be surprised, angry, or disgusted [4].

## Eyes

The eyes are said to be the windows of the soul. They provide an excellent source of non-verbal feedback. Sudden breaks in eye contact (Figure 9.11) or exaggerated eye contact are highly predicative of deception when occurring consistently and specifically to the relevant questions. For many years the authors lectured for the University of Delaware on interviewing techniques in the format of a 3-day seminar for law enforcement and intelligence personnel. On the third day of the seminar, the authors would bring in a convicted felon soon to be released on probation to be interviewed in front of the class concerning the experience of being interviewed and interrogated by police. One of the things the authors would ask them is what they thought a police officer looked for during the interview to determine if they were lying. Almost all of them responded, “If I had poor eye contact.” With this preconception of how police determined they were lying, these criminals would attempt to appear to look truthful by never breaking eye contact!

Many professional card players, understanding eye behavior may give away their emotions (known as “tell signs”), will attempt to hide their eyes by wearing sunglasses or hats with visors. For example, many players can’t help but stare at big hole cards, so their length of time peeking is longer. Conversely, if a player is looking to steal the pot, he may look to his left to see if the remaining players, who haven’t yet acted, have quickly glanced at their cards and are likely to fold [16].



**FIGURE 9.9** Facial expressions: surprise (A), confusion or skepticism (B), and anger (C).

People who maintain eye-to-eye contact too long are trying to simulate sincerity or attempting to dominate you; thus, extended eye contact does not mean the person is extremely truthful, but on the contrary, that he is deceptive.

As a result, occasionally the interviewer may be caught in a “staring contest”: a contest of psychological dominance. The suspect may be staring purposely in order to fake truthfulness, but in this situation more likely to assert dominance over the interviewer. It is a good practice to avoid becoming involved in a staring contest; however, it is important that if this does occur, the interviewer does not break eye contact first. Trivial as it seems, loss in the game of dominance may lead to a reversal in roles and psychologically will be viewed as a victory over the interviewer and his task. Staring contests can be ended appropriately by directing the interviewee’s attention to something else. For example, ask the interviewee to look at a document or identify some object.



FIGURE 9.10 (A) Fake smile. (B) Real smile.



FIGURE 9.11 Eyes – windows to the soul. Hiding the eyes, as well as exaggerated eye contact, can be signs of deception.

Certain cultures, Zulu [19] and Hispanic [4], for example (Figure 9.12), teach their children that it is disrespectful to look authority in the eyes. We would therefore expect the eye contact of people from these cultures to be poor throughout the interview, resulting in no sudden observable timely changes, and therefore having no impact on the overall assessment.

During a perceived emergency, pupils dilate, allowing for better far vision during the threat and indicating an aroused state. Pupil dilation, when observable, is a good corollary indicator of emotional change. The eyes dilate whenever an individual is aroused or excited [4]. The relationship between pupil dilation and arousal was recognized hundreds of years ago in Italy [4], where women would take a solution made from the deadly nightshade



**FIGURE 9.12** (A) In the case of an acculturated American, one would interpret the looking down as a sign of guilt and embarrassment. (B) In the case of a Hispanic individual, this same behavior may be a sign of respect or may indicate difficulty with language.

plant and use it as eye drops to enlarge their pupils. They believed the enlarged pupils would make them appear more sensual and beautiful. From this practice the drug *bella-donna*, meaning “beautiful lady,” was invented. For hundreds of years Chinese jade merchants wore dark glasses so that other merchants doing business with them could not measure their delight in a particular piece of jade and raise the price [4]. The problem of observation arises with interviewees with dark eyes, because it is difficult to differentiate the pupil from the iris.

Beyond pupil dilation, there is other information that can be derived from observing the eyes. This includes closing, squinting, and blinking of the eyes.

Closed eyes suggest trying to mentally escape and block visual sensory input. Squinting suggests distrust and can occur during a time of emergency to help protect the eye from being struck during a battle [4]. Increased eye blinking can also be a cue to deception. Blinking rates appear to correspond to psychological arousal [20], with the average blink rate of 20 per minute, each lasting about a quarter second. A Japanese study [21] concluded that blink rate patterns could provide an additional index for the detection of deception. Burgoon concluded, “Deceivers display increased pupil dilation, blinking rates and adaptors, more segments of body behavior, and fewer segments of facial behavior [22].”

Humans generally show two eye whites, one on each side of the pupil. During World War II, the Japanese discovered that when three eye whites (white appearing on both sides of the pupil, as well as underneath) appear (Figure 9.13), it is another excellent indicator of extreme arousal, which they called *san pak ku* [22]. It was also known as the “eyes of death.”





FIGURE 9.13 *San pak ku.*

One eyebrow raised is a sign of skepticism [20]. Having both eyebrows raised, accompanied by an open mouth, indicates surprise. If the eyebrows are pulled up and in with a slightly open mouth, it indicates fear. When the eyebrows are pulled down and in, with a tight mouth, the emotion is usually anger. Rubbing the eyes appears to send the nonverbal message, “I cannot see it.” If you are talking to a person and she rubs her eyes, she is telling you nonverbally that she does not see what you are saying (Figure 9.14). If the gesture occurs as she is talking, she does not want to see what she is saying [23]. Another physiological explanation for the rubbing of the eyes is that the release of histamine during sympathetic nervous system arousal may cause persons sensitive to this hormone/chemical transmitter to have itchy eyes, which are reflexively scratched.



FIGURE 9.14 Rubbing the eye is a sign of disbelief.

## Mouth

The lips and mouth offer us another facial zone for analysis. Much of the information afforded us in this zone is associated with the “dry mouth” phenomenon caused by the lack of saliva due to the enervation of the sympathetic nervous system. Because digestion and waste elimination are not of primary importance if one is about to be seriously injured or die, the activities of these systems are inhibited. As a result, salivation, which helps break down food and lubricate it for its journey into the body’s digestive system, is also inhibited. This “dry mouth” syndrome may result in numerous observable nonverbal behaviors, such as an increase in swallowing, licking of the lips, clicking noises during speech, a bobbing Adam’s apple, and white foam (albumin) developing in the corners of the mouth [4].

Licking the lips due to this “dry mouth” condition is therefore a sign of stress. Females sometimes engage in this behavior as a courting gesture. However, courting gestures are inappropriate for the investigative setting and should be looked on as a possible attempt to sway the interviewer’s decisions, or divert him from vigorous pursuit of the inquiry.

Physiologically during “fight/flight” the throat muscles expand to allow more air to be inhaled into the lungs. This increases the amount of oxygen available to the body and may be responsible for the sensation of a “lump in the throat” often experienced with emotional states such as fear [24]. This phenomenon may cause a need to clear the throat. Clearing the throat is our natural way to dislodge anything caught there. A lie can be something “psychologically” caught in the throat and, therefore, cause a need to clear it.

Tenseness of the lips, biting of the lips, or snarling may occur. When the lips are tense they tend to thin out, indicating anger or stress. Biting the lips may be an attempt not to talk or blurt out the truth, or could be a method of self-punishment. Snarling is clearly an



FIGURE 9.15 Lips.



aggressive behavior. Exposing the tongue or biting on it can be a gesture indicative of thinking, or a courting gesture for females.

Many deceptive subjects feel a tickling sensation near the epiglottis. The need for salivation may also be accompanied by subconscious attempts to enervate salivation, which can be observed as an increase in swallowing, or a bobbing Adam's apple. Another physiological explanation for some of these behaviors is the amygdala, part of the limbic system, which can be stimulated by emotional arousal and subsequently cause involuntary body movements associated with olfaction and eating [25]. These behaviors include licking, chewing, and swallowing. The liar may also experience butterflies in the stomach caused by the sudden cessation of the digestive process and diversion of the blood used in it to other parts of the body where it is needed more, and may also exhibit unusual episodes of burping and belching.

Darwin reported that there was a strong tendency for yawning behavior during fear [9]. Although some have argued that this behavior indicates a physiological need for an increase in oxygen, it also carries a strong psychological message of aggression. The lion tamer approaches bravely until the lion yawns, baring its teeth and sending a message that coming closer may result in being bitten. The lion tamer then knows that he or she is causing the lion discomfort by the invasion of space, and backs off. Darwin also reported opening of the mouth as a nonverbal sign of surprise [9].

Lip pursing is a sign of disagreement with what is being said, signaling mental resistance.

Now-incarcerated Ilich Ramirez-Sanchez, aka "Carlos the Jackal," the internationally known terrorist, is reported to chew his lip when under stress. This was observed when he led the terrorist attack on the OPEC Council in Vienna, Austria.

There are also psychological nonverbal adaptor behaviors associated with the face [9]. Throughout our lives we are taught that if something foul comes from the mouth – a cough,



FIGURE 9.16 Lip pursing.

or a sneeze – we should place our hands over our mouths to protect others from it. A lie can be something “psychologically foul” coming from the mouth, and an unconscious adaptive behavior, easily observable, is unconsciously utilized. The deceptive suspect may also place his spread-open fingers over his mouth, as if they act as a sieve, sifting the words passing through them.

## Nose

There appears to be a link between deception and the nose. Perhaps it is because the nerve network for emotions, to a large extent, evolved from our neural networks involved in smelling [26]. The sense of smell was primitive man’s fundamental survival mechanism.

Touching or pinching the nose is a reliable gesture of disbelief [4]. The nonverbal message appears to be “it stinks” (Figure 9.17). If you are talking and the listener pinches his nose, he is nonverbally communicating that he thinks what you are saying stinks. If he is talking and pinches his nose, he thinks what he is saying stinks.

It appears these hands-to-face gestures of disbelief serve as minor acts of self-comfort needed at times of mental conflict. This mental conflict may be associated with the suspect’s inability to voice his opinion that the interviewer is not being truthful, or his own inability



FIGURE 9.17 Sense gestures: (A) pinching the nose (“it stinks”); (B) skepticism; (C) thought.

to tell the truth and face his punishment. It is the author's experience that nose running and picking occurs much more often with deceptive interviewees.

As indicated earlier, during an emergency the body's senses are enhanced. Changes in the blood flow or chemistry such as the presence of histamine in the sensory organs may also physiologically account for itching and tickling sensations resulting in observable non-verbal behaviors, such as touching of the eyes, nose, and ears during deception.

These changes in blood flow may also result in facial color changes. A red face generally corresponds to embarrassment and shame and is not a sign of aggression [23]. When the body is at the height of fear, blood flows in deeper vessels, ensuring that if the person is cut during the fight, they will not bleed to death. The resulting "ghost-white" appearance therefore signifies someone who is highly threatened and may attack. This person is experiencing extreme fear [4].

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## ARMS AND HANDS

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Arm and hand movements give clearer nonverbal cues. Very few people pay attention to what their hands are doing and, therefore, do not attempt to mask these subconscious gestures. Moreover, hand movements are less fleeting than the facial expressions, are easily observable, and are the main nonverbal means of recognizing illustrators and adaptors. Remember, increased illustrators are signs of truthfulness, and adaptors are signs of deception.

A young scared child will run to his parents for protection. The parents hold and rub the child, kinetically telling him that everything will be okay. As adults, these learned gestures appear to still serve the same purpose, psychologically reassuring us when we are frightened or in danger. Rosenfeld [27] demonstrated that these hand-to-body adaptor gestures increase with fear and stress.

The suspect may also use her arms and hands to set up defensive barriers (Figure 9.18). These barriers are used to establish safe zones around herself for protective or territorial reasons. In the interview setting, physical barriers such as desks, chairs, or partitions are likely to be unavailable. When inanimate barriers are not available, they may be established by crossed arms or legs, or by outstretched legs [4].

Arms across the chest may also suggest defiance [4]. The higher the arms, it appears, the more defiant the suspect. An exaggerated lean forward with arms crossed may indicate an antagonistic attitude. These individuals are extremely confident in their ability to resist the interviewer's attempts to ascertain the truth. On the other hand, if there are no other indicators of stress and the suspect has his arms crossed across his stomach, it is more likely an illustrative sign of truthfulness [4].

More important is a sudden crisscrossing of the arms and legs. For example, stop reading and cross your arms and legs. Wait a few seconds, and crisscross them. Which position did you feel more comfortable in? Chances are you were more comfortable in the initial position. Therefore, if a suspect has his arms or legs crossed, and suddenly crisscrosses them as you ask a relevant question, this should be viewed as a high-stress gesture, because they were probably more comfortable in their initial position.

Palm-down gestures signify the speaker is confident and asserting control [10]. It appears to also universally send a calming message, or may serve to emphasize what the



FIGURE 9.18 Calming gestures.

speaker is saying. Palms held out facing another person is a clear sign of disagreement, or an attempt to stop the other person from talking [4]. The position of a person's palm sends clear nonverbal messages even when used to shake hands. If a person shakes your hand keeping the palm of his hand pointed down and your hand on the bottom, palm facing up, it is a sign of their perceived superior position.

If the suspect is pointing away from her body, as she is making a denial (i.e., "I didn't do it"), subconsciously she may be trying to misdirect the interviewer's attention away from the topic of herself [4]. This adaptor is comparable to the magician's misdirection or boxer's feint to the side before punching. On the other hand, a suspect who touches her chest as she makes a denial is directing the interviewer to look at her; she has nothing to hide. The gesture in this latter instance is an illustrator [4] (Figure 9.19).

A suspect whose elbows are close to the body suggests that he is under severe tension [4]. This can be associated with protecting one's own body and providing a self-reassuring touch. When someone sits with his elbows away from the body, it shows that he is relaxed, less defensive, and more likely to be truthful (Figure 9.20) [4].

As a caveat, certain arm and hand movements need to be differentiated because they are used differently among various subpopulations. For instance, women and gay males experiencing an increase in tension tend to put their hands to their throats, gently touching them with the tips of their fingers, while straight males tend to finger the collars of their shirts.

Rubbing the back of the neck is a stressful gesture that may reflect deception (Figure 9.21) [10]. Putting both hands behind the head and clasping them is a sign of dominance [20].

If a suspect's hands are steepled, it shows a superior attitude, and possible truthfulness (Figure 9.22). The higher the steepling, the more confident the person is. Investigators who have had the opportunity to testify in court probably have been "steepled" by an attorney. The attorney is using nonverbal behavior to inform the members of the jury that he is superior to them and is being truthful.



FIGURE 9.19 (A) Pointing away versus (B) touching self.



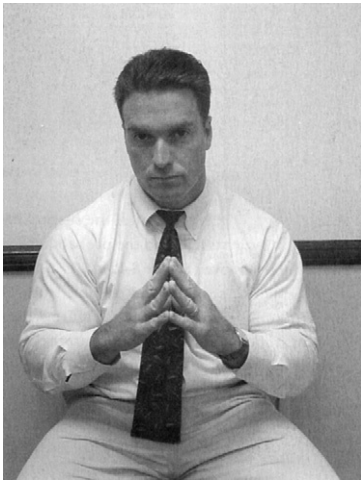
FIGURE 9.20 (A) Elbows tense and (B) elbows open.

Hands clasped together may indicate that the suspect feels a loss of control and employs a nonverbal gesture to try to “keep it together” (Figure 9.23). The authors have seen deceptive suspects who clasp their hands together in this manner and, as they communicate, attempt to use their hands as illustrators; however, their hands appear glued together.





**FIGURE 9.21** Neck rub.



**FIGURE 9.22** Steepling.



**FIGURE 9.23** Clasped hands.

## FEET AND LEGS

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The feet and legs are the least self-monitored areas of the body. They are also the slowest moving of the observable areas of nonverbal behavior. Unfortunately, they are limited in the movements they can generate.

Unsettled foot and leg positions are signs of stress and, as previously stated, are indicative of displacement activity [4]. When the legs are in a flight position, especially when pointed to the exit, it is a sign of the suspect's desire to escape (Figure 9.24). As previously stated, out-stretched legs are an attempt to make the interviewer perceptually appear further away.

People will often rock back and forth, tap, swing their legs, or chew gum in rhythm with their heart rate, which is normally approximately seventy-two beats per minute. Maintenance of this rhythm lends security, whereas stress destroys it. In effect, when the heart rate increases as a result of sympathetic arousal, the interviewer can often observe a sudden corresponding reflexive speed-up in the rhythm of the suspect's gestures [4].

## GROOMING BEHAVIORS

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Grooming and courting gestures are due to the arousal of sexual attraction; however, in the investigative setting there is no reason for these behaviors. They may, however, be used



**FIGURE 9.24** Feet in “runner’s position” or crossed and pulled under the chair may be signs of stress.





FIGURE 9.25 (A) Female grooming: curling hair. (B) Male grooming: fixing hair.

by the suspect in an attempt at self-comfort, or to bias the interviewer in his or her favor (Figure 9.25). Therefore, women using these gestures, such as making curls with their hair, stroking their hair, or playing with their lips, in this environment are exhibiting deceptive behavior. Grooming behaviors for men include fixing their hair, straightening their tie, and hands on hips [4].

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## THINKING GESTURES

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Thinking gestures include rubbing the chin, taking off one's glasses and putting them in the mouth, looking up and to the left, and repeating a question to buy time (Figure 9.26). Thinking gestures must be assessed in context with the question asked. For example, if a suspect was asked, "What were the last three movies you went to see?" or "Who do you suspect may have done this?" there can be an understandable need for a thinking gesture. However, if the question asked was, "Last night, did you shoot John?" a thinking gesture would obviously be a sign of deception, because there shouldn't be a need for thought.

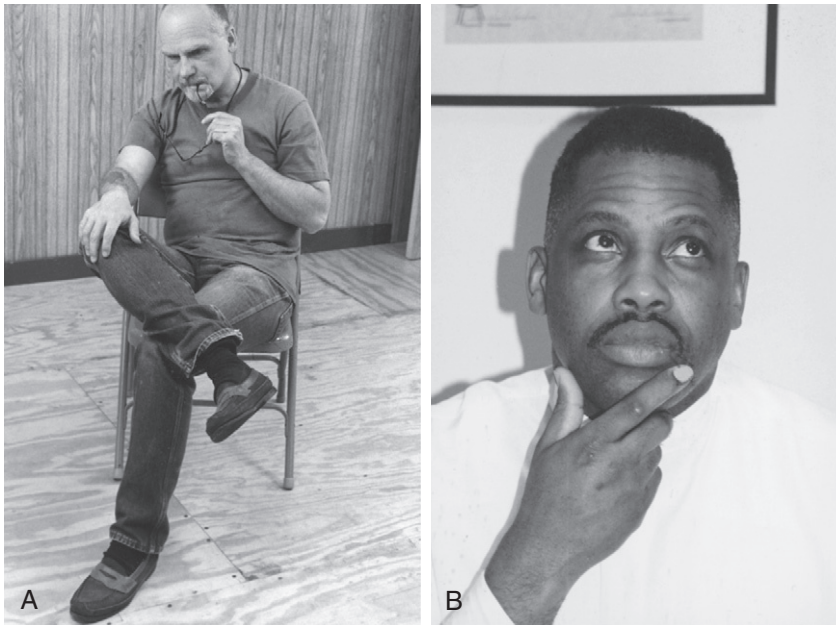


FIGURE 9.26 (A,B) Thinking gestures.

## INVOLUNTARY BIOLOGICAL SIGNS

If the interview becomes stressful, the suspect may enter the fight/flight state. When that happens, there is a need for more oxygen as the body attempts to gear up for the emergency. This is sometimes indicated by an audible sigh, or a yawn.

Yawning also serves as a warning of possible aggressive behavior. Think about going to the zoo and looking at a lion, or other big cat. Chances are it yawned, showing its teeth and readiness to fight, making a nonverbal threat.

Facial color may also be very important in detecting stress or fear. When a suspect is blushing, it is usually due to a sudden change in blood levels in the subcutaneous capillaries of the face. The sudden increase in blood pressure forces fresh blood into capillaries near the surface of the skin. It can also be caused by the sudden rush of blood into the skin after the peripheral blood vessels in the face dilate during parasympathetic relief. Whiteness in the face is caused by vasoconstriction of facial arterioles. This symptom is indicative of fight/flight enervation.

A suspect with a “white” face is more dangerous than a suspect exhibiting a “red” face. Usually, the one with the white face is at the height of sympathetic arousal, whereas a red face indicates the suspect has passed out of this state and entered a state of relief. Remember, white with rage, red with anger, and pale with fear.

Because of an increase of blood flow to the brain during sympathetic arousal, the carotid artery in the neck can be observed pulsating in extreme cases of stress. Investigators have reported that the right artery is more visible under stress than the left, probably because of its closer proximity to the aorta, the largest artery in the greater circulatory system.

In addition, other involuntary signs that indicate the disturbance of the biological norm may become evident. Stomach noises, belching, and passing of gas caused by the shutting down of the digestive processes all suggest “fight or flight” nervousness and possible deception. Occasionally the suspect will break into a “cold sweat” due to a lowering of skin temperature caused by the fight/flight mechanism.

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## PARALINGUISTIC BEHAVIORS

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Paralinguistic behaviors, the manner in which one speaks to communicate particular meanings, such as pitch and speed changes, may also assist us in the assessment of truth. Truth flows from the tongue and is very easy to display. Cognitively, a lie requires much more mental activity: “Should I lie?” “What should I say?” “Will it contradict something I already said?” “Will it be something they can investigate and discover was untruthful?” “What will happen if I am caught lying?” Therefore, a suspect who suddenly displays response latency may be attempting deception. As previously discussed under “thinking gestures,” the suspect may attempt to “buy time” and hide his latency by asking the interviewer to repeat the question, or by repeating the question himself. Other paralinguistic behaviors generally associated with deception are stumbling over words and higher vocal pitch during emotional arousal [28]. Any of these behaviors will also negate a positive verbal response and result in a score of “0.”

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## NEUROLINGUISTICS

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Neurolinguistics, the relation between language and the structure and function of the nervous system, is a relatively new field in psychology, which may give the interviewer two additional advantages [4]. Neurolinguistic factors explain the probable link between eye movement and the brain’s language processing mechanisms. This explanation distinguishes among the idea and information processing modes through which we function and suggests that each of us has preferences in the way in which we process information. The three primary modes of processing information are:

- Visual
- Auditory
- Kinesthetic

For example, when a person attempts to discern a faint sound, he generally looks toward the ear closest to the sound. After engaging in this movement a few hundred thousand times, over many years of development, the individual's brain becomes "hard-wired," or programmed, to reflexively look toward his ear when trying to hear or remember a sound. The same thing occurs with vision and kinesics. A person will survey a picture by moving his eyes up and across the picture to register its composition, colors, and size. Again, once the individual does this a few hundred thousand times, it too becomes programmed into the individual's psychomotor pathways. Kinesis thinkers are programmed by looking down to their abdomens when the butterflies of nervousness and fear are present.

Though everyone does process in all three modes, each person has a preferred mode. Careful observation can provide information about someone's preferred mode of processing and can simplify the process of gaining rapport with the suspect, by enabling the interviewer to frame comments and questions in that mode. The corollary feature is that eye movement during communication becomes another illustrator/adaptor to be observed [29].

To ascertain the suspect's neurolinguistic frame, the interviewer must observe eye movement. In the visual processing mode, the eyes are looking up to the right or left. In the auditory processing mode, the eyes are horizontally looking right or left. In the kinesthetic processing mode, the eyes look down, as stimuli are generated within the body itself.

The interviewer can identify the suspect's dominant mode by observing eye movements and determining whether they fit the category of visual, auditory, or kinesthetic. An interviewer can also listen carefully and identify a person's mode of preference by the suspect's language. An interviewee who asks, "Can't you *see* what I mean?" is linguistically signaling that she prefers the visual mode. That allows the interviewer to adapt to the perceptual mode by wording questions and responses more effectively: "I *see* what you're saying"; "Do you *see* my point?" If the suspect prefers the auditory mode, the interviewer might say, "*Listen* to what I'm *saying!*" "*Hear* the case facts that show you are involved!" If the interviewee's eye movement suggests a kinesthetic processing mode, the interviewer could say, "I think you *feel* bad about what happened. Can you *get a handle* on what happened? I want your *sense* of the events."

Another advantage in identifying the suspect's neurolinguistic mode is to confirm that there is agreement between the processing mode and the mode applicable to the question. If mode expectation and mode demonstration, which is that which is anticipated and what is actually observed, are not in agreement, then something is wrong, and the interviewer should be alert [29].

Eyes to the right in the visual or auditory mode indicates that the suspect is "constructing," and eyes to the left indicate he or she is using "recall" [29]. Thus, if the interviewer asks a question that requires visual recall (eyes up and to the left), and the suspect enters a construction mode (eyes up and to the right) instead, there is a good chance that he is either editing information or fabricating his answer.

## Neurolinguistic Eye Cues

Eye cues not indicative of memory (Figures 9.27A through 9.27E):

Visual Constructed: eyes up and to the speaker's right indicates that she is creating or adding information to something she is attempting to visualize.

FIGURE 9.27 (A I) Neurolinguistic eye cues.

Hail Mary: eyes looking straight up indicates someone seeking divine help. This eye positioning is not consistent with memory.



FIGURE 9.27 Cont'd

Auditory Constructed: eyes to the speaker's right indicates she is in an auditory mode; however, she is creating or adding information to something she has not heard.



FIGURE 9.27 Cont'd

Kinesthetic: Speaker's eyes down and to her right are indicative of someone experiencing body sensations. It is not indicative of recall, but of someone experiencing emotions. During an interrogation, it may indicate the person is close to confessing.



FIGURE 9.27 Cont'd

A person's eyes focused straight down are indicative that she cannot recall information.



FIGURE 9.27 Cont'd

Eye cues indicative of memory (Figures 9.27F through 9.27I):

Visual Remembered: eyes up and to the speaker's left indicates that she is looking for a picture already seen.



FIGURE 9.27 Cont'd

Auditory Remembered: eyes to the speaker's left indicates that she is in an auditory mode trying to hear sounds previously heard.



FIGURE 9.27 Cont'd



Auditory Digital: eyes down and to the speaker's left indicates that she is talking to herself.



FIGURE 9.27 Cont'd

Defocused: If the person's eyes are staring straight ahead, apparently not focused on anything, it indicates that she is seeing a great deal of visual information all at the same time.



FIGURE 9.27 Cont'd

Remember, the key to observing deviation in nonverbal behavior is establishing the norm. In order to ensure that a norm has been established and to properly evaluate verbal, paralinguistic, and nonverbal behavior, the interviewer must utilize the structured interview format. This will allow the necessary comparisons between behavior elicited by relevant questions and comparison questions, as well as overall changes from the suspect's norm (irrelevant questions).

As the FAINT interview begins, every suspect, whether truthful or deceptive, will be in a heightened emotional state that is probably not normal for him. Thus the interviewer must establish the individual's situational norm by observing him before the interview begins and noting his verbal and nonverbal behavior during the early stages of the interview, when conversing about something of mutual interest that has nothing to do with the case under investigation.

Be alert to the many open gestures that suggest truthfulness. If the suspect maintains normal eye contact with the interviewer and sits with his arms open throughout the interview, palms up and legs apart, he is probably truthful.

Interestingly, deceptive suspects often show similar qualities during an interrogation when they are about to give up. If the suspect's palms suddenly become open, when he previously was tense and uncooperative, it is an indication that he is about to confess.

Ideally, seek nonverbal behavior that occurs in clusters. Clusters are a host of nonverbal behavioral symptoms occurring in the suspect's body at the same time. For example, he touches his nose, crosses his legs, and shifts in his chair. If you observe a cluster, return to the same material later in the interview and see if the cluster reoccurs. If it does, chances of deception are very high.

By way of summary, the interpretations of nonverbal behavior in [Box 9.3](#) are part of a list prepared by M. E. Addison and J. H. Jones while with the U.S. Naval Investigative Service.

### BOX 9.3

<b>Gesture</b>	<b>Possible interpretation</b>
<b>Body</b>	
Leaning forward	Interest; acceptance
Leaning backward	Lack of interest; nonacceptance
Shoulders slumped or sagging	Fatigue; grief; withdrawal; nonresistance; hopelessness
Shoulders held rigidly	Aggressive attack position
Shoulders shrugging	"It's not my fault"; need to rid oneself of something; show you cannot do something or prevent it from being done
Unbuttoning clothing	Cooperation; agreement; sexual attraction

Buttoning clothing	Rejection; withdrawal; sexual defensiveness
Turns body away	Rejection
Turns body toward	Acceptance

### Head and Face

Lowering the eyebrows	Concentration or anger
Raised eyebrows	Surprise; anticipation of question
Widening of the eyes	Heightened interest; fear
Removing glasses	Withdrawal
Closing nostrils with fingers	Contempt; disbelief
Index finger alongside nose	Suspicion
Mouth falls open	Bored; unsure of self
Flared nostrils	Hatred and aggression; sexual aggressiveness
Cheeks sucked in	Disapproving and critical of others
Biting lips	Self-depreciation
Lowering chin and looking down	Coy; shyness
Picking face/biting nails	Unsureness; negative feelings about self
Tongue flicking teeth/lips	Sexual gesture

### Hands and Arms

Fingering collar of shirt	Desire to escape
Placing hand over heart or middle of chest	Sincerity
Wiping under nose with finger	Aggression
Drumming or tapping fingers	Impatience; hostility; frustration
Fingers steepled	Superiority
Hands held behind head	Confidence; superiority
Man running fingers through hair	Superiority
Woman playing with hair, or man quickly combing hair	Flirtation
Rubbing objects	Reassurance; sensuousness
Fist pounding or clenching	Aggression
Hand covering face	Protection
Self-caressing, stroking	Sensual personality; narcissistic; vain
Covering eyes with hands	Fear or shame

### Legs and Feet

Crossing legs/arms in front	Fear of human contact
Foot tapping	Irritation; annoyance; or repressed aggression
Short choppy foot swing	Anger
Curling toes up or down	Sexual interest
Restless foot movement	Anxiety

## NONVERBAL BEHAVIOR DURING THE INTERROGATION; SURRENDER

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These gestures or body positions show a form of submissiveness. Humans, like other animals, have body zones they protect. The most vulnerable body areas are the throat and stomach. Have you ever seen two animals fighting? When one animal accepts that the other has won the fight, the loser gives up and will physically submit; in the case of a wolf, it rolls over on its back, exposing its vital areas, its throat and neck. It is, in effect, saying, "Okay, you win. You are bigger and stronger. I submit. Here is my throat. Kill me if you like, but please don't."

Similar signs of submission appear in people when they psychologically accept that they have lost (Figure 9.28). Thus, during an interrogation, when you see suspects open vital areas, by suddenly unfolding their arms and/or legs, and/or lowering their heads, exposing the vital area of the back of their necks, they have just given up. They are telling you nonverbally that they are ready to confess.



FIGURE 9.28 Submission.

## SUMMARY

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- As illustrators increase from the suspect's "norm," the chances of truthfulness increase.
- As illustrators decrease, or use of adaptors increases, from the suspect's "norm," the chances of deception increase.
- The application of nonverbal behavior to the FAINT interview will be for nonverbal behavior associated with deception to negate a positive verbal answer.
- These negative nonverbal behaviors will include timely adaptors, unnecessary thought gestures, paralinguistic behaviors associated with deception, and neurolinguistic signs of construction.

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# Traditional Scoring of the FAINT Interview

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Scoring the FAINT interview will include five segments:

1. Posture/Demeanor
2. MITT
3. Projective/Relevant/Comparison Questions
4. The Suspect's Written Statement
5. The After-Interview Interview

After completing the initial part of the interview concerning personal data, a score of +1, 0, or -1 will be given for your assessment of the suspect's body posture and demeanor. Plus (+) scores indicate truthfulness, zero (0) scores indicate you could not make a determination, and minus (-) scores indicate deception.

The next step in the FAINT process is the assessment of the Morgan Interview Thematic Technique (MITT). Once again, a score of +1, 0, or -1 will be given. In a case involving multiple suspects, where one or more suspects already has received a -1, a suspect with a MITT presentation that is clearly more deceptive than the others may be given a score of -2.

Traditional scoring of the projective, relevant, and comparison questions in the Forensic Assessment Interview is based on a 3-point scale. If both the nonverbal behavior and the verbal content of the suspect meet the criteria for a truthful response to a question, the score for that question will be +1. If both the nonverbal behavior and the verbal content meet the criteria of deceptive behavior, the score for that question will be -1. If there is no observable nonverbal behavior, the score for that question will be based solely on the verbal content as +1 if it is consistent with truthful criteria, or as -1 if it is consistent with deceptive criteria. If there is a conflict between the nonverbal behavior and the verbal content, the score for that question will be 0. For example, if the suspect touches his nose (a nonverbal deceptive sign) as he names a suspect (a verbal sign of truthfulness), the score is 0. Also score the question 0 if you are unsure of the value of what was observed.

The written or oral statement of the suspect concerning what he knows about the crime and how he would explain it, as well as the After-Interview Interview, will also each receive a score of +1, 0, or -1.



TABLE 10.1

Verbal behavior	Nonverbal cues	Assessment score
+	+	+1
		1
+	0	+1
	0	1
+		0

With that in mind, it is very important, given a group of potential suspects, that interviews be conducted with all suspects before the interviewer comes to a decision about narrowing the investigation to a given suspect. Although forensic assessment is highly reliable, it is not perfect. That being said, let's assume that the interviewer's accuracy identifying suspects properly with the Forensic Assessment Interview Technique is 90%. If an investigator were assigned a case where there were ten suspects, of whom one was deceptive, with 90% accuracy, statistically one could expect to properly identify the guilty suspect as deceptive, and correctly identify eight of the nine truthful suspects as truthful. However, one truthful suspect is likely to be identified as deceptive.

Therefore, to increase the accuracy, the two remaining suspects would then be reinterviewed. During this reinterview the interviewer will use the same techniques, but the second interview will be much shorter:

Q: Our investigation is ongoing; however, we have not been able to eliminate you as a suspect or be sure that you have told us everything you know about this. Please tell me again everything you know about this and how you would explain it.

Apply the rules of SCAN to the answer.

Q: Tell me why it could not have been you?

Truthful: Argue actual innocence "I didn't do it!"

Deceptive: Argue legal innocence "Because no one can prove I did it. What do you have that shows it was me?"

Q: Do you suspect someone in particular, or know for sure who did it?

Truthful: Narrow investigation by naming someone.

Deceptive: Broaden, or will not help investigation; provide no names.

Q: During the (back 2 years from suspect's age when crime was committed), did you ever ... ? (Comparison)

Truthful: Show nonverbal deceptive behavior, response latency, repeat question, use hedge phrases, and make admissions reluctantly.

Deceptive: Not concerned with question.

Q: Did you (commit the crime)?

Truthful: Respond with quick, emphatic denial.

Deceptive: Usually deny, or become evasive. May exhibit response latency, ask you to repeat the question or repeat it to themselves.

Q: What would you say if later it was proved that you did this?

Truthful: Respond that it's not possible.

Deceptive: Answer the question, or tell you there is nothing he can do about it.

Q: For example, would there be any reason (for incriminating evidence/or someone to have said you did it)?

Truthful: Quickly deny it.

Deceptive: Weak in denial, or may come up with a reason it could be possible.

Q: If I need to speak with you again, is it okay?

Truthful: Will agree.

Deceptive: Will usually have to think about it, or agree. If there is a refusal, an interrogation should begin.

Q: Should I believe your answers concerning whether or not you did this crime?

Truthful: Will make affirmative statement.

Deceptive: Usually will not commit to having us believe them.

If the suspect answers that we should believe them, they must now answer "I told the truth," "I did not lie," or "I did not do the crime" to any of the following questions:

Q: Give me one reason why I should believe you.

Q: What would you say if the investigation comes up with proof you did this?

Q: What were your emotions during the interview?

Q: Were you afraid?

Q: If applicable: If you were asked to pay for \_\_\_\_\_, how much would you be willing to pay?

The following are the actual assessment interviews conducted in three unrelated matters. The first case study is one of seven bank employees potentially involved in a theft of money shipped from the bank's vault. The second case study is a day-care worker accused of sexually molesting young children under her supervision. The third case study is a multiple suspect investigation to try to determine if any of the four employees interviewed were involved in setting a fire in a stockroom. See whether you can determine if each is truthful or deceptive.

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## CASE STUDY 1

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In the bank case, \$700 was missing from money that had been shipped from the bank (we will call it ABC Bank) to another bank (XYZ Bank). The receiving bank reported that seven different “straps” (bundles of money) had been short, indicating someone removed one or two bills from each strap prior to shipping. The MITT and After-Interview Interview portions are not included for this exercise.

### Suspect A

Q: How long have you worked here?

A: Uh . . . since February 27th, I believe this year. (*coughs*)

Q: What do you do?

A: I’m a bank teller, accepting deposits, tax payments, a variety of work.

Q: How do you like working here?

A: Uh . . . (*smiles*) the work is great; the experience. I’ve had differences with my co workers, but, I believe we can get along. It’s kid stuff.

Q: What do you like most about your job?

A: Oh, a lot of things, satisfaction of helping someone.

Q: What do you like the least?

A: The least? (*laughs*) . . . hate coming into work Mondays too early. I like to sleep a lot.

Q: What is this investigation about?

A: What is that again? Money that was supposedly lost here. According to our vice president it was lost here.

Q: Why were you selected to be interviewed?

A: We’re all selected. Nobody’s exempt.

Q: How do you feel about being interviewed?

A: I feel we have to. If there’s a thief among us, we have to know. In addition to this money, there’s been 20 dollars here and there missing from MAC. You never count money. Two weeks ago I took money from “Employee B,” and was short \$100. It was a stack.

Q: Tell me whatever you know about the missing money, and how you would explain it.

A: What I know about \$700, was supposedly missing from money transferred from the vault that was being shipped to XYZ Bank. I do not recall vault currency, except for coins and one dollar packs, being ever left unattended. Customers are never left alone in the vault room while currency is left unattended. . . . I can only conclude that only someone involved in the shipment process, or someone with access to the vault, could have pilfered money in the manner described to us, if indeed the loss did occur at the branch and not in transit.

Q: If you were going to conduct the investigation, how would you do it?

A: Question the people involved in the shipment process and find out if at any time only one person had access to the money. Also, it may be possible the person that signed the shipment transfer slip did not count the full shipment as is required. I wouldn’t be surprised if that was the case, because often due to time restraints and heavy customer turn out, proper procedures are not followed in the transfer process.

Q: What are the five most important causes that would have created this situation?

A: Procedures were not followed. Not all the money was counted before it was shipped. One of the two parties left the other alone during the shipment process. Both parties in the shipment process were involved in the theft. Someone who had access to the vault before or during the shipment process took the money while it was not under dual control.

Q: Did you ever think about doing something like this?

A: I never have to steal. We’re a wealthy family.

- Q: In your entire life, did you ever steal anything from a job?  
A: I never stole a penny from a job . . . from nobody.  
Q: Did you take that missing shipment money?  
A: Never. I don't even know how it is possible.  
Q: Did you ever steal anything from here?  
A: No, never.  
Q: It doesn't mean you're right, and whatever you say is confidential, but who would you suspect?  
A: If I had to suspect . . . I really can't. I don't believe it was lost here. I don't think you'd risk your job for that amount of money.  
Q: Who would you say definitely didn't take it?  
A: "Employee C." She's a hard working young lady. I don't get along with her but people who are thieves don't like work. She works hard.  
Q: What do you think should happen to the person when we catch them?  
A: Definitely . . . I mean they had the opportunity to bring it back and resign. If it's from our office, he or she must be prosecuted.  
Q: Would you give them a second chance?  
A: Definitely not! Before this you could trust somebody.  
Q: What do you think my investigation and interviews will show me concerning you, and whether you did this?  
A: Nothing.  
Q: Would there be a reason someone would say he or she has seen you in the vault removing a few bills from a strap?  
A: No.  
Q: Would there be a reason your fingerprints would be bound on the straps?  
A: No, unless it was transferred to me in the past. I didn't stamp them before.  
Q: Would there be any reason your fingerprints would be on all seven?  
A: I don't see how that's possible.  
Q: Would you be willing to chip in \$75, so we could recover the money and drop the investigation?  
A: No. (*laughs*) Not my \$75.  
Q: Did you tell anyone at home about what happened?  
A: Umm . . . I think I told somebody the first day we were interviewed. I was shocked. I said it looks like someone is stealing money.  
Q: Why would someone do this?  
A: Seven hundred dollars, I don't know . . . Was it 700? To risk your job? That's why I don't believe it.  
Q: Do you think it was stolen, or a mistake?  
A: No, I think it was stolen.  
Q: If I need to speak to you again, would you be willing to speak to me?  
A: Sure.

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## CASE STUDY 2

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The second case involves the molestation of a little girl and boy by an employee of a day-care center.

### Suspect B

- Q: What is this investigation about?  
A: I don't know what it's about. I don't know. (*leans forward, putting head down by legs*)

Q: Why are you here?

A: To prove my innocence. (*leans back/hands behind head, and stretches*)

Q: How do you feel about being interviewed?

A: Okay.

Q: Tell me what this case is about.

A: What what's about?

Q: Why are you here?

A: I was working at a day care center (*scratches head*), the Little Zoo Day Care Center. Some little girl said I touched her. And then the State Trooper came and was talking with me and then they fingerprinted me. That was it. (*scratches eyebrow*) I went and got a lawyer. I went to court, they postponed, (*scratches back of neck*) and now I'm here.

Q: Who was the little girl?

A: Jane Doe. I was her teacher. She said Ms. (suspect's last name) stuck her finger in her private part, her vagina.

Q: Are you aware of any other children complaining?

A: Yeah. I don't know their names though. They're saying the same thing. (*poking cheek with pointer finger*) Mr. (Defense Attorney) told me there's a little boy involved too.

Q: Did you ever think about doing something like this?

A: Like what?

Q: Touching a child's private part?

A: No.

Q: Did you do it?

A: No.

Q: Why would she say this?

A: I really don't know. (*rubs neck no eye contact*) I wasn't even with her that long. She came in the room in September.

Q: Did you ever discipline them?

A: Like how?

Q: That's what I was going to ask.

A: Like tell them not to do it? I never hit them.

Q: Did you ever touch their private parts as part of punishment?

A: Ugh, ugh.

Q: What do you think should happen to a person if they did do this?

A: I guess they should be prosecuted.

Q: Would you give them a second chance?

A: I don't know. They may have a problem. If they have a psychological problem, maybe, yeah. I don't know.

Q: What do you think my investigation and interviews will show me concerning you, and whether you did this?

A: It should turn out good. I know I didn't.

Q: Would there be a reason if the girl's vagina was scratched they would find traces of your fingernail scrapings there?

A: I don't know. I never touched the girl, really. I never said nothing to her. She liked to be by herself.

Q: Why would someone do this?

A: I don't know why. (*touches lip*) They might be crazy. They might have had it done to them.

Q: Do you think she's making this up, or do you think something actually happened?

A: I . . . I don't know. (*scratches eye*) She never talked. Something might have happened to her. Could've been someone in her own family.

Q: If I need to speak to you again, would you be willing to speak to me?

A: I guess so.

You have now had the opportunity to evaluate and reach a conclusion on these two cases. Here is our actual interpretation of the interviews. Suspect A was verified as truthful. Suspect B was deceptive. Notice the lack of nonverbal indices of Suspect A in contrast to Suspect B. Suspect A also demonstrates minimal paralinguistic behavior indicative of deception, as well as truthful “projective” linguistic forms.

## SUSPECT A

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Q: How long have you worked here?

A: Uh . . . since 27th February, I believe this year. (*coughs*)

Q: What do you do?

A: I’m a bank teller. Accepting deposits, tax payments, a variety of work.

Q: How do you like working here?

A: Uh . . . (*smiles*) the work is great; the experience. I’ve had differences with my co workers, but I believe we can get along. It’s kid stuff.

Score: 0. Inconsistent feelings about job: states it’s great, but talks about problems with co-workers.

Q: What do you like most about your job?

A: Oh, a lot of things. Satisfaction of helping someone.

Q: What do you like the least?

A: The least? (*laughs*) . . . hate coming into work Mondays too early. I like to sleep a lot.

Note: Although the preceding two questions are not scored, it is the authors’ experience that during “in-house” investigations truthful people are more likely to tell what they like least about the company.

Q: What is this investigation about?

A: What is that again? Money that was supposedly lost here. According to our vice president it was lost here.

Score: -1. Repeated question to gain time/resistance by structure. Uses mild term, “lost.”

Q: Why were you selected to be interviewed?

A: We’re all selected. Nobody’s exempt.

Score: 0. Needs to say he had access to commit the crime to get a +1.

Q: How do you feel about being interviewed?

A: I feel we have to. If there’s a thief among us, we have to know. In addition to this money, there’s been 20 dollars here and there missing from MAC. You never count money from “Employee B,” and she was short \$100. It was a stack.

Score: +1. Strong terminology, “a thief,” and attitude of cooperation.

Q: Tell me whatever you know about the missing money, and how you would explain it.

A: What I know is about \$700 was supposedly missing from money transferred from the vault that was being shipped to XYZ Bank. I do not recall vault currency, except for coins and one dollar packs, being ever left unattended. Customers are never left alone in the vault room. Non branch personnel are never left alone in the vault room while currency is left unattended. . . . I can only conclude that only someone involved in the shipment process, or someone with access to the vault, could have pilfered money in the manner described to us, if indeed the loss did occur at the branch and not in transit.

Score: +1. Talkative, narrows investigation by eliminating customers and nonbranch personnel.

Q: If you were going to conduct the investigation, how would you do it?

A: Question the people involved in the shipment process and find out if at any time only one person had access to the money. Also, it may be possible the person that signed the shipment transfer slip did not count the full shipment as is required. I wouldn't be surprised if that was the case, because often due to time restraints and heavy customer turn out, proper procedures are not followed in the transfer process.

Score: +1. Talkative and logical response.

Q: What are the five most important causes that would have created this situation?

A: Procedures were not followed. Not all the money was counted before it was shipped. One of the two parties left the other alone during the shipment process. Both parties in process were involved in the theft. Someone who had access to the vault before or during the shipment process took the money while it was not under dual control.

Score: +1. Talkative and logical response.

Q: Did you ever think about doing something like this?

A: I never have to steal. We're a wealthy family.

Score: 0. Almost answers like a denial of Comparative question.

Q: In your entire life, did you ever steal anything from a job?

A: I never stole a penny from a job . . . from anybody.

Response to Comparison question is compared to following Relevant question.

Q: Did you take that missing shipment money?

A: Never. I don't even know how it is possible.

Score: -1. No noticeable difference between the nonverbal and verbal behavior of the Comparative and Relevant question.

Q: Did you ever steal anything from here?

A: No, never.

Score: -1. No noticeable difference between the nonverbal and verbal behavior of the Comparative and Relevant question.

Q: It doesn't mean you're right, and whatever you say is confidential, but who would you suspect?

A: If I had to suspect . . . I really can't. I don't believe it was lost here. I don't think you'd risk your job for that amount of money.



Score: -1. Doesn't narrow the investigation.

Q: Who would you say definitely didn't take it?

A: "Employee C." She's a hard working young lady. I don't get along with her, but people who are thieves don't like work. She works hard.

Score: +1. Narrows investigation.

Q: What do you think should happen to the person when we catch them?

A: Definitely . . . I mean they had the opportunity to bring it back and resign. If it's from our office, he or she must be prosecuted.

Score: +1. Strong answer.

Q: Would you give the person a second chance?

A: Definitely not! Before this you could trust somebody.

Score: +1. Strong answer.

Q: What do you think my investigation and interviews will show me concerning you, and whether you did this?

A: Nothing.

Score: +1. Quick response of noninvolvement.

Q: Would there be a reason someone would say they saw you in the vault removing a few bills from a strap?

A: No.

Score: +1. Quick denial of reason for incriminating evidence.

Q: Would there be a reason your fingerprints would be found on the straps?

A: No, unless it was transferred to me in the past. I didn't stamp them before.

Score: 0. Inconsistent, so follow-up question asked.

Q: Would there be any reason your fingerprints would be on all seven?

A: I don't see how that's possible.

Score: +1. Denial of incriminating evidence.

Q: Would you be willing to chip in \$75, so we could recover the money and drop the investigation?

A: No. (*laughs*) Not my \$75.

Score: +1. Refusal to chip in.

Q: Did you tell anyone at home about what happened?

A: Umm . . . I think I told somebody the first day we were interviewed. I was shocked. I said it looks like someone is stealing money.

Score: 0. Vague about whether or who he told.

Q: Why would someone do this?

A: Seven hundred dollars, I don't know . . . Was it 700? To risk your job? That's why I don't believe it.

Score: 0. Would want him to express negative views, like they are a thief, a drug addict, etc., to receive a +1.

Q: Do you think it was stolen, or a mistake?

A: No, I think it was stolen.

Score: +1. Confirms a crime took place.

Q: If I need to speak to you again, would you be willing to speak to me?

A: Sure.

Score: +1. Quick response indicating willingness to cooperate.

Overall, this suspect scored +10 and was correctly identified as truthful.

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## SUSPECT B

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Q: Tell me what this case is about.

A: What what's about?

Q: Why are you here?

A: I was working at a day care center (*scratches head*), the Little Zoo Day Care. Some little girl said I touched her. And then the State Trooper came and was talking with me and then they fingerprinted me. That was it. (*scratches eyebrow*) I went and got a lawyer. I went to court, they postponed it (*scratches back of neck*) and now I'm here.

Score: -1. Repeats question to buy time/resistance by structure. Brief response, accompanied by deceptive nonverbal behavior.

Q: What is this investigation about?

A: I don't know what it's about. I don't know. (*leans forward, putting head down by legs*)

Score: -1. Refuses to say crime, and consistent deceptive nonverbal behavior.

Q: Why are you here?

A: To prove my innocence. (*leans back/hands behind head, and stretches*)

Score: -1. Refuses to state crime when given a second opportunity, and consistent deceptive nonverbal behavior.

Q: How do you feel about being interviewed?

A: Okay.

Score: 0. Lacks any strong positive or negative feelings.

Q: Who was the little girl?

A: Jane Doe (*false name*). I was her teacher. She said Ms. (suspect's last name) stuck her finger in her private part, her vagina.

Q: Are you aware of any other children complaining?

A: Yeah. I don't know their names though. They're saying the same thing. (*poking cheek with pointer finger*) Mr. (Defense Attorney) told me there's a little boy involved too.

Q: Did you ever think about doing something like this?

A: Like what?

Score: -1. Tries to evade issue for the third time.

Q: Touching a child's private part?

A: No.

Q: Did you do it?

A: No.

Score: +1. Note: Ideally we would have liked to have had a comparison question to compare it to, but lacking it, gave her +1 for the quick reply.

Q: Why would she say this?

A: I really don't know. (*rubs neck/no eye contact*) I wasn't even with her that long. She came in the room in September.

Score: -1. Doesn't answer the question.

Q: Did you ever discipline them?

A: Like how?

Score: -1. Answers with a question being evasive and showing it is a sensitive question.

Q: That's what I was going to ask.

A: Like tell them not to do it? I never hit them.

Q: Did you ever touch their private parts as part of punishment?

A: Uhuh.

Score: -1. Fails to respond (neologism) with a word.

Q: What do you think should happen to a person if they did do this?

A: I guess they should be prosecuted.

Score: 0. "I guess" is a hedge, and weak response indicating she's not sure.

Q: Would you give them a second chance?

A: I don't know. They may have a problem. If they have a psychological problem, maybe, yeah. I don't know.

Score: -1. Lenient response.

Q: What do you think my investigation and interviews will show me concerning you, and whether you did this?

A: It should turn out good. I know I didn't.

Score: -1. "It should" is a hedge; it differs from "It will."

Q: Would there be a reason if the girl's vagina was scratched they would find traces of your fingernail scrapings there?

A: I don't know. I never touched the girl, really. I never said nothing to her. She likes to be by herself.

Score: -1. Fails to deny any incriminating evidence.

Q: Why would someone do this?

A: I don't know why. (*touches lip*) They might be crazy. They might have had it done to them.

Score: -1. Gives actual reason why some molesters do this, "They might have had it done to them."

Q: Do you think she's making this up, or do you think something actually happened?

A: I . . . I don't know. (*scratches eye*) She never talked. Something might have happened to her. Could've been someone in her own family.

Score: -1. In this case we'd expect the truthful person to say it definitely didn't happen.

Q: If I need to speak to you again, would you be willing to speak to me?

A: I guess so.

Score: 0. Weak commitment.

This suspect was assessed -11 and deceptive. She later was found guilty in a court of law.

### CASE STUDY 3: MULTIPLE SUSPECTS

In the following case study, someone in a supermarket had stacked several sugar bags under a sprinkler head in a stockroom and lit them on fire. The perpetrator left a box of wooden matches as well as the match used to light the fire at the scene. Four employees were interviewed.

#### Employee 1

##### ***Posture/Demeanor***

Seemed open and relaxed.

Score: +1

##### ***MITT***

Irrelevant Card (Violin)

S: Is the girl smiling in the picture?

I: It's your picture, you can say anything you want.

S: Okay, it looks like the girl is home. It looks like her dad or mom may have bought her a violin and now she's staring at it, and then . . . it's something she always wanted, and then . . . she learns how to play it and plays it beautifully. (*smiles*)

#### Irrelevant Gender Specific Card (male in suit)

S: Okay, it looks like a man walked out of an elevator out into a hallway. Now he's looking out in the hallway to see if that's the way he needs to walk and that's the way he takes.

#### Relevant Card (sketch of office with curtains on fire)

S: Looks like a lady just walked into an office and discovered it was on fire. She'll grab a fire extinguisher and call the fire department.

#### Guilt or Remorse Gender Specific Card (male at table with head in hands)

S: Looks like a boy is . . . had something on his mind, and he's sitting at the kitchen table worried about something and I guess his parents come in and talk to him about it.

#### Apprehension Card (person taking a polygraph test)

S: Okay, it looks like a lady is taking a lie detector test (*looks up for approval/smiling*). She's now in the process of the test. Now . . . afterwards it will tell if she's lying or telling the truth.

Score: +1. Saw "fire" in the relevant card; stories were upbeat, made sense, and had endings.

I: What is this interview about?

S: It's about the fire that happened in the back (*illustrates with head, "the back"*).

Score: +1. Verbally tells us what it is about as he demonstrates truthful nonverbal behavior.

I: Why were you selected to be interviewed?

S: Because I was one of the employees working at the time.

Score: +1. Includes himself as a suspect.

I: How do you feel about being interviewed?

S: (*shrugs*) Well, I guess as long as I know I didn't do it, going to tell the truth (*shrugs*), there's nothing wrong about it. I was here. I need to tell what I know.

Score: 0. Nonverbal shrug negates answer.

I: The type of person that would do something like this is a vengeful person. Have you ever gone out of your way to get even with anyone? (Comparison)

S: . . . No sir. Not that I know of. Not that I would consider going out of my way. (*voice very soft*)

I: Did you start the fire?

S: No sir.

Score: +1 Response latency to the comparison question plus hedge words, such as, “Not that I know of” and “Not that I would consider” demonstrates greater emotional change than to the quick response of the relevant question.

I: Tell me whatever you think about this, whatever you heard.

S: Well, me . . . me and Mr. Bacon and Gerald, Gerald was there at the time, were in the store, and we were standing by the office (*points*) and I was going to ask Mr. Bacon something, but I couldn't remember what I was going to ask him. Gerald . . . Gerald and I were talking and then Mr. Bacon walked by and (*snaps fingers*) I thought about what I was going to ask him. And I walked back there again, and me and Gerald were talking and that's when a customer stopped us and asked us questions about Similac (*illustrates*) did we have any, and that's when I heard Mr. Bacon say that George said there was a fire in the back, and Mr. Bacon went in the back to help him and me and Gerald went into the back to help them put it out.

Score: +1. Increase in illustrative behavior and verbally tells us what he knows about the crime.

I: Did you ever think about doing something like this?

S: No sir.

Score: +1. Quick response.

I: In your entire life, did you ever act out of anger? (Comparison)

S: . . . No sir, not that I know of . . . not that I'd say was out of my way or anything.

I: Regarding that fire, did you start it?

S: No sir.

Score: +1. Response latency to the comparison question plus hedge words, such as, “Not that I know of” and “Not that I'd say” demonstrates greater emotional change than to the quick response of the relevant question.

I: Did you ever do anything here that you could be fired for?

S: . . . No sir. Not that I . . . not that I know of. Not that I know they would fire me for.

Score: +1. Response latency to the comparison question plus hedge words, such as, “Not that I know of” and “Not that I'd say” demonstrates greater emotional change than to the quick response of the relevant question.

I: Who would you suspect?

S: Well, my gut tells me John cause earlier that day he was chewing matches and there were matches on the floor.

Score: +1. Narrows investigation.

I: Wooden matches?

S: Yes sir.

I: Did you see him with this box?

S: No sir, not with the box, but I seen him with wooden matches in his mouth.

I: Who would you say definitely didn't start it?

S: Sandra, because she was in the office the whole time, and I know exactly where she was, and she's not the type of person who would do that.

Score: +1. Narrows investigation.

I: What should happen to the person who started the fire when we catch them?  
S: They should have to pay for the damages and then be fired.

Score: +1. Strong punishment.

I: Do you think they should get a second chance?  
S: No Sir . . . . If they done it once, they might do it again.

Score: +1. Commits to strong punishment.

I: Would there be any reason evidence would turn up indicating that you did this?  
S: No sir.

Score: +1. Fast denial.

I: What do you think the investigation will tell us about you and your involvement?  
S: It will either tell you that an employee did it, or a customer did it.

Score: -1. Broadens investigation.

I: What will it tell us about whether you did it?  
S: . . . Nothing, cause I didn't do it. (*soft voice*)

Score: -1 Response latency and change in voice.

I: Did you tell anyone at home about this?  
S: Yes sir. I told my father, my brother and my girlfriend.

Score: +1. Shared information with others.

I: Why do you think someone would do this?  
S: Maybe cause they didn't get their way about something and they were going to have it their way regardless.

Score: +1. His suspect was reprimanded earlier on that day, and his answer projects to the suspect.

I: Do you think it was accidental or deliberate?  
S: I think it was started deliberately.

Score: +1. Believes a crime took place.

I: In your entire life, did you ever tell a deliberate lie to get out of trouble? (Comparison)  
S: Yes sir I have. (*blushes*)  
I: You have?  
S: To my mom. A couple times, but she caught me every time.  
I: Did you lie to me about whether you started that fire?  
S: No sir.



Score: +1. Comparison question caused more emotional change than relevant question.

I: We did pick up a fingerprint on this box of matches. Any reason it would be yours?  
S: No sir.

Score: +1. Fast denial.

I: Would you have a problem with us taking your fingerprints?  
S: No sir. (*holds out hands*)

Score: +1. Fast answer and illustrative nonverbal behavior.

This suspect's FAINT score was a +19, and he was correctly eliminated as a suspect in the arson.

## Employee 2

### **Posture/Demeanor**

Hands folded, settled posture, some twisting of ring on finger.  
Score: 0

### **MITT**

Irrelevant Card (Violin)

S: . . . I'm not good at this.  
I: It's okay, take your time.  
S: . . . To me it just looks like she's just thinking about music.  
I: How's it come out? What happens in the future?  
S: To me she looks like somebody who really wants to play an instrument like that. And she's just thinking real hard about it. And that's her future. She gets . . . if you really want something and think about it you'll get it in the end.

Relevant Card (arson)

S: (*Hand to back of neck*) . . . A fire. (*soft voice*) . . . Looks like it got most of the house . . . most of the office. Call the fire department and put it out.

Guilt or Remorse Card (woman with hand on head)

S: . . . She looks like she walked in and seen something . . . (*nods, "No"*) . . . she could've either walked in and seen something bad, or walked in and something's burning in front of her face . . . I don't know. I'm not good at this (*nervous laugh*).

Apprehension Card (polygraph)

S: Polygraph. I've had it before. If something happened or somebody don't believe you they'll give you a polygraph test and it'll tell if you're bad or good.

I: So how's it come out?  
 S: I don't know.  
 I: It's your story.  
 S: . . . If she ain't got nothing to hide, I'll say good.  
 I: Does she have anything to hide?  
 S: No!

Score: -1. Demonstrated high stress gestures when looking at relevant card, reported fire in the guilt and remorse card, and had problems with the ending of the apprehension card.

I: What is this interview about?  
 S: I have no idea. (*nervous laugh*)

Score: -1. Fails to tell us what it is about.

I: No idea at all why you are here?  
 S: No. Uh ugh. (*laughs*)  
 I: Did anything happen here yesterday that was unusual, that you were aware of?  
 S: (*rubs neck*) All I know is I was running the front and about 5 minutes before I got off somebody said something about a fire in the back. That's all I know. I don't know where it was at (*nodding "No"*), I don't know nothing about it. I have no idea.

Score: -1. Demonstrates same high-stress nonverbal behavior as when she viewed the MITT arson card.

I: How do you feel about being interviewed?  
 S: I ain't got nothing to hide. If I don't know anything, I can't say anything. (*opens palms*) Nobody's asked me nothing about it.

Score: +1. Verbal statement of innocence and truthful nonverbal behavior.

I: During the first 20 years of your life, did you ever do anything in anger? (Comparison)  
 A: Mmm . . . not really.  
 I: Did you start the fire?  
 S: No!

Score: +1. Comparison question caused more emotional change than relevant question.

I: Tell me whatever you think about this, whatever you heard. What happened?  
 S: All I . . . all I know is somebody said there was a fire in the back. (*open palms*) I don't where the fire was. I don't know what happened. I don't know what it got. I don't know where . . . they said in the back room, and I never been back there. The farthest I ever been was to the meat rack and that's it (*illustrates*) and I had come in this cooler door right here (*points*) and put some bad merchandise up and that's it. I've been in the grocery area and that's it. I never been in the back of the store to know anything about it.

Score: +1. Increase in illustrative behavior and tells about fire.

I: Did you ever think about doing something like this?  
 S: No . . . I've . . . we've had our house burn down before and I don't like that idea. We don't even have nothing like that in my house, because of my kid, matches.

Score: 0. Reports earlier in life experience with a fire, which may account for previous behavior viewed as negative concerning the MITT sketches.

I: You say you had your house burn down, tell me about that.

S: I just don't like the idea of leaving things like that around because it don't take but a second to lose everything you have.

I: You say it happened to you?

S: It was when I was little. My grandparents owned a country kitchen (*scratches arm*) and before we got there the fire department called and said we lost our house and we lost every single thing we had.

I: In your entire life, did you ever go out of your way to get even with somebody?

S: . . . (*scratches arm*) . . . No. Nothing but an old boyfriend when I wouldn't give them their stuff back.

I: Regarding that fire, did you start it?

S: No, I sure didn't.

Score: +1. Comparison question caused more emotional change than relevant question.

I: Did you ever do anything here that you could be fired for?

S: . . . (*nods, "No"*) . . . Not unless you mean having it out with a manager.

Score +1: Comparison question caused more emotional change than relevant question.

I: Who would you suspect?

S: Well, I was up front checking out customers and there was nobody up front to bag and Dale said call somebody and I called . . . Jo . . . John and when he came up front he had a match in his mouth and when he walked outside and came back in he didn't have the match.

Score: +1. Narrows investigation.

I: What kind of match was it?

S: It was hard and he had it in between his teeth.

I: Who would you say definitely didn't start it?

S: That was here yesterday? . . . I can say it wasn't Dale cause Dale was up there with me running registers all day. The only time I wasn't there was when I was fronting my cookie racks and my soda racks. (*illustrates*)

Score: +1. Narrows investigation.

I: What should happen to the person who started the fire when we catch them?

S: I think they should be fired and I think they should have to pay for what they damaged.

Score: +1. Strong punishment.

I: Do you think they should get a second chance?

S: No because they didn't come up front and say it first.

Score: +1. Commitment to punishment.

I: Would there be any reason evidence would turn up indicating that you did this?

S: (*slight nod, "Yes"*) . . . No.

Score: -1. Deceptive nonverbal behavior and response latency.

I: What do you think the investigation will tell us about you and your involvement?

S: Uh . . . I didn't do it so I know I shouldn't . . . (*nods, "No"*) I don't . . . I hope you find out who did it, I really do, and I wouldn't give them a second chance because they didn't come forward, they lied about it.

Score: +1. Denial of act and commitment to punishment.

I: Did you tell anyone at home about this?

S: (*nods, "No"*) The only person that knows about it is my sister that was it.

Score: +1. Told her sister.

I: Why do you think someone would do this?

S: I don't know. It don't make no sense. It don't make no sense. You know, this is a job for people to make money. Like a regular job. I don't think . . . whoever did it they were careless and it was stupid.

Score: 0. She cannot comprehend why someone would do it, which would be consistent with a truthful person; however, she uses mild language ("careless") at the end of her answer, indicating it could have been an accident.

I: Do you think it was accidental or deliberate?

S: . . . Probably an accident . . . but, you know, I have no idea.

Score: -1. Does not think it was deliberate.

I: Did you start the fire?

S: No, I sure didn't.

I: During the first 20 years of your life did you ever tell a deliberate lie to get out of trouble? (Comparison)

S: (*nods, "No"*) . . . No I always . . . if something went wrong I'm gonna tell you I did it cause it ain't gonna come back and haunt me. . . . Not no major one, things like that. I lied to my mom . . . nothing to do with my job or anything like that, no.

Score: +1. Comparison question causes a greater emotional change than the relevant question.

I: We did pick up a fingerprint on this box of matches. Would you have a problem with us taking your fingerprints?

S: No, you can do it now. (*holds out hands*)

Score: +1. Quick response and truthful nonverbal behavior.

This suspect's FAINT score was a +8, and she was correctly eliminated as a suspect in the arson.

## Employee 3

### **Posture/Demeanor**

Hand over groin, leaning one elbow on desk, no movement, no illustrators.

Score: -1 First suspect to use support gestures.

**MITT**

## Irrelevant Card (violin)

S: Before she wants to learn how to play the violin, and now she's trying to figure it out (*shrugs/slight hand illustration as talks*) . . . She gets good. Plays a concert.

## Irrelevant Gender Specific Card (male in suit)

S: Uh . . . before the guy's looking for dress clothes. (*slight hand illustration as talks*) Now he's trying on a suit. Fits good and he gets it.

## Relevant Card (arson)

S: Uh . . . before . . . I guess the kid's playing with fire. (*slight hand illustration as talks*) Now the room's on fire. (*shrugs*) Guess he calls the fire department. (*slight laugh*)

## Guilt or Remorse Gender Specific Card

S: Before a kid's having trouble. Now he's just thinking. Gets it all settled.

## Apprehension Card (polygraph)

S: Before he was witness to crime or something, now he's on a polygraph test . . . after (*shrugs*) he's guilty. (*slight snicker*)

Score: -1. Very mild language (playing with fire) used in describing the relevant card, and has the suspect deceptive in the apprehension card (polygraph test).

I: What is this interview about?

S: I guess about last night.

Score: -1. Fails to tell us what happened.

I: What about last night?

S: The fire that was started in the back.

I: Why were you selected to be interviewed?

S: Because I was working.

Score: +1. Includes himself as a suspect.

I: How do you feel about being interviewed?

S: (*shrugs*) No problem.

Score: 0. Nonverbal behavior negates verbal response.

I: In your entire life, did you ever do anything out of anger?

S: Out of anger? Not that I can remember.

I: Did you start the fire?

S: No.

Score: +1. Comparison question shows resistance by structure and lack of commitment.

I: Tell me whatever you think about this, whatever you heard.

S: Well, all I know is it was started with matches, cause I saw them back there. And one guy was chewing matches (*open palm*) . . . John. I saw the matches after the fire.

Score: +1. He takes us right to his suspect.

I: Did you ever think about doing something like this?

S: (*nods*, "No")

Score: -1. No verbal answer.

I: In your entire life, did you ever go out of your way to get even with somebody?

S: . . . Not really, but I guess everybody done something once in awhile.

I: Regarding that fire, did you start it?

S: No.

Score: +1. Comparison question causes more emotional change than relevant question.

I: Did you ever do anything here that you could be fired for?

S: Here? (*tapping chair with fingers*) No, not that I know of.

Score: +1. Comparison question causes more emotional change than relevant question.

I: Who would you suspect?

S: Well I don't think . . . (*open palms*) . . . John maybe, cause he's the only one I seen with matches.

Score: +1. He narrows investigation.

I: Who would you say definitely didn't start it?

S: Uh . . . Tim. He was with the manager most of the night.

Score: +1. He narrows investigation.

I: What should happen to the person who started the fire when we catch them?

S: (*shrugs*) I guess lose his job.

Score: 0. Lacks commitment.

I: Do you think they should get a second chance?

S: No.

Score: +1. He now confirms punishment.

I: Would there be any reason evidence would turn up indicating that you did this?

S: No, there shouldn't be.

Score: -1. Lacks commitment (“there shouldn’t be”).

I: For example we found this box of matches back there, any reason we’d find your fingerprints on it?  
 S: (*nods*, “Yes”) . . . I don’t know about that particular box, but I was hunting some matches for a lady earlier.

I: And what did you do with the box you hunted for?

S: I brought them back on the shelf.

I: She didn’t want them?

S: (*nods*, “No”)

I: What did that lady look like?

S: Uh it’s an old black lady.

I: Does she come in the store often?

S: Yeah.

I: So, next time she comes in you can get her name so we can verify you hunted matches for her?

S: If I can recognize her.

Score: -1. Evidence may identify him.

I: Did you tell anyone at home about this?

S: (*nods*, “No”).

Score: -1. Does not tell anyone.

I: Why do you think someone would do this?

S: I don’t know, (*shrugs*) it could’ve been an accident.

Score: -1. Denies crime may have taken place.

I: Do you think it was accidental or deliberate?

S: Well, I don’t know, cause the guy I think done it, you know he was, he did get in some trouble earlier that day. It was John.

Score: +1. Brings us back to his suspect.

I: Is George a friend of yours?

S: Not really, we go to school together.

I: Have you talked to him since last night?

S: A little while ago.

I: Did he tell you anything?

S: (*nods*, “No”)

I: Did you ask him anything?

S: Just what you doing here.

I: Did he say anything about it?

S: (*nods*, “No”)

I: How does he look?

S: Nervous.

I: In your entire life, did you ever lie to someone who loved you?

S: . . . Not really.

I: Did you lie to me today about whether you started the fire?

S: No.



Score: +1. Comparison question caused greater emotional change than relevant question.

This suspect's FAINT score was a +2, and he was not eliminated as a suspect pending the interview of the final suspect.

## Employee 4

### **Posture/Demeanor**

Hand on leg, backward lean with one elbow in an akimbo position and the other elbow leaning on the desk, unsettled body movements, no illustrators and slight stutter.

Score: -1. Support very unsettled nonverbal behavior.

### **MITT**

#### Irrelevant Card (violin)

S: She wants to learn how to play the violin and she's sitting there studying studying studying the chords, the pictures and stuff (*illustrates with hand*). And the outcome is she learns how to play it.

#### Irrelevant Gender Specific Card (male in suit)

S: . . . A guy walked in a room and sees someone's sitting there. And there's suspicion . . . the guy sitting there don't know him and he's suspicious and it turns out to be one of his old Army buddies.

#### Relevant Card (arson)

S: . . . Boy came to see his father, but his father's not there. So the boy assumes he went home.

#### Guilt or Remorse Gender Specific Card

S: (*touches nose*) . . . The boy heard his father passed away and he's sobbing about it, but it turned out not to be his father but a friend of his father.

#### Apprehension Card (polygraph)

S: It looks like a person wanting to . . . it's a person testifying in court . . . he's got some wires hooked up to him, like a lie detector test . . . he's calm . . . and . . . he's telling the truth.

Score: -2 Only suspect not to see fire in the relevant card makes this suspect's MITT more deceptive than other suspects who have already received a -1 for their MITT. Stories do not always make sense, and sees himself and interviewer in the second irrelevant card.

I: What is this interview about?

S: (*breaks eye contact/eyes up and right*) A fire that happened last night. I was the person here when the fire took place.

Score: 0. Timely breaking of eye contact and then entering neurolinguistic eye pattern not indicative of memory cancels verbal content.

I: Why were you selected to be interviewed?

S: I was the one that . . . smelled the smoke in the stockroom. I thought it was a customer smoking a cigarette. Uh, when I turned around there was no customer around me so I walked off. I came back . . . to the same spot and s . . . s . . . s . . . still smelled smoke. That's when I decided to go . . . into the stockroom and found the smoke. Then I went and told the manager and helped put the fire out.

Score: -1. Too long of an answer (shortest answer is the best answer and any deviation must be questioned), actually had given us his "how and why."

I: How do you feel about being interviewed?

S: Well . . . you got to catch the person who started the fire, so . . . I feel it's my civic duty to tell you everything that happened last night.

Score: 0. Is the suspect telling us we cannot find the perpetrator without talking to him?

I: Tell me whatever you think about this, whatever you heard.

S: I was walking the store for loose items. . . . I passed in front of the stockroom doors. I smelled some smoke. I thought it was a customer. So I turned around. There was no customer behind me or beside me so I kept on walking. I came back to the same spot again, and I smelled the same smoke again, so that's when I decided to go into the stockroom see what was in there . . . And I went and got the manager, went back there and put the fire out.

Score: -1. Excessive pronouns, indicating the story is rehearsed and edited.

I: Did you ever think about doing something like this?

S: No sir. (*exaggerated eye contact*)

Score: 0. Nonverbal behavior cancels verbal answer.

I: In your entire life, did you ever go out of your way to get even with somebody?

S: No sir. My brother once.

I: Regarding that fire, did you start it?

S: No sir. (*exaggerated eye contact/nods, "No"*)

Score: -1. Nonverbal behavior of deception is repeated.

I: Did you ever do anything here that you could be fired for?

S: No sir.

Score: -1. No emotional change to comparison question.

I: Who would you suspect?

S: (*touches nose*) Well, Ron . . . Ron Powell, that boy's always walking the floor. He was sitting behind the meat counter. He was near the stockroom. It may have been him, it may not of. That's who I suspect.

Score: 0. Nonverbal behavior cancels verbal response.

I: Who would you say definitely didn't start it?

S: . . .(*breaks eye contact/left and up*) I don't know the people in the store that good. I don't know each employee personally. I don't know.

Score: -1. Only suspect not to narrow investigation to this question.

I: What should happen to the person who started the fire when we catch them?

S: Well, it depends upon the manager. If I was the manager I'd fire him and put it in police hands because that's a *major arsonist*.

Score: 0. By referring the decision to the manager, he negates any punishment he would offer.

I: Do you think they should get a second chance?

S: If he had a good reason to start it, yeah.

Score: -1. Only suspect that would give the perpetrator a second chance.

I: Would there be any reason evidence would turn up indicating that you did this?

S: No sir.

Score: +1. Fast denial.

I: What will it tell us about you?

S: The way I answered each question?

I: The whole process, what's it going to tell us about whether or not you did it?

S: Well it can prove I'm guilty or not guilty, which I think is unfair. The fingerprints could be mine or could not be; they could be someone else's.

Score: -1. Does not answer the question.

I: For example we found this box of matches back there, any reason we'd find your fingerprints on it?

S: I found a box of matches up front (*looks at box found at scene*). I put them on the shelf. I put them on the shelf and walked off letting them sit there.

Score: -1. Failure to deny incriminating evidence.

I: We found this box at the fire.

S: I put them on the shelf.

I: We found this box in that room.

S: I put that box there on the shelf.

I: This box?

S: Yes sir.

Score: -1. Claims to have touched the exact box of matches used to set the fire and found at the crime scene.

I: How do you know it was this box?

S: It was one like that box.

I: We found this box at the fire. Any reason your fingerprints would be on this box?

S: No sir. It'd be on one like that on the shelf. If it ain't been sold.

I: Did you tell anyone at home about this?

S: I told my mother.

Score: +1. Told someone what happened.

I: Why do you think someone would do this?

S: The prices in the store might be too expensive, or they might not be expensive enough, or they might not like the manager or something.

Score: -1. Broadens the investigation and gives understanding explanation.

I: Do you think it was accidental or deliberate?

S: Well, where it was set, where I found it, it was definitely set.

Score: +1. Believes crime took place.

I: Would there be some reason someone would say they seen you come out of that stockroom, start to walk down the aisle, then reenter the stockroom, and then come out yelling fire? (*Challenge of the suspect's "how and why"*)

S: . . . (*leans in*) Repeat the question, I didn't hear.

I: Would there be some reason someone would say they seen you come out of that stockroom, start to walk down the aisle, then reenter the stockroom, and then come out yelling fire?

S: No sir.

I: No reason at all?

S: No sir. I went back there to put some damaged goods back there. Then when I came back out I walked the store and found some more damages, I went back in there, that's when I really smelled the smoke.

Score: -1. Changes his "how and why"; an automatic sign of deception.

I: Did you set it?

S: No sir. (*exaggerated eye*)

I: In your entire life, did you ever tell a deliberate lie to get out of trouble?

S: No sir.

Score: -1. Greater reaction to relevant question.

This suspect's FAINT score was a -12, and he was identified as the perpetrator. He confessed to the crime during the Integrated Interrogation Technique.

## SUMMARY

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- The FAINT interview score is composed of the following five components:
  1. Posture/Demeanor
  2. MITT
  3. Projective/Relevant/Comparison Questions
  4. The Suspect's Written Statement
  5. The After-Interview Interview.
- Using a traditional 3-point scoring system, items are scored +1 if they appear truthful, 0 if it is not clear, and -1 if they appear deceptive.
- When there is a conflict between the verbal answer and nonverbal behavior, a score of 0 will be given.

# The Validation of the Forensic Assessment Interview (FAINT)

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As part of a graduate research project at the University of South Africa (UNISA), a study was performed by one of the authors to determine the accuracy of the FAINT interview [1]. Four professionals trained at the Academy for Scientific Investigative Training volunteered to independently perform blind evaluations of fifty-one actual interviews of criminals in both multiple-suspect (i.e., employee theft) and single-suspect cases (i.e., rape), where ground zero truth\* had been established in investigations conducted at Keystone Intelligence Network, Inc., a long-established private investigation firm in Philadelphia, Pennsylvania. The interviews accurately recorded the original FAINT interviewer's nonverbal and verbal observations, as well as the suspect's written responses to the questions on the structured FAINT form (Appendix A). The four evaluators were required to read, assess, score, and make conclusions regarding the truth or deception of each of the fifty-one suspects.

Thirty-nine of the suspects were male, and twelve were female. The responses of the fifty-one suspects were recorded during interviews resulting from twenty-two investigations, which involved six different categories of crimes. The suspects and categories of crimes appear in [Table 11.1](#). The scoring process to be used was the same as outlined in the previous chapter:

- If there was no specific nonverbal behavior each question was assessed based on the verbal answer alone and given a score of +1 if perceived truthful, and a -1 if perceived deceptive.
- The same score was given if the nonverbal behavior was in agreement with the verbal behavior.
- If there was a disagreement between nonverbal and verbal behavior, the question was given a score of 0.

\*Ground zero truth for interviewees determined to be deceptive was confirmed by confession, and for those determined to be truthful by the confessions of deceptive interviewees in the same cases.

**TABLE 11.1** Breakdown of Suspects and Categories of Crimes Used in the Study

Suspects (51)	Crimes (22)
36	Theft (10)
4	Sexual assault/rape (6)
5	Molestation (3)
4	Arson (1)
1	Aggravated assault (1)
1	Robbery (1)

The four evaluators correctly solved 86% of the twenty-two cases they reviewed, excluding “inconclusives” (which are defined as suspects whom they were unable to classify as truthful or deceptive, because of “insufficient” data), and 83.5% where “inconclusives” were included and viewed as errors (Table 11.2).

The data involved 31 truthful and 20 deceptive suspects, requiring 204 assessments to be made (124 truthful assessments and 80 deceptive assessments). Of the 124 assessments of truthful suspects, 3 were assessed to be inconclusive, and 111 were correctly assessed as truthful (Table 11.3). Thus, there was a 92% accuracy rate in the assessment of truthful suspects. Of the 80 assessments of deceptive suspects, 2 were assessed to be inconclusive, and 65 were correctly assessed to be deceptive. Thus, there was an 83% accuracy rate in the assessment of deceptive suspects. Overall accuracy for the 199 assessments made was 88%, with only 5 of the 204 assessments deemed inconclusive (2.5%).

Utilizing the traditional FAINT 3-point scoring scale, the evaluators had an 8% false positive rate and a 17% false negative rate. Qualitatively, the errors made were more likely to be false negatives: deceptive suspects assessed to be truthful. This is the same result as in the earlier cited Behavioral Analysis Interview study [2] and is exactly the opposite of most polygraph errors, which are more likely to be false positives, truthful suspects assessed to be deceptive. Given that the error rates between these two processes (FAINT and

**TABLE 11.2** Cases Solved by Evaluators Using FAINT 3-Point Scoring System

CASES SOLVED EXCLUDING INCONCLUSIVES: 86%				
Evaluator:	1	2	3	4
	88%	82%	82%	92%
CASES SOLVED INCLUDING INCONCLUSIVES: 83.5%				
Evaluator:	1	2	3	4
	87%	74%	83%	91%

**TABLE 11.3** Accuracy of Evaluators Using FAINT 3-Point Scoring System

Ground zero	Truthful determinations	Deceptive determinations	Inconclusives
124 truthful	111 (92% accuracy)	10 (8% F/P)	3
80 deceptive	13 (17% F/N)	65 (83% accuracy)	2

Polygraph) are in opposite directions, it may further support the use of the FAINT interview assessment as the pre-test interview tool for polygraph examinations to give a more accurate overall assessment of a suspect's truthfulness.

Table 11.4 shows the actual scores and assessments of the four evaluators of each suspect, as well as each evaluator's accuracy.

Analysis of all of these individual assessment scores appears to indicate that an assessment score of 0 or higher would result in 88% accuracy for determinations of truthfulness, and an assessment score of -5 or lower would result in 89% accuracy for determinations of deception.

Table 11.5 shows the distribution of the evaluators' numerical scores in the 51 cases they assessed. Of these 22 cases, there were 10 involving employee thefts ranging from a single suspect, to 1 case of employee theft with 13 suspects. Multisuspect employee theft cases

**TABLE 11.4** Scores and Assessments Made by Evaluators Using FAINT 3-Point Scale

Case	Type	Ground zero	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4
1 1	Theft	D	D/ 7	T/2**	D/ 6	D/ 7
1 2		T	T/11	?/0	T/8	T/12
1 3		T	T/14	T/5	T/4	T/3
2 1	Theft	T	T/19	T/10	T/16	T/7
2 2		T	T/16	T/2	T/14	D/ 6
2 3		T	T/16	T/5	?/5	T/ 2
2 4		D	T/11	D/ 6	T/11	T/ 4
2 5		T	D/ 2	T/9	?/5	T/5
2 6		T	T/15	T/13	T/13	T/7
2 7		T	T/15	T/17	T/11	T/6
3 1	Theft	T	T/18	T/ 8	T/5	T/ 2
3 2		T	T/7	T/ 4	T/5	T/8
3 3		T	T/7	T/8	T/4	T/ 2

*Continued*



**TABLE 11.4** Scores and Assessments Made by Evaluators Using FAINT 3-Point Scale Cont'd

Case	Type	Ground zero	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4
3 4		T	T/21	T/22	T/10	T/10
3 5		D	T/9	T/5	T/4	D/ 8
3 6		T	T/15	T/10	T/18	T/12
3 7		T	D/ 4	T/ 2	T/ 3	T/ 6
3 8		T	T/12	T/1	T/6	T/15
3 9		T	T/32	T/19	T/17	T/20
3 10		T	T/2	D/ 10	T/2	T/1
3 11		T	T/18	T/ 4	D/ 5	T/5
3 12		T	T/19	T/17	T/9	T/13
3 13		T	T/21	T/6	T/14	T/13
4 1	Rape	D	D/ 12	D/ 11	D/ 8	D/ 5
5 1	Aggravated assault	D	D/ 5	D/ 5	D/ 5	D/ 7
6 1	Molestation	D	D/ 9	D/ 8	D/ 8	D/ 11
7 1	Molestation	D	D/ 9	D/ 10	D/ 16	D/ 11
8 1	Theft	D	D/ 1	T/9	D/ 1	D/ 9
8 2		T	T/9	D/0	T/2	T/7
9 1	Theft	D	T/8	T/11	T/7	T/3
9 2		T	D/5	D/0	D/ 5	D/ 4
10 1	Theft	D	D/ 3	D/ 3	D/ 4	D/ 4
11 1	Theft	D	D/ 1	T/11	D/3	D/1
11 2		T	T/12	T/16	T/13	T/13
11 3		T	T/16	T/4	T/15	T/4
12 1	Theft	T	T/13	T/1	T/ 4	T/ 3
12 2		D	D/ 20	D/ 18	D/ 18	D/ 20
12 3		T	T/13	T/19	T/22	T/14
13 1	Robbery	D	D/ 6	D/ 16	D/ 14	D/ 18
14 1	Sexual assault	D	D/ 5	D/ 8	D/ 3	D/ 8
15 1	Rape	D	D/ 4	D/ 5	?/2	D/1
16 1	Theft	T	T/13	T/13	T/14	T/3

*Continued*

**TABLE 11.4** Scores and Assessments Made by Evaluators Using FAINT 3-Point Scale Cont'd

Case	Type	Ground zero	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4
17 1	Sexual touching	D	D/ 6	D/ 4	?/1	D/ 6
18 1	Rape	D	D/ 6	D/ 8	D/ 4	D/ 5
19 1	Theft	D	D/ 9	D/ 8	D/ 12	D/ 5
20 1	Sexual assault	D	D/ 1	D/ 7	D/ 6	D/ 6
21 1	Rape	T	T/7	T/13	T/9	T/10
22 1	Arson	T	T/18	T/15	T/19	T/22
22 2		T	T/9	T/ 2	T/10	T/3
22 3		T	T/3	T/ 1	T/10	T/18
22 4		D	D/ 11	D/ 8	D/ 2	D/0

Figures appearing in red indicate errors in assessments.

204 assessments: evaluator 1: 88% accuracy (45 correct/6 errors); evaluator 2: 88% accuracy (44 correct/6 errors/1 inconclusive); evaluator 3: 89% accuracy (42 correct/5 errors/4 inconclusive); evaluator 4: 92% accuracy (47 correct/4 errors).

**TABLE 11.5** Evaluators' Distribution of Scores and Predictability of Determinations

Predictability of a truthful determination	Evaluators' scores	Ground zero truth outcome	Predictability of a deceptive determination
100	32	T	0
100	22	TTT	0
100	21	TT	0
100	20	T	0
100	19	TTTTT	0
100	18	TTTTT	0
100	17	TTT	0
100	16	TTTTT	0
100	15	TTTTTT	0
100	14	TTTTT	0
100	13	TTTTTTTTTTT	0

*Continued*

TABLE 11.5 Evaluators' Distribution of Scores and Predictability of Determinations Cont'd

Predictability of a truthful determination	Evaluators' scores	Ground zero truth outcome	Predictability of a deceptive determination
100	12	TTTT	0
93	11	TTDDDD	7
94	10	TTTTTTT	6
92	9	TTTTTDD	8
91	8	TTTD	9
90	7	TTTTTTD	10
90	6	TTT	10
90	5	TTTTTTTTTD10	
90	4	TTTTD10	
89	3	TTTTDD11	
88	2	TTTTDD	12
88	1	TTTDDD	12
88	0	TTTD	12
85	1	DDDDT15	
25	2	DTTTTTT75	
19	3	DDDTT	81
17	4	DDDDDDTTTT83	
11	5	DDDDDDDDTT	89
9	6	DDDDDDDDTT91	
6	7	DDDD	94
7	8	DDDDDDDDDT	93
5	9	DDDD	95
6	10	DT	94
0	11	DDDD	100
0	12	DD	100
0	14	D	100
0	16	DD	100
0	18	DDD	100
0	20	DD	100

present variables not present in other types of criminal investigations. In multisuspect employee thefts there may be many employees who have committed previous thefts from their employer, but are innocent of the crime that is being investigated. These prior thefts often result in attitudinal changes that cause innocent employees to emit nonverbal, verbal, and written behavior generally associated with deception. This situation, although interesting, remains an area for future research.

When these multisuspect employee thefts are eliminated from the study, there remain 15 cases involving 18 suspects. Among these were 6 sexual assault/rape cases, 1 aggravated assault case, 3 sexual molestation cases, 3 theft cases, 1 robbery case, and 1 arson case that had 4 suspects. Among this cohort, 13 of the suspects were guilty of the crimes being investigated and 5 were innocent.

Accuracy of the four evaluators for this subset of FAINT assessments was 100% when “inconclusives” were eliminated and 96% when they were included and counted as errors (Table 11.6). There were no false positives or false negatives. Although the truthful suspect group may be too small for statistical conclusions to be drawn, it is important to note that all 5 were assessed truthful by all evaluators. As to the larger, more statistically significant deceptive group, three evaluators assessed all 13 to be deceptive, and one evaluator assessed 11 to be deceptive and 2 to be inconclusive.

An analysis of these individual assessments of these single-issue suspect cases indicated that an assessment score of a +3, or higher, would be 100% accurate for determinations of truthfulness, and an assessment score of a +2, or lower, would be 96% accurate for determinations of deception.

Table 11.7 presents a distribution of the evaluator’s numerical scores for the 72 assessments made of the 15 single-issue suspect cases.

A meta-analysis was performed on the responses of both truthful and deceptive suspects to determine whether certain questions elicited answers that needed to be weighted, given that they might be more consistently predictive of truth or deception.

This proved a fruitful line to pursue. Some questions indeed showed lesser value in predicting truth or deception, whereas others appeared to have greater value. Based on that, an analysis was performed that confirmed that certain questions did have a higher correlation in predicting outcomes.

For example, when asked, “Who would you suspect?” 20 of the 41 suspects asked the question named someone. All 20 of these suspects were later verified as truthful. On the other hand, of the remaining 21 suspects who did not give a name, 10 were later verified as truthful and 11 as deceptive. Therefore, although naming a suspect resulted in a 100%

**TABLE 11.6** Single-Suspect Case Accuracy with “Inconclusives” Considered as Errors

Ground zero	Truthful assessments	Deceptive assessments	Inconclusives
20 truthful	20 (100% Accuracy)	0 (0% F/P)	0
52 deceptive	50 (96% Accuracy)	0 (0% F/N)	2 (3%)

TABLE 11.7 Evaluators' Distribution of Scores for Single-Issue Suspect Cases

	Prediction of accuracy	Score	Evaluators' determination
	100	22	T
	100	19	T
	100	15	T
	100	14	T
	100	13	TT
	100	10	TTTT
	100	9	TT
	100	7	T
Truthful +3	100	3	TTT
Deceptive +2	96	2	D
	96	1	DD
	96	0	D
	96	1	TD
	98	2	TD
	100	3	DDD
	100	4	DDDDD
	100	5	DDDDDDD
	100	6	DDDDDD
	100	7	DD
	100	8	DDDDDDDD
	100	9	DDD
	94	10	D
	100	11	DDDD
	100	12	DD
	100	14	D
	100	16	DD
	100	18	D

correlation to truthful final outcome, not naming a suspect offered no value for predicting the suspect's involvement in the crime.

Based on an answer's predictability, a number was assigned derived from standard deviations in a reliability test. If the answer predicted a truthful outcome, it received a positive number, and a negative number if it was predictive of a deceptive outcome, as follows:

3 standard deviations	$\pm 3$
2 standard deviations	$\pm 2$
1 standard deviation	$\pm 1$

The criterion used to weight the answers was the reliability of the question's answer in predicting final ground zero truth or deception. For example, when asked in employee-related cases, "How do you like working here?" 21 suspects gave positive answers without hesitation, and without any adaptors or coding of the question. Of these 21 suspects, 19 were verified as truthful and 2 were verified as deceptive. This meant that answering a question in this manner had a 90% correlation to a truthful outcome. On the other hand, 14 suspects gave negative answers to this question. Of this group, 7 were verified truthful suspects and 7 were verified deceptive suspects. This meant that answering this question in a negative manner had a 0% correlation to actual case outcome. In the weighted scoring system, answering this question in the manner associated with a truthful suspect now receives a +3. Answering it in a negative manner is now scored a 0.

Table 11.8 shows each question asked, the criteria used for analysis, their predictability to the final outcome, and the score assigned for the criteria in the weighted scoring system.

A new panel of four independent evaluators who had also completed the FAINT seminar and were taught the new weighted system blindly reassessed the interviews of the same 51 suspects using the new weighted criteria (Appendix B). These four evaluators correctly solved 90% of the 22 cases they reviewed, with no "inconclusive" assessments (Table 11.9).

Using the weighted method, of the 124 truthful assessments, 120 were correctly assessed truthful, resulting in a 97% overall accuracy rate of assessments of truthful suspects. Of the 80 deceptive assessments, 72 were correctly assessed to be deceptive, resulting in a 90% overall accuracy rate of the deceptive suspects. One deceptive assessment was inconclusive. Thus, overall accuracy for the 204 decisions made was 94%, with the 1 inconclusive counted as an incorrect decision. Tables 11.10 and 11.11 and the discussion describe the nature and extent of the improvement in accuracy.

The distribution of the evaluator's numerical scores in the 51 cases assessed using weighted scores indicated an assessment score of a +7, or higher, would be 91% accurate for determinations of truthfulness, and an assessment score of a +4, or lower, would be 91% accurate for determinations of deception (Table 11.12).

The accuracy in the 15 cases involving the 18 suspects in single-suspect crimes for this subset of FAINT interviews was 99%, when the one inconclusive was eliminated and 96% when it was included and counted as an error. There were no false positives, and one false negative. As pointed out previously, the truthful suspect group was small; however, all 5 of these innocent suspects were assessed truthful by all four evaluators. Two of the evaluators assessed all 13 of the guilty suspects to be deceptive, one evaluator assessed]

TABLE 11.8 Evaluations of Responses and Their Ability to Predict Final Outcome

<u>QUESTION ASKED:</u>	<u>CRITERIA USED:</u>				<u>Predictability Truthful</u>		<u>Predictability Deceptive</u>	
How do you like working there?	Positive Answer/No Hesitation Adaptors Coding (Great/Love It/Good/Like it)							
	*Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	19	7	2	7	21	90 +3	14	50 0
What is this about?	Strong Language (Steal/Theft/Rape)							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	8	4	1	16	9	88 +2	20	80 2
	Medium Language (Missing)							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	17		3		20	85 +2		
Why were you selected to be interviewed?	Includes Self as Suspect							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	18	12	5	12	23	78 +1	24	50 0
How do you feel about being interviewed?	Positive Answer with No Hesitation/No Adaptors (Fine/Okay/Alright)							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	16	14	4	15	20	80 +2	29	51 0
Write in detail what this is about	Explains Crime with Strong Language/Pronouns							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	28	3	8	12	36	77 +1	15	80 2



Did you ever think about doing something like this?	No Hesitation Adaptors							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	26	5	9	9	35	74 +1	14	64 1
Did you do it?	No Hesitation/No Adaptors							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	27	4	10	8	37	72 +1	12	66 1
Who would you suspect?								
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	20	10		11	20	100 +3	21	52 0
Who would you vouch for?								
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	21	9	5	6	26	80 +2	15	40 0
What should happen to the person?	Strong Punishment (Fired/Prosecution)							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	27	4	5	14	32	84 +2	18	77 1
Would you give them a second chance?	"No" with No Hesitation							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	24	7	4	15	28	85 +2	22	68 1
What will investigation show concerning you?	Positive Answer							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	20	9	3	15	23	87 +2	24	62 1

Continued

TABLE 11.8 Evaluations of Responses and Their Ability to Predict Final Outcome Cont'd

<u>QUESTION ASKED:</u>	<u>CRITERIA USED:</u>				<b>Predictability Truthful</b>		<b>Predictability Deceptive</b>	
Any reason for evidence against you?	"No" with No Hesitation Hedges							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	24	7	5	13	29	83 +2	20	65 1
Willing to chip in so investigation could be dropped?								
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	23	3	2	5	25	92 +3	8	62 1
Did you tell anyone you would be interviewed?								
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	10	2	12	2	22	45 0	4	50 0
Why do you think someone would do this?	Negative/Condescending/I don't know							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	18	13	5	10	23	78 +1	23	43 0
Do you think it was deliberate or accidental?								
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	16	7	1	7	17	94 +3	14	50 0
If you had 3 questions to ask what would they be?	Strong Q: Did you do it?							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>	%		%	
	8	7	3	6	11	72 +1	13	46 0

Do you know for sure who did it?	"No" with No Hesitation							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	15	2	3	1	18	83	3	33
						+2		0
Did you lie about whether you did this?	"No" with No Hesitation							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	20	3	2	6	22	91	9	66
						+3		1
Should I believe you?	Plus: Didn't Lie/Told Truth/Didn't Do It							
	Truthful +	<i>Truthful</i>	Deceptive +	<i>Deceptive</i>		%		%
	13	7	1	4	14	93	11	36
						+3		0
Willing to return?	EVERYONE ANSWERED "YES"							

*\*Answers coded in black represent responses generally considered to be indicative of truthfulness, and those color coded gray are considered to be indicative of deception. Numbers on the far right coded in black represent the question's predictability to ground zero truth, and those color coded in gray represent the question's predictability to ground zero deception, along with the appropriate weighting.*

**TABLE 11.9** Cases Solved by Evaluators Using FAINT Weighted Scoring System

<b>Cases Solved: 90%</b>				
Evaluator:	1	2	3	4
	86%	91%	86%	95%

**TABLE 11.10** Accuracy of Evaluators Using the FAINT Weighted Scoring System

Ground zero	Truthful	Inconclusive	Deceptive
124 truthful	120	0	4 (3% F/P)
80 deceptive	7 (8% F/N)	1	72

**TABLE 11.11** Scores and Assessments Made by Evaluators Using the FAINT Weighted Scoring System

Case	Type	Ground zero	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4
1 1	Theft	D	D/0	D/0	D/3	D/1
1 2		T	T/5	T/24	T/30	T/17
1 3		T	T/12	T/26	T/28	T/19
2 1	Theft	T/13	T/29	T/15	T/22	T/14
2 2		T/11	T/16	D/14	T/17	T/7
2 3		T/14	T/20	T/23	T/20	T/16
2 4		D/2	D/ 19	<b>T/18</b>	D/14	D/3
2 5		T/11	T/13	T/15	T/18	T/17
2 6		T/15	T/26	T/25	T/22	T/30
2 7		T/13	T/25	T/23	T/21	T/25
3 1	Theft	T/14	T/18	T/24	T/18	T/14
3 2		T/7	T/6	T/15	T/9	T/11
3 3		T/3	T/9	T/20	T/12	T/12
3 4		T/2	T/15	T/20	T/15	T/9
3 5		D/ 6	D/6	D/6	D/ 3	D/0
3 6		T/12	T/20	T/25	T/29	T/7
3 7		T/4	T/16	T/18	T/22	T/13
3 8		T/6	T/13	T/17	T/13	T/12
3 9		T/9	T/23	T/24	T/24	T/21
3 10		T/0	T/7	T/12	T/5	T/19
3 11		T/ 5	T/9	T/7	T/7	T/1

*Continued*

**TABLE 11.11** Scores and Assessments Made by Evaluators Using the FAINT Weighted Scoring System Cont'd

Case	Type	Ground zero	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4
3 12		T/13	T/20	T/7	T/17	T/10
3 13		T/7	T/27	T/25	T/29	T/19
4 1	Rape	D	D/ 5	D/ 6	D/ 1	D/0
5 1	Aggravated assault	D	D/ 6	D/ 9	D/ 9	D/ 9
6 1	Molestation	D	D/ 5	D/ 4	D/ 7	D/ 8
7 1	Molestation	D	<b>T/5</b>	D/ 3	D/ 4	D/ 5
8 1	Theft	D	D/8	D/8	D/11	D/9
8 2		T	T/16	T/17	T/14	T/17
9 1	Theft	D	<b>T/15</b>	<b>T/13</b>	<b>T/10</b>	<b>T/12</b>
9 2		T	<b>D/1</b>	<b>D/6</b>	<b>D/3</b>	<b>D/1</b>
10 1	Theft	D	D/ 4	D/3	D/0	D/0
11 1	Theft	D	D/7	D/15	D/9	D/1
11 2		T	T/19	T/30	T/22	T/16
11 3		T	T/21	T/18	T/27	T/14
12 1	Theft	T	T/17	T/15	T/10	T/1
12 2		D	D/ 5	D/ 5	D/ 7	D/ 4
12 3		T	T/34	T/34	T/35	T/29
13 1	Robbery	D	D/ 9	D/ 1	D/ 10	D/ 9
14 1	Sexual assault	D	D/2	D/ 1	D/ 4	D/ 4
15 1	Rape	D	D/ 2	D/1	D/0	D/ 1
16 1	Theft	T	T/12	T/17	T/14	T/14
17 1	Sexual touching	D	D/ 4	D/ 3	<b>T/7</b>	D/ 3
18 1	Rape	D	D/0	D/ 9	D/ 3	D/ 3
19 1	Theft	D	D/ 1	D/ 3	D/ 0	D/ 3
20 1	Sexual assault	D	D/ 3	D/ 2	D/2	D/ 3
21 1	Rape	T	T/12	T/8	T/13	T/8
22 1	Arson	T	T/21	T/25	T/21	T/21
22 2		T	T/14	T/13	T/10	T/10
22 3		T	T/13	T/19	T/12	T/12
22 4		D	D/ 1	D/1	D/ 1	D/ 4

Errors are reflected by the bold numbers.

204 total assessments: evaluator 1: 94% accuracy (48 correct/2 errors/1 inconclusive); evaluator 2: 94% accuracy (48 correct/3 errors); evaluator 3: 94% accuracy (48 correct/3 errors); evaluator 4: 96% accuracy (49 correct/2 errors).

TABLE 11.12 Evaluators' Distribution of Scores Using Weighted Scores

Prediction of accuracy	Score	Evaluators' determination
100	35	T
100	34	TT
100	30	TTT
100	29	TTT
100	28	T
100	27	TT
100	26	TT
100	25	TTTTTTT
100	24	TTTT
100	23	TTT
100	22	TTTT
100	21	TTTTTT
100	20	TTTTTT
100	19	TTTTT
100	18	TTTTT
100	17	TTTTTTTTT
100	16	TTTTT
97	15	TTTTTTDD
98	14	TTTTTTTT
94	13	TTTTTTTDD
96	12	TTTTTTTTTDD
95	11	TD
94	10	TTTTD
93	9	TTTTDD
92	8	TTDD
91	7	TTTTTTDD
89	6	TTDD
89	5	TTD
91	4	T
91	3	TDDD
95	2	DD

*Continued*

**TABLE 11.12** Evaluators' Distribution of Scores Using Weighted Scores Cont'd

Prediction of accuracy	Score	Evaluators' determination
95	1	TTTDDDD
100	0	DDDDDDDDDD
100	1	DDDDDDDD
100	2	DD
100	3	DDDDDDDDDD
100	4	DDDDDDDDDD
100	5	DDDDDD
100	6	DD
100	7	DD
100	8	D
100	9	DDDDDD
100	10	D
100	14	D
100	18	D
100	19	D

**TABLE 11.13** Single-Suspect Case Accuracy with the FAINT Weighted Scoring System

Ground zero	Truthful assessments	Deceptive assessments	Inconclusives
20 truthful	20 (100% accuracy)	0 (0% F/P)	0
52 deceptive	1 (2% F/N)	50 (96% accuracy)	1 (2%)

12 of 13 to be deceptive and 1 to be inconclusive, and one evaluator assessed 12 of 13 to be deceptive and 1 to be truthful (Table 11.13).

From an analysis of all individual assessments, it appeared that an assessment score of a +8 or higher would be 100% accurate for determinations of truthfulness, and an assessment score of a +7 or lower would be 100% accurate for determinations of deception. Table 11.14 is a distribution of the evaluators' numerical scores for the 72 assessments they made of the 15 single-issue suspect cases.

In reviewing the research in the UNISA study, the initial panel, using a 3-point scoring scale, was able to accurately reproduce the results of the original FAINT interviewer. Their blind evaluations resulted in a 92% accuracy of truthful suspects, 83% accuracy of the deceptive suspects, and an overall accuracy of 88%, with only 5 of the 204 cases determined to be inconclusive (2.5%).

**TABLE 11.14** Evaluators' Distribution of Scores and Predictability Using the Forensic Assessment Interview Technique (FAINT) Weighted Scores

	Prediction of accuracy	Score	Evaluators' determination
	100	25	T
	100	21	TTT
	100	19	T
	100	17	T
	100	14	TTT
	100	13	TTT
	100	12	TTTT
	100	10	TT
Truthful +8	100	8	TT
Deceptive +7	100	7	D
	100	5	D
	100	3	D
	100	2	DD
	100	1	DD
	100	0	DDDDDD
	100	1	DDDDDDD
	100	2	DD
	100	3	DDDDDDDDD
	100	4	DDDDDDD
	100	5	DDD
	100	6	DD
	100	7	D
	100	8	D
	100	9	DDDDDD
	100	10	D

Although this accuracy does not meet the 95% accuracy required for scientific acceptance, it greatly exceeds that of chance expectation, and when compared to the more traditional Behavioral Assessment Interview (BAI) designed by John Reid, the study clearly shows that by using a system of numerical evaluation for quantifying observations, and integrating other innovations in detecting deception into the interview process, inconclusive results are greatly diminished (BAI had a 34% inconclusive rate).



When employee theft investigations were eliminated from the cases being evaluated, accuracy improved to 100% when inconclusive results were not considered and 96% when they were counted as errors. The FAINT interview process met the standards of scientific acceptability in either case.

The research indicated that a numerical evaluation of a 0 or higher would be 88% accurate in determinations of truthfulness, and a score of  $-5$  or lower would be 89% accurate in determinations of deception. These numbers changed when employee theft cases were removed from the group to 100% accuracy for decisions of truth where a score of a  $+3$  or higher was rendered, and 96% accuracy for determination of deception when a score of a  $+2$  or lower was rendered.

By analyzing the predictability of a suspect's answers with the known outcome of the case, a weighted scoring system was devised and investigated. The derived weighted criteria utilized by the second panel of blind evaluators resulted in 97% accuracy of truthful suspects, and 90% accuracy of deceptive suspects, with only one inconclusive. Overall accuracy for the 204 decisions made was 94%, with the inconclusive counted as an incorrect decision.

The net effect of using the new "weighted" scoring system was a 5% increase in truthful determinations, a 7% increase in deceptive determinations, and an overall increase in accuracy of 6%, when compared to the original 3-point scoring system previously being used. This relatively small percentage improvement represents a considerable improvement in statistical reliability and must be seen in this latter context.

Based on their weighted evaluations of the suspect's behavior, predictability scores were established indicating that a total score of  $+7$  or higher would be 91% accurate for determinations of truthfulness, and a score of  $+4$  or lower would be 91% accurate for determinations of deception. In single-issue cases, scores could be adjusted, with a  $+8$  or higher resulting in 100% accuracy for determinations of truthful, and a  $+7$  or lower resulting in 100% accuracy for determinations of deception.

The UNISA validity study of the FAINT interview determined that it was a valid procedure for forensic interviewers to use in their search for truth. Accuracy is determined by the validity and reliability of a procedure. Validity examines whether one is measuring what they purport to be measuring, in this case, truth from deception. Reliability examines whether the results are repeatable. This research clearly demonstrates that the Forensic Assessment Interview Technique (FAINT) is an accurate method in detecting deception.

Notwithstanding this, the following caveat must be considered: the weighted method, although increasing accuracy, resulted in much more positive scores, even for the "deceptive" suspects. This presents no problem when the suspect pool is known to contain the "deceptive" suspect(s). For example, in employee theft case number 11, there were three suspects. All of the blind evaluators properly identified the guilty suspect; however, they did this by selecting the suspect with the lowest score in the group. One evaluator identified this person as being deceptive with a score of  $+15$ . Although this appears to be an extreme case, it is important that the interviewer in such a case not rule out the possibility that all of the suspects are innocent. In this situation, the FAINT system cannot be the be-all and end-all. The person with the lowest weighted score should be reassessed using the nonweighted 3-point scale. The interviewer must also look "within" the case information to determine whether a suspect with a very positive score deserves additional investigative focus. The

original FAINT interviewer had 100% accuracy in his assessments of these fifty-one suspects. In fact, it was his ability to look “within” the case information, compare the suspects to each other, identify the suspicions and comments of the suspects, and use this as additional assessment criteria that allowed for the increase in his assessment accuracy.

The research from the UNISA study reconfirms that there are demonstrable differences in the way truthful and deceptive suspects use nonverbal, verbal, and written behavior when being interviewed by a structured technique.

Further, this study clearly indicated these differences are observable and quantifiable, and that the weighted FAINT interview is one of the most statistically reliable tools that can be effectively used to evaluate the culpability of an individual suspect (Figures 11.1 and 11.2). When presented with a case involving multiple suspects, FAINT will allow the investigator to focus the investigation on the most likely suspect to have committed the crime.

The following are actual Forensic Assessment Interviews to which you can apply the weighted scoring system. After you have scored each interview, you can compare it to our actual assessment, which will follow.

Case Study 1 deals with child molestation, Case Study 2 involves the theft of a diamond ring, Case Study 3 involves the theft of a tote of controlled substances from a warehouse, Case Study 4 is a man accused of having sexual intercourse with a minor female, Case Study 5 is a grandfather convicted of masturbating in front of his minor granddaughter who claims he was wrongfully convicted, and Case Study 6 involves the theft of a deposit from a skating rink.

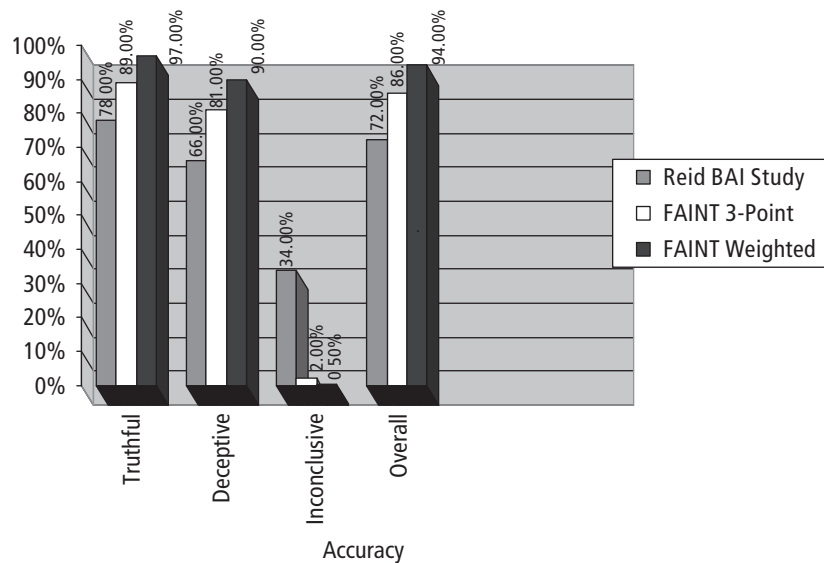


FIGURE 11.1 Comparison of the Reid BAI, FAINT 3 point, and FAINT weighted scoring systems with inconclusives considered as errors.

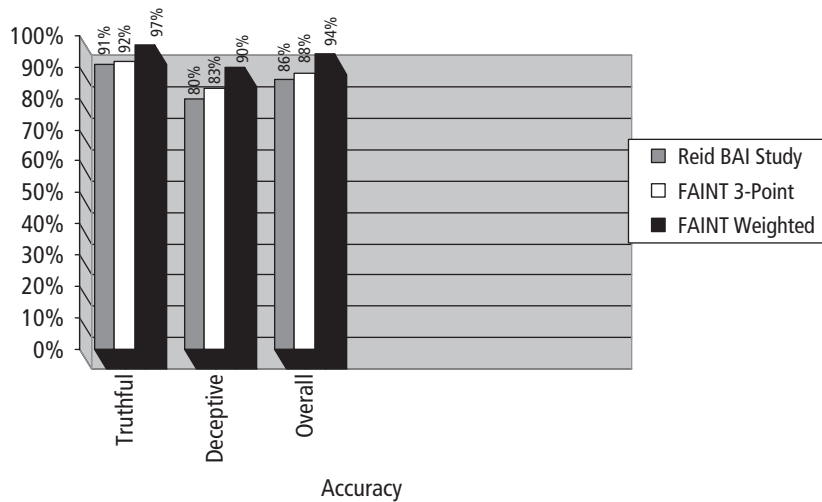


FIGURE 11.2 Comparison of Reid BAI, FAIN 3 point, and weighted scoring systems with inconclusives not considered as errors.

## CASE STUDY 1

In the following case study, a man is accused of sexually molesting a minor child in his care.

Q: Where do you work?

A: I do not work.

Q: Finish this sentence for me, this interview and investigation are about?

A: As I wrote before, about establishing the veracity of my position.

Q: Why do they want you to take the examination?

A: . . . (*Body shift*) I think anyone accused of a crime, anyone prosecuted, I think frequently the reaction is I didn't do it. I told them I am being set up. I was a whistle blower. I never admitted to anything illegal or immoral.

Q: How do you feel about being interviewed?

A: To be perfectly honest, I am not going to lie to you, I've been told forensic interviews are not always 100% accurate, and it would be very unfortunate if it said I was not telling the truth, and that would not help me very much.

Q: Write in detail what your case was about and how you would explain it.

A: I have been falsely accused of a crime. As I understand the circumstances, the procedure(s) today should serve to verify my veracity. Hopefully, the results will be accurate.

Q: What exactly were you accused of doing?

A: I was accused of child abuse. It was my next door neighbor.

Q: Does he have a name?

A: Jonathan accuses me of umm . . . umm . . . improperly touching his minor son.

Q: What is his name?

A: His name is . . . this is embarrassing, I'm sorry . . . Bruce.

Q: How old was he?

A: I believe he is currently 19. This allegedly took place . . . six or seven years ago. It was before his Bar Mitzvah.

Q: What exactly do they say you did?

A: They say I put my private parts on his body. Allegedly at the Synagogue. We had been to the mikvah a couple times. The lady next door is an abused wife. Jonathan beats her and the children. It was a disgrace. He is a heavy drinker. She was not very bright and would always lose things and how many times she would ask me to take a carrot peeler. . . you need it to go into the mikvah. One day she had a number of things and asked if it was okay to take Bruce with you? It is for males only. You go in through the side door and you never know when anyone else can come in. The allegation is it happened in the mikvah room.

Q: What are the five most important reason you think created this situation?

A: There are two reasons. Number one, umm . . . I was viewed as being a trouble maker, and number two is, I was viewed as being a trouble maker. I called the police twice.

Q: Did you ever think about doing anything like this?

A: (*Closes eyes*) No.

Q: Did you touch Bruce with your penis?

A: No. (*Answers softly*)

Q: Why did he say this?

A: He has to discredit me from being a threat to him.

Q: How are you a threat to him?

A: Well, if I got involved with the authorities. The boy is petrified of him.

Q: What do you think should happen to a person if they did do this?

A: It's not my place to decide.

Q: If they did what he claimed, and it was their first offense, do you think they should get a second chance?

A: It's not my place to decide. I don't know. It's a wrong thing to do, a foolish thing to do.

Q: How do you think the investigation will turn out concerning you, and whether or not you did this?

A: I hope it will turn out to verify what I told you.

Q: Would there be any reason evidence would turn up indicating you did do this?

A: Would there be any reason? No, there is no evidence. There can't be any evidence for something that never happened.

Q: Why do you think people do things like this sometimes?

A: I can't understand it, I don't know.

Q: If you had been the interviewer today, and had three questions to ask to resolve this problem, what would they have been?

A: I don't know.

## Analysis of Case Study 1

Q: Where do you work?

A: I do not work.

Q: Finish this sentence for me, this interview and investigation are about?

A: As I wrote before, about establishing the veracity of my position.

Score: -2 Fails to say what investigation is about in strong language.

Q: Why do they want you to take the examination?

A: . . . (*Body shift*) I think anyone accused of a crime, anyone prosecuted, I think frequently the reaction is I didn't do it. I told them I am being set up. I was a whistle blower. I never admitted do anything illegal or immoral.

Score: -2 Fails to say what investigation is about in strong language.

Q: How do you feel about being interviewed?

A: To be perfectly honest, I am not going to lie to you, I've been told forensic interviews are not always 100% accurate, and it would be very unfortunate if it said I was not telling the truth, and that would not help me very much.

Score: 0 This is referred to as “poisoning the well.” He already is telling us he will not do well because the process does not work.

Q: Write in detail what your case was about and how you would explain it.

A: I have been falsely accused of a crime. As I understand the circumstances, the procedure(s) today should serve to verify my veracity. Hopefully, the results will be accurate.

Score: -2 Fails to say what investigation is about. Does not allow for construction of a relevant question, and again questions the process.

Q: What exactly were you accused of doing?

A: I was accused of child abuse. It was my next door neighbor.

Q: Does he have a name?

A: Jonathan accuses me of umm . . . umm . . . improperly touching his minor son.

Q: What is his name?

A: His name is . . . this is embarrassing, I’m sorry . . . Bruce.

Q: How old was he?

A: I believe he is currently 19. This allegedly took place . . . six or seven years ago. It was before his Bar Mitzvah.

Q: What exactly do they say you did?

A: They say I put my private parts on his body. Allegedly at the Synagogue. We had been to the mikvah a couple times. The lady next door is an abused wife. Jonathan beats her and the children. It was a disgrace. He is a heavy drinker. She was not very bright and would always lose things and how many times she would ask me to take a carrot peeler . . . you need it to go into the mikvah. One day she had a number of things and asked if it was okay to take Bruce with you? It is for males only. You go in through the side door and you never know when anyone else can come in. The allegation is it happened in the mikvah room.

Q: What are the five most important reason you think created this situation?

A: There are two reasons. Number one, umm . . . I was viewed as being a trouble maker, and number two is, I was viewed as being a trouble maker. I called the police twice.

Score: +1 This could possibly be a reason for a false allegation.

Q: Did you ever think about doing anything like this?

A: (*Closes eyes*) No.

Score: -1 Nonverbal behavior indicative of possible deception.

Q: Did you touch Bruce with your penis?

A: No. (*Answers softly*)

Score: 0 Change in voice negates answer.

Q: Why did he say this?

A: He has to discredit me from being a threat to him.

Q: How are you a threat to him?

A: Well, if I got involved with the authorities. The boy is petrified of him.

Q: What do you think should happen to a person if they did do this?

A: It’s not my place to decide.

Score: -1 Does not suggest strong punishment.

Q: If they did what he claimed, and it was their first offense, do you think they should get a second chance?

A: It’s not my place to decide. I don’t know. It’s a wrong thing to do, a foolish thing to do.

Score: -1 Does not suggest strong punishment, and describes crime in very soft terms: "foolish thing to do."

Q: How do you think the investigation will turn out concerning you, and whether or not you did this?

A: I hope it will turn out to verify what I told you.

Score: -1 The word "hope" is a hedge. Again, he uses very soft terminology, "verify what I told you," versus "that I told the truth."

Q: Would there be any reason evidence would turn up indicating you did do this?

A: Would there be any reason? No, there is no evidence. There can't be any evidence for something that never happened.

Score: -1 Repeating the question is a strategy to "buy time" while you think of an answer. This question should not have required any thought.

Q: Why do you think people do things like this sometimes?

A: I can't understand it, I don't know.

Score: +1 Innocent people often cannot comprehend why people do deviant acts.

Q: If you had been the interviewer today, and had three questions to ask to resolve this problem, what would they have been?

A: I don't know.

Score: -1 To receive a positive score he had to offer relevant questions that would have gone to the heart of the issue: "Did you sexually touch that boy?"

This suspect's FAINT score was a -10, indicative of deception.

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## CASE STUDY 2

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In the following case an expensive ring was stolen from a jewelry store.

Q: Where do you work?

A: ABC Jewelry Store.

Q: How long have you worked there?

A: I think . . . seven or eight years.

Q: What do you do?

A: Shipping and receiving.

Q: How do you like working there?

A: I like the people. A little stressful, but . . .

Q: What is this interview and investigation about?

A: It's about a package missing.

Q: Why were you selected to be interviewed?

A: Well, apparently I was the last one to sign for it and it did get into my shipping room but it didn't get into my log book.

Q: How do you feel about being interviewed?

A: I'm fine. I mean I understand.

Q: Write in detail what you know about this and how you would explain it.

A: I work in shipping and receiving. A package was signed for on 5/14/09 was brought to my shipping room. It was a very busy day for packages and I needed help checking them in. One turned up missing. Didn't know it was missing until we check with customer 5 weeks later. I wasn't the only one checking in packages that day. Can't be sure what happened to the package. My guess would be it was thrown out by mistake.

Q: How could that happen?

A: I had a bad month. Passed kidney stones, brother died. I thought it was the day my brother died because I seen I needed help and thought I ran out and that was the day I needed help. Then checked dates and seen it was two days later.

Q: Did you ever think about doing anything like this?

A: No.

Q: Did you take that missing diamond ring in May?

A: No.

Q: If you had to suspect someone, who would you suspect?

A: Honestly, no one. We all been there and I know it sounds like a stock answer, but really I couldn't point at no one.

Q: Who would you eliminate that had access; would say definitely didn't take it?

A: A couple people: me, Tina and Tom.

Q: What do you think should happen to the person that took the ring when they are caught?

A: ... Made to pay for it.

Q: Would you give them a second chance?

A: ... Yeah. I mean it depends on if they keep doing it or if they have problems.

Q: How do you think the investigation will turn out concerning you, and whether or not you took that missing ring?

A: Hopefully it should be okay.

Q: Would there be any reason evidence would turn up indicating you did take it?

A: No.

Q: Would you be willing to chip in so we could recover the loss, and just drop the investigation?

A: No.

Q: Why would someone do something like this?

A: ... I don't know, because they're dishonest, maybe.

Q: Do you think the ring was stolen?

A: I honestly think it was put in the trash. I hate to say that, but I believe that.

Q: Do you know for sure what happened to it?

A: No, I can't be for sure.

Q: If you were the investigator, how would you conduct this investigation?

A: I don't know. I'm not an investigator.

Q: What are the five main reasons you think this problem occurred?

A: Five reasons? I don't know why there would be reasons. I think it was mistakenly thrown out. I can't believe anyone there took it. It's supposed to be a sterile room, but people come in and out. We make rules, but they're not followed through for long.

Q: If you were the interviewer and could only have asked three questions to resolve this problem, what would you have asked?

A: Did you take the ring? Who do you think did it? Do you think it was thrown in the trash?

## Analysis of Case Study 2

Q: Where do you work?

A: ABC Jewelry Store

Q: How long have you worked there?

A: I think ... seven or eight years.

Q: What do you do?

A: Shipping and receiving.

Q: How do you like working there?

A: I like the people. A little stressful, but. . .

Score: 0 He likes the people but fails to answer how he likes working there.

Q: What is this interview and investigation about?

A: It's about a package missing.

Score: +2 In employee theft cases innocent people will often use the term "missing."

Q: Why were you selected to be interviewed?

A: Well, apparently I was the last one to sign for it and it did get into my shipping room but it didn't get into my log book.

Score: +1 Implicates himself as a possible suspect.

Q: How do you feel about being interviewed?

A: I'm fine. I mean I understand.

Score: +2 Positive answer without any hesitation or adaptors.

Q: Write in detail what you know about this and how you would explain it.

A: I work in shipping and receiving. A package was signed for on 5/14/09 was brought to my shipping room. It was a very busy day for packages and I needed help checking them in. One turned up missing. (X) Didn't know it was missing until we check with customer 5 weeks later. I wasn't the only one checking in packages that day. (X) Can't be sure what happened to the package. My guess would be it was thrown out by mistake.

Score: -2 Statement lacks commitment at key points indicated by missing pronouns (X) and failure to use first person past tense.

Q: How could that happen?

A: I had a bad month. (X) Passed kidney stones, (X) brother died. I thought it was the day my brother died because I seen *I needed help* and thought I ran out and that was the day *I needed help*. Then (X) checked dates and seen it was two days later.

REMARK: Notice missing pronouns (X), and the use of a "double" (*I needed help*), which is indicative of mental stress.

Q: Did you ever think about doing anything like this?

A: No.

Score: +1

Q: Did you take that missing diamond ring in May?

A: No.



Score: +1

Q: If you had to suspect someone, who would you suspect?

A: Honestly, no one. We all been there and I know it sounds like a stock answer, but really I couldn't point at no one.

Score: -1 Fails to narrow the investigation.

Q: Who would you eliminate that had access; would say definitely didn't take it?

A: A couple people: me, Tina and Tom.

Score: +1 Narrows the investigation.

Q: What do you think should happen to the person that took the ring when they are caught?

A: ... Made to pay for it.

Score: -1 Not a very severe punishment.

Q: Would you give them a second chance?

A: ... Yeah. I mean it depends on if they keep doing it or if they have problems.

Score: -1 Weak response.

Q: How do you think the investigation will turn out concerning you, and whether or not you took that missing ring?

A: Hopefully it should be okay.

Score: -1 "Hopefully" is a hedge.

Q: Would there be any reason evidence would turn up indicating you did take it?

A: No.

Score: +2 No hesitation or adaptors.

Q: Would you be willing to chip in so we could recover the loss, and just drop the investigation?

A: No.

Score: +3

Q: Why would someone do something like this?

A: ... I don't know, because they're dishonest, maybe.

Score: 0 Weak answer.

Q: Do you think the ring was stolen?

A: I honestly think it was put in the trash. I hate to say that, but I believe that.

Score: 0 Implies no crime took place.

Q: Do you know for sure what happened to it?

A: No, I can't be for sure.

Score: 0 Shortest answer is the best answer.

Q: If you were the investigator, how would you conduct this investigation?

A: I don't know. I'm not an investigator.

Score: -1 No suggestions on how to conduct the investigation.

Q: What are the five main reasons you think this problem occurred?

A: Five reasons? I don't know why there would be reasons. I think it was mistakenly thrown out. I can't believe anyone there took it. It's supposed to be a sterile room, but people come in and out. We make rules, but they're not followed through for long.

Score: -1 Again implies no crime took place.

Q: If you were the interviewer and could only have asked three questions to resolve this problem, what would you have asked?

A: Did you take the ring? Who do you think did it? Do you think it was thrown in the trash?

Score: +1 Suggests good relevant questions.

This suspect's FAINT score was a +6, which is inconclusive. A +7 or higher would have been indicative of truth, and a -4 or lower indicative of deception.

### CASE STUDY 3

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In this case study a tote of controlled substances was stolen from a warehouse.

Q: Where do you work?

A: ABC Delivery.

Q: How long have you worked there?

A: Three years.

Q: What do you do?

A: I'm a supervisor.

Q: How do you like working there?

A: I love it.

Q: What is this interview and investigation about?

A: A missing narcotic that is missing somewhere along the delivery route.

Q: Why were you selected to be interviewed?

A: I guess to clear my name.

Q: How do you feel about being interviewed?

A: A little nervous, I've never done this before. I have nothing to hide.

Q: Write in detail what you know about this and how you would explain it.

A: The reason why I am here today is to interviewed so I may clear my name in an issue of whether or not I was involved in any way of the theft of a stolen narcotic tote at ABC Delivery. The tote in question was

a “rebilled” narcotic, where there was a problem filling the tote inside the vault where they are staged due to lack of supply. These “rebills” come out later than the rest of the drugs. I never saw them put the tote in the cage where they are locked up. I remember giving out the drugs to the driver who the tote that is missing is in question. I had no knowledge that there was a rebill in with his route nor can I 100% remember how many sheets I had given him. After that, later in the day I was informed that it was missing. That is why I’m here today.

Q: If you were the investigator, how would you handle this investigation?

A: Maybe do police checks, see if anyone has a criminal record. Check with past employers and see if anyone had a problem at a previous job stealing.

Q: What are the five major reasons this incident took place?

A: I don’t know five. Someone is a drug addict or thief I would guess.

Q: Did you ever think about doing anything like this?

A: No, no way, I wouldn’t jeopardize my livelihood like that.

Q: Did you take any of those missing narcotics?

A: No.

Q: If you had to suspect someone, who would you suspect?

A: I’m not sure, it goes through so many hands throughout the day, I’m not sure.

Q: Who would you say definitely didn’t take it, other than yourself?

A: Both of the other supervisors, Jim and Greg.

Q: What do you think should happen to the person that took the narcotics when they are caught?

A: They should go to jail.

Q: Would you give them a second chance?

A: No, for making me go through this, no way.

Q: How do you think the interviews and investigation will turn out concerning you, and whether or not you took the narcotics?

A: 100 percent not guilty.

Q: Would there be any reason evidence would turn up indicating you did take it?

A: No.

Q: Would you be willing to chip in so we could recover the loss, and just drop the investigation?

A: I don’t feel it’s my responsibility, no.

Q: Did you tell anyone about what happened?

A: My girlfriend and supervisor at work.

Q: Why would someone do something like this?

A: Addiction problem, needs money, sell them on the street.

Q: Do you think the narcotics were stolen, or could they be misplaced?

A: I don’t know, so many hands, it’s hard to tell.

Q: Do you know for sure who took it?

A: No.

Q: If you had been the interviewer and could only have asked three questions to resolve this issue, what would you have asked?

A: Did you take those missing narcotics? Did you plan with anyone to take those missing narcotics? Do you know who took those missing narcotics?

## Analysis of Case Study 3

Q: Where do you work?

A: ABC Delivery.

Q: How long have you worked there?

A: Three years.

Q: What do you do?

A: I’m a supervisor.

Q: How do you like working there?

A: I love it.

Score: +3 Positive answer, without any hesitation or adaptors.

Q: What is this interview and investigation about?

A: A missing narcotic that is missing somewhere along the delivery route.

Score: +2 States what the investigation is about.

Q: Why were you selected to be interviewed?

A: I guess to clear my name.

Score: 0 Does not give any reason why he would have been a suspect.

Q: How do you feel about being interviewed?

A: A little nervous, I've never done this before. I have nothing to hide.

Score: +2 We expect truthful suspects to be nervous. States he has nothing to hide before being asked.

Q: Write in detail what you know about this and how you would explain it.

A: The reason why I am here today is to interviewed so I may clear my name in an issue of whether or not I was involved in any way of the theft of a stolen narcotic tote at ABC Delivery. The tote in question was a "rebilled" narcotic, where there was a problem filling the tote inside the vault where they are staged due to lack of supply. These "rebills" come out later than the rest of the drugs. I never saw them put the tote in the cage where they are locked up. I remember giving out the drugs to the driver who the tote that is missing is in question. I had no knowledge that there was a rebill in with his route nor can I 100% remember how many sheets I had given him. After that, later in the day I was informed that it was missing. That is why I'm here today.

Score: +1 Gives details of investigative issue that would allow for the construction of good relevant questions.

Q: If you were the investigator, how would you handle this investigation?

A: Maybe do police checks, see if anyone has a criminal record. Check with past employers and see if anyone had a problem at a previous job stealing.

Score: +1 Gives positive suggestions.

Q: What are the five major reasons this incident took place?

A: I don't know five. Someone is a drug addict or thief I would guess.

Score: +1 Looks down on the person who committed the theft.

Q: Did you ever think about doing anything like this?

A: No, no way, I wouldn't jeopardize my livelihood like that.

Score: +1 No hesitation or adaptors.

Q: Did you take any of those missing narcotics?

A: No.

Score: +1 No hesitation or adaptors.

Q: If you had to suspect someone, who would you suspect?

A: I'm not sure, it goes through so many hands throughout the day, I'm not sure.

Score: 0 Does not narrow the investigation.

Q: Who would you say definitely didn't take it, other than yourself?

A: Both of the other supervisors, Jim and Greg.

Score: +3 Narrows the investigation.

Q: What do you think should happen to the person that took the narcotics when they are caught?

A: They should go to jail.

Score: +2 Suggests strong punishment.

Q: Would you give them a second chance?

A: No, for making me go through this, no way.

Score: +2 No second chance. Truthful people often show resentment for the person who committed the crime because that person has now caused them to be a suspect and involved them in an investigation.

Q: How do you think the interviews and investigation will turn out concerning you, and whether or not you took the narcotics?

A: 100 percent not guilty.

Score: +2 Positive answer.

Q: Would there be any reason evidence would turn up indicating you did take it?

A: No.

Score: +2 No hesitation or adaptors.

Q: Would you be willing to chip in so we could recover the loss, and just drop the investigation?

A: I don't feel it's my responsibility, no.

Score: +3 Refusal to chip in.

Q: Did you tell anyone about what happened?

A: My girlfriend and supervisor at work.

Q: Why would someone do something like this?

A: Addiction problem, needs money, sell them on the street.

Score: +1 Negative view of person that would do this.

Q: Do you think the narcotics were stolen, or could they be misplaced?

A: I don't know, so many hands, it's hard to tell.

Score: 0 Does not commit that a theft has taken place.

Q: Do you know for sure who took it?

A: No.

Score: +2 No hesitation or adaptors.

Q: If you had been the interviewer and could only have asked three questions to resolve this issue, what would you have asked?

A: Did you take those missing narcotics? Did you plan with anyone to take those missing narcotics? Do you know who took those missing narcotics?

Score: +1 Constructs strong relevant questions.

This suspect's FAINT score was a +30, indicative of a truthful person.

## CASE STUDY 4

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In this case study an adult male was accused of having sexual intercourse with a minor female.

Q: Where do you work?

A: Don't. On social security disability.

Q: Finish this sentence for me, this interview and investigation is about?

A: About my case. Whether I'm telling the truth.

Q: Why do they want you to be interviewed?

A: Uh... because he says he's not satisfied with my answers to my case. At first I wouldn't admit anything, then I admitted it, cause I was embarrassed, but also some of the stuff is wrong.

Q: How do you feel about being interviewed?

A: Eh... kind of resentful I have to take it and pay when I am living in a shelter and on a fixed income.

Q: Write in detail what your case was about and how you would explain it.

A: I was living in a house on the 2600 block of Livingston Street where I was having problems with my landlord. My friend John offered to allow me to live at his house in a room in the 2nd floor back. Once I moved in he started to move others in where it wound up being 17 adults and children. It was a crazy house and a lot of drugs were being sold there. Also while I was there John's girlfriend's daughter (Maddie) xxx had been sexually harassed by some of John's friends, while I was there and I had to intervene. Nothing was done about this by John or his girlfriend. Also during this time John asked if I could help him and the family with learning how to use their computer. I had my computer in my room and they had theirs in Maddie's room. One day when I was on my computer and a seventeen year old girl IM'ed me. I didn't want to speak to her as she was too young. Maddie (16) and John's son Ray (17) were in the room watching T.V. so I put them online with her. After about 15 20 mins. I made them get off as I had to go to work. The girl and Maddie became friends and spoke for a few weeks before Maddie asked me if I could lighten a couple of pictures she wanted to send the girl. I didn't think anything and said sure send them to my email. Their whole family had my email but I think I might have told her it again I'm not sure since it's so long ago. Once I down loaded the picture and saw what the were I got scared and pissed at the same time. One was of Maddie half naked from the waist up from the side and the other was of her from the back looking back. When I asked her why she trusted me xxx to not say anything. I refused to lighten them and she threatened to tell John and her mom that her and I were having sex. I deleted the photos from computer and tried to get set up to move. I the mean time Maddie told her cousin we were having sex. Her cousin told John and Maddie's mom and I got thrown out of the house. They kept all my property and gave the computer to the police.

Q: If you had been the investigator how would you have conducted the investigation?

- A: First, I would have questioned John a little bit better.
- Q: What are the five most important reasons this situation occurred?
- A: Five reasons? First, is my stupidity, but most is the SUV Police not questioning John properly.
- Q: Did you ever think about doing something like this?
- A: ... Particularly underage? No.
- Q: Did you have sexual intercourse with Maddie?
- A: No. She wanted to though, so did her mom. She would jump on my lap and stuff.
- Q: Why did she say this if it wasn't true?
- A: ... Eh ... I tried to figure that out. She had a lot of problems. I think a lot had to do with her mom told me her father molested her from the age of 8 to 14, and she told me too. I gave her mom the book, "Why Me?" She's really gay; she likes girls.
- Q: If someone did do what she said, what do you think should happen to them?
- A: I don't know. I don't think it's right.
- Q: If it was their first offense, do you think they should get a second chance?
- A: It's hard for me to say because my grand dad and grand mom were separated in age pretty far.
- Q: How do you think the investigation will turn out today concerning whether you had intercourse with Maddie?
- A: I don't know.
- Q: Why do you think people do things like this sometimes?
- A: I don't know.
- Q: If you were the interviewer today, and could have only asked three questions to resolve this case, what would you have asked?
- A: ... (Whispers to self, "What would I ask?") ... (hand to mouth) ... Well, one is the basic question (clears throat) "Did you have sex with her?" (clears throat). Beyond that I don't know.

## Analysis of Case Study 4

- Q: Where do you work?
- A: Don't. On social security disability.
- Q: Finish this sentence for me, this interview and investigation is about?
- A: About my case. Whether I'm telling the truth.

Score: -2 Does not allow for construction of a relevant question.

- Q: Why do they want you to be interviewed?
- A: Uh ... because he says he's not satisfied with my answers to my case. At first I wouldn't admit any thing, then I admitted it, cause I was embarrassed, but also some of the stuff is wrong.

Score: 0 Still does not tell us what the investigation is about. Note - only "some of the stuff is wrong," which means some is correct.

- Q: How do you feel about being interviewed?
- A: Eh ... kind of resentful I have to take it and pay when I am living in a shelter and on a fixed income.

Score: 0 Negative response.

- Q: Write in detail what your case was about and how you would explain it.
- A: I was living in a house on the 2600 block of Livingston Street where I was having problems with my landlord. My friend John offered to allow me to live at his house in a room in the 2nd floor back. Once I moved in he started to move others in where it wound up being 17 adults and children. It was

a crazy house and a lot of drugs were being sold there. Also while I was there John's girlfriend's daughter (Maddie) xxx had been sexually harassed by some of John's friends, while I was there and I had to inter vene. Nothing was done about this by John or his girlfriend. Also during this time John asked if I could help him and the family with learning how to use their computer. I had my computer in my room and they had theirs in Maddie's room. One day when I was on my computer and a seventeen year old girl IM'ed me. I didn't want to speak to her as she was too young. Maddie (16) and John's son Ray (17) were in the room watching T.V. so I put them online with her. After about 15 20 mins. I made them get off as I had to go to work. The girl and Maddie became friends and spoke for a few weeks before Maddie asked me if I could lighten a couple of pictures she wanted to send the girl. I didn't think anything and said sure send them to my email. Their whole family had my email but I think I might have told her it again I'm not sure since it's so long ago. Once I down loaded the picture and saw what the were I got scared and pissed at the same time. One was of Maddie half naked from the waist up from the side and the other was of her from the back looking back. When I asked her why she trusted me xxx to not say anything. I refused to lighten them and she threatened to tell John and her mom that her and I were having sex. I deleted the photos from computer and tried to get set up to move. I the mean time Maddie told her cousin we were having sex. Her cousin told John and Maddie's mom and I got thrown out of the house. They kept all my property and gave the computer to the police.

Score: +1 Allows for the construction of relevant questions.

Q: If you had been the investigator how would you have conducted the investigation?

A: First, I would have questioned John a little bit better.

Score: +1 Gives viable suggestion.

Q: What are the five most important reasons this situation occurred?

A: Five reasons? First, is my stupidity, but most is the SUV Police not questioning John properly.

Score: 0 Fails to give five reasons.

Q: Did you ever think about doing something like this?

A: ... Particularly underage? No.

Score: -1 Response latency and possible coding.

Q: Did you have sexual intercourse with Maddie?

A: No. She wanted to though, so did her mom. She would jump on my lap and stuff.

Score: 0 The shortest answer is the best answer.

Q: Why did she say this if it wasn't true?

A: ... Eh ... I tried to figure that out. She had a lot of problems. I think a lot had to do her mom told me her father molested her from the age of 8 to 14, and she told me too. I gave her mom the book, "Why Me?" She's really gay; she likes girls.

Q: If someone did do what she said, what do you think should happen to them?

A: I don't know. I don't think it's right.

Score: -1 Fails to suggest harsh punishment.

Q: If it was their first offense, do you think they should get a second chance?

A: It's hard for me to say because my grand dad and grand mom were separated in age pretty far.



Score: -2 Does not answer the question.

Q: How do you think the investigation will turn out today concerning whether you had intercourse with Maddie?

A: I don't know.

Score: -1 We expect a truthful person to anticipate a positive outcome.

Q: Why do you think people do things like this sometimes?

A: I don't know.

Score: +1 Truthful people often cannot comprehend why people commit crimes.

Q: If you were the interviewer today, and could have only asked three questions to resolve this case, what would you have asked?

A: ... (*Whispers to self, "What would I ask?"*) ... (*hand to mouth*) ... Well, one is the basic question (*clears throat*) "Did you have sex with her?" (*clears throat*). Beyond that I don't know.

Score: 0 Nonverbal and paralinguistic behaviors cancel verbal answer.

This suspect's FAIN score was a -4, indicative of deception. This suspect did confess to his crime.

## CASE STUDY 5

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In this case study a grandfather was accused and convicted of masturbating in front of his adolescent granddaughter. As a condition of probation, he was required to undergo psychosexual group therapy treatment. Upon arriving at the therapy session, he maintained that he had been wrongfully convicted and did not need sexual therapy. This FAIN Interview was the pre-test portion of the polygraph examination he was then asked to take to determine if in fact he was innocent of his crime of conviction.

Q: Where do you work?

A: Retired.

Q: What did you do?

A: Men's clothing sales for twenty eight years.

Q: How did you like it?

A: I loved it. I enjoy working with people.

Q: What is this polygraph test about?

A: ... This is for the purpose from what I understand of the doctor finding out if I'm telling the truth.

Q: How do you feel about taking the test?

A: I'm not real excited about it. I don't feel it's necessary, and the cost.

Q: Write in detail what this whole thing is about and how you would explain it.

A: Charges made by granddaughter while allegedly under influence of drugs All charges later rescinded by granddaughter but not accepted by Court. After numerous discussions with attorney, prosecution agreed to dismiss all charges as long as one kept. Final outcome admitting in Court to masturbating in front of granddaughter (age about 14 15) and final charge was endangering a juvenile female. 364 days house arrest, plus 4 more years probation, examination by psychologist, \$30.00 "Violent Crime Charge."

Dismissed charges:

Attempted rape with "hunter" knife. Numerous similar charges along same lines. Masturbation. Feeling of private parts.

Agreed to admit to single masturbation charge to avoid jury trial. At the time I was not made aware of future actions if convicted (no voting, etc.) This was all explained after trial was over.

Classified under Megan Law as Tier II No Notification necessary. I am properly registered with the local police department. I am permitted full travel within the state overnight elsewhere Longer out of state with approved travel pass issued by probation officer.

Original charge made by granddaughter after I hollered at her to have her boyfriend fix a bad muffler on his truck. Granddaughter subsequently raped at least 3 times while under 18 by the same boyfriend who she has recently allegedly married. Results of 3 rapes one abortion paid for by boyfriend. One son now around 5 6 where grand parents have never seen. One daughter now about 3 we have seen her but not allowed by her parents to visit. Don't grand parents have rights?

Granddaughter smokes, does drugs, frequent absence from school, totally irreligious. At one time was "proud" to have it known that boys had to get a number and get in line. Definitely not considered by grand parents to be a fit mother. Grand parents never told if granddaughter graduated from high school but very doubtful.

Q: Did you ever think about doing something like this?

A: Doing something? . . . No. I don't have desires for anyone else. (*Shifts in chair*)

Q: Did you ever sexually touch your granddaughter?

A: No.

Q: Did you ever masturbate in front of her?

A: (*Touches nose*) No.

Q: Why did she say these things?

A: She was mad at me for hollering at her.

Q: If a person did do this to their granddaughter, what do you think should happen to them?

A: I don't understand the question.

Q: If a person did do this to their granddaughter, what do you think should happen to them?

A: It's not proper. It's against my religion. I can't say from a legal term what should happen.

Q: Do you think they should get a second chance?

A: . . . I don't know how to answer that. The second chance gives him the opportunity to do it again, but I've always believed in a second chance, but I don't know how to answer the question either. If it were my daughter I'd say no second chance. No way.

Q: How do you think your polygraph examination will come out today?

A: I have no idea. I'd like to think it will come out favorable. I have no way of knowing if the results will be changed in any way before they get to the doctor.

Q: You know with President Clinton's problem, Monica came up with semen stains on a dress way after it happened. Would there be any reason your granddaughter has semen stains on clothing that can be DNA tested to you?

A: I shouldn't think so.

Q: Why do you think some people do these things to children?

A: What? Have sexual encounters? I don't know. I can't speak for other people.

Q: Do you think something actually happened to your granddaughter, or is this whole thing made up?

A: I think the whole business is a result of her wanting to get even with me for hollering at her. She was at one time my birthday girl. She and I shared the same birthday till she was seven or nine. Somewhere in there and then she left me the impression she was too good to be with grand pop. She was one of my favorites.

Q: Do you think anything actually happened to her?

A: Like what, sir? Not with me. I don't know about encounters in school.

Q: If you were the polygraph examiner and could only ask three questions in this test to resolve the issue, what would you ask?

A: Did I ever have intercourse with my granddaughter? Did I ever force my granddaughter to have sex? I don't know what else to ask myself, sir.

## Analysis of Case Study 5

Q: Where do you work?

A: Retired.

Q: What did you do?

A: Men's clothing sales for twenty eight years.

Q: How did you like it?

A: I loved it. I enjoy working with people.

Note: Not scoreable because this is not an employee case.

Q: What is this polygraph test about?

A: ... This is for the purpose from what I understand of the doctor finding out if I'm telling the truth.

Score: -2 Does not allow for construction of a relevant question.

Q: How do you feel about taking the test?

A: I'm not real excited about it. I don't feel it's necessary, and the cost.

Score: 0 We would expect someone falsely accused and convicted of a crime to welcome the opportunity to finally prove his innocence.

Q: Write in detail what this whole thing is about and how you would explain it.

A: Charges made by (X) granddaughter while allegedly under influence of drugs All charges later rescinded by (X) granddaughter but not accepted by Court. After numerous discussions with (X) attorney, prosecution agreed to dismiss all charges as long as one kept. Final outcome (X) admitting in Court to masturbating in front of (X) granddaughter (age about 14 15) and final charge was endangering a juvenile female. 364 days house arrest, plus 4 more years probation, examination by psychologist, \$30.00 "Violent Crime Charge."

Dismissed charges:

Attempted rape with "hunter" knife. Numerous similar charges along same lines. Masturbation. Feeling of private parts.

(X) Agreed to admit to single masturbation charge to avoid jury trial. At the time I was not made aware of future actions if convicted (no voting, etc.) This was all explained after trial was over.

Classified under Megan Law as Tier II No Notification necessary. I am properly registered with the local police department. I am permitted full travel within the state overnight elsewhere Longer out of state with approved travel pass issued by probation officer.

Original charge made by granddaughter after I hollered at her to have her boyfriend fix a bad muffler on his truck. (X) Granddaughter subsequently raped at least 3 times while under 18 by the same boyfriend who she has recently allegedly married. Results of 3 rapes one abortion paid for by (X) boyfriend. One son now around 5 6 where grand parents have never seen. One daughter now about 3 we have seen her but not allowed by her parents to visit. Don't (X) grandparents have rights?

(X) Granddaughter smokes, does drugs, frequent absence from school, totally irreligious. At one time (X) was "proud" to have it known that boys had to get a number and get in line. Definitely not considered by (X) grandparents to be a fit mother. (X) Grandparents never told if (X) granddaughter graduated from high school but very doubtful.

Score: -2 Numerous missing pronouns (X) indicative of a lack of commitment to what he wrote, and very little information concerning the events that led to the charges.

Q: Did you ever think about doing something like this?

A: Doing something? ... No. I don't have desires for anyone else. (*Shifts in chair*)

Score: -1 Repeats question to "buy time," and describes the act of molesting his granddaughter as not having desires for anyone else.

Q: Did you ever sexually touch your granddaughter?

A: No.

Score: +1 No hesitation or adaptors.

Q: Did you ever masturbate in front of her?

A: (*Touches nose*) No.

Score: 0 Nonverbal adaptor cancels verbal response.

Q: Why did she say these things?

A: She was mad at me for hollering at her.

Q: If a person did do this to their granddaughter, what do you think should happen to them?

A: I don't understand the question.

Q: If a person did do this to their granddaughter, what do you think should happen to them?

A: It's not proper. It's against my religion. I can't say from a legal term what should happen.

Score: -1 Repeated the question to "buy time" and then gave a weak response.

Q: Do you think they should get a second chance?

A: ... I don't know how to answer that. The second chance gives him the opportunity to do it again, but I've always believed in a second chance, but I don't know how to answer the question either. If it were my daughter I'd say no second chance. No way.

Score: -1 Believes everyone should get a second chance.

Q: How do you think your polygraph examination will come out today?

A: I have no idea. I'd like to think it will come out favorable. I have no way of knowing if the results will be changed in any way before they get to the doctor.

Score: -1 Negative answer and suggests that the result may be falsified by the examiner.

Q: You know with President Clinton's problem, Monica came up with semen stains on a dress way after it happened. Would there be any reason your granddaughter has semen stains on clothing that can be DNA tested to you?

A: I shouldn't think so.

Score: -1 Hedges.

Q: Why do you think some people do these things to children?

A: What? Have sexual encounters? I don't know. I can't speak for other people.

Score: 0 Describes child molestation as a "sexual encounter."

Q: Do you think something actually happened to your granddaughter, or is this whole thing made up?

A: I think the whole business is a result of her wanting to get even with me for hollering at her. She was at one time my birthday girl. She and I shared the same birthday till she was seven or nine. Somewhere in there and then she left me the impression she was too good to be with grand pop. She was one of my favorites.

Score: 0 Describes possible “grooming” behaviors.

Q: Do you think anything actually happened to her?

A: Like what, sir? Not with me. I don’t know about encounters in school.

Q: If you were the polygraph examiner and could only ask three questions in this test to resolve the issue, what would you ask?

A: Did I ever have intercourse with my granddaughter? Did I ever force my granddaughter to have sex? I don’t know what else to ask myself, sir.

Score: -1 Never asks the question dealing with what he was convicted of, “Did you masturbate in front of your granddaughter?”

This suspect’s FAIN score was a -9, indicative of deception. His polygraph data also indicated deception, and he confessed to masturbating in front of his granddaughter on two occasions.

## CASE STUDY 6

In the following case study, cash was stolen from the drop safe at a skating rink.

Q: Where do you work?

A: ABC Ice Rink.

Q: What do you do?

A: I’m the general manager.

Q: How do you like working there?

A: I like it.

Q: What is this interview and investigation about?

A: Stolen five hundred and some dollars out of the drop safe.

Q: Why were you selected to be interviewed?

A: Because I was one of the people who found it, I guess.

Q: How do you feel about being interviewed?

A: I’m not happy about it, but you got to do what you got to do.

Q: Write in detail what this is about and how you would explain it.

A: The theft of \$542 from the ABC Ice Rink. I am the manager of the facility. \$542 was stolen from our drop safe and myself and my assistant manager found the missing money and contacted the police. Since then an investigation has been ongoing for four weeks. Someone went in the drop box and 5 out of 15 envelope were torn open and money taken out. There were keys I left in my office to the drop safe. Seven or eight supervisors had access.

Q: If you were the investigator, how would you conduct the investigation?

A: I guess the same way it was done.

Q: What are the five most important reasons this took place?

A: I put those keys in the wrong place. They shouldn’t have had access to the drop safe.

Q: Did you ever think about doing something like this?

A: No.

Q: Is there anyone you would suspect?

A: One person, Jimmy Ruess. He worked Saturday night and Sunday night by himself. I fired him for stealing \$20 out of the bank. He admitted to me he took it, but denied taking the \$542.

Q: Is there anyone you would definitely eliminate from the investigation?

A: Karen Busch. She’s been there longer than me and is a great employee.

Q: What do you think should happen to the person who did this when they’re caught?

A: Be fired.

Q: Would you give them a second chance?

A: I'm sorry, no.

Q: Would there be any reason evidence would turn up indicating you did this?

A: No.

Q: How do you think the investigation will come out today concerning whether you took that missing money?

A: Positive. I didn't take it.

Q: Why do you think someone would do something like this?

A: I guess for need.

Q: If you had been the interviewer and could have only asked three questions to resolve this, what would you have asked?

A: Have you stolen the \$542? Do you know who stole the \$542? I don't know the third. Could you have stolen it?

## Analysis of Case Study 6

Q: Where do you work?

A: ABC Ice Rink.

Q: What do you do?

A: I'm the general manager.

Q: How do you like working there?

A: I like it.

Score: +3 Positive answer without hesitation, adaptors, or coding.

Q: What is this interview and investigation about?

A: Stolen five hundred and some dollars out of the drop safe.

Score: +2 Strong language describing exactly what the crime was.

Q: Why were you selected to be interviewed?

A: Because I was one of the people who found it, I guess.

Score: +1 Includes himself as a possible suspect.

Q: How do you feel about being interviewed?

A: I'm not happy about it, but you got to do what you got to do.

Score: 0

Q: Write in detail what this is about and how you would explain it.

A: The theft of \$542 from the ABC Ice Rink. I am the manager of the facility. \$542 was stolen from our drop safe and myself and my assistant manager found the missing money and contacted the police. Since then an investigation has been ongoing for four weeks. Someone went in the drop box and 5 out of 15 envelopes were torn open and money taken out. There were keys I left in my office to the drop safe. Seven or eight supervisors had access.

Score: +1 Allows for the construction of good, relevant questions.

Q: If you were the investigator, how would you conduct the investigation?

A: I guess the same way it was done.

Score: +1 Agreement with process.

Q: What are the five most important reasons this took place?

A: I put those keys in the wrong place. They shouldn't have had access to the drop safe.

Score: 0 Fails to give five reasons; however, does take responsibility for what happened.

Q: Did you ever think about doing something like this?

A: No.

Score: +1 No hesitation or adaptors.

Q: Is there anyone you would suspect?

A: One person, Jimmy Ruess. He worked Saturday night and Sunday night by himself. I fired him for stealing \$20 out of the bank. He admitted to me he took it, but denied taking the \$542.

Score: +3 Narrows the investigation.

Q: Is there anyone you would definitely eliminate from the investigation?

A: Karen Busch. She's been there longer than me and is a great employee.

Score: +2 Narrows the investigation.

Q: What do you think should happen to the person who did this when they're caught?

A: Be fired.

Score: +2 Strong punishment.

Q: Would you give them a second chance?

A: I'm sorry, no.

Score: +2

Q: Would there be any reason evidence would turn up indicating you did this?

A: No.

Score: +2 Positive answer without any hesitation or adaptors.

Q: How do you think the investigation will come out today concerning whether you took that missing money?

A: Positive. I didn't take it.

Score: +2 Positive answer without any hesitation or adaptors.

Q: Why do you think someone would do something like this?

A: I guess for need.

Score: 0 Fails to "look down" at the type of person who would do this.

Q: If you had been the interviewer and could have only asked three questions to resolve this, what would you have asked?

A: Have you stolen the \$542? Do you know who stole the \$542? I don't know the third. Could you have stolen it?

Score: +1 Asks strong relevant questions.

This suspect's FAINT score was a +23, indicative of truthfulness.

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## SUMMARY

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- FAINT's integration of other systems of detecting deception, additional questions, and a system for quantifying observations of verbal, nonverbal, and written behavior drastically reduced the "inconclusive" rate reported in the BAI study [2].
- By using a 3-point scoring system, scores of 0 or higher appear to result in 88% accuracy for determinations of truthfulness, and an assessment score of -5 or lower appears to result in 89% accuracy for determinations of deception.
- In single-issue suspect cases, an assessment score of +3 or higher appears to be 100% accurate for determinations of truthfulness, and an assessment score of +2 or lower appears to be, 96% accurate for determinations of deception.
- Using the weighted scoring system, an assessment score of +7 or higher appears to be 91% accurate for determinations of truthfulness, and an assessment score of +4 or lower appears to be, 91% accurate for determinations of deception.
- In single-issue suspect cases using the weighted scoring system, an assessment score of +8 or higher appears to be 100% accurate for determinations of truthfulness, and a score of +7 or lower appears to be 100% accurate for determinations of deception.

## References

- [1] N.J. Gordon, The Validity of the Forensic Assessment Interview Technique, University of South Africa, 2004.
- [2] F. Horvath, B. Jayne, J. Buckley, Differentiation of truthful and deceptive suspects in Behavior Analysis Interviews, J. Forensic Sci. 39 (3) (1994) 793-807.



## Interviewing Children and the Mentally Challenged

There are many case situations that will necessitate an investigative interview of a child or mentally challenged individual. These interviews will fall generally into two categories: one in which the interviewee is a suspect in a crime, and one in which the interviewee is an alleged victim of a crime. In the latter, these interviews often are the result of a claim of sexual abuse or maltreatment where a child or mentally impaired individual is the victim. Although most of these claims may be substantiated, the investigator must be aware that false claims of this nature also are made.

Whether these individuals are alleged victims or suspects, the interviewer must recognize that their language development and resources will have an effect on their ability to give a proper statement, as well as their ability to encode and recall an experience. For example, we would expect a very young child to give fewer details than an older one, or an adult [1]. Children are more vulnerable to suggestion than adults. Because a child or mentally deficient interviewee may have difficulty giving a spontaneous detailed statement, the investigator must ask questions.

To diagnose mental retardation, professionals look at a person's mental abilities (IQ) and his or her adaptive skills. Both of these are highlighted in the definition of mental retardation provided between the lines below. This definition comes from the Individuals with Disabilities Education Act (IDEA). The IDEA is the federal law that guides how schools provide early intervention and special education and related services to children with disabilities [2].

A standard IQ test, such as the Wechsler Intelligence Scale or Stanford Binet IQ test, is generally used to determine an individual's intellectual functioning. The average score is 100. People scoring below 70 are considered to have mental retardation. Professionals also assess the person's adaptive behavior. To measure adaptive behavior, professionals look at what a child can do in comparison to other children of his or her age. Certain skills are important to adaptive behavior [2]. These are:

- Daily living skills, such as getting dressed, going to the bathroom, and feeding one's self
- Communication skills, such as understanding what is said and being able to answer
- Social skills with peers, family members, adults, and others

The IDEA defines mental retardation as follows [2]:

... significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. [34 Code of Federal Regulations §300.7(c)(6)]

If the interviewee is a suspect in a custodial situation where "Miranda" rights are required, the investigator must be able to establish that the interviewee was mentally capable of understanding his constitutional rights and intelligently and affirmatively waiving them. One method of accomplishing this is to use simple language when advising the interviewee of his rights and to ask him to explain in his own words what each right means.

In a possible homicide investigation where the father of an infant was suspected of deliberately committing the crime, the advisement of his constitutional rights went like this:

I: Before we begin I want to make sure you understand that you do not have to talk to us if you do not want to. Do you understand that?

S: Yeah.

I: What does that mean?

S: If I don't want to say nothing I don't have to.

I: You have the right to have an attorney present.

S: Okay.

I: What does that mean?

S: If I want a lawyer I can have one.

I: What if you do not have enough money to hire a lawyer? What would happen then?

S: You have to get me one for free.

I: That is right. If you do decide to talk to us anything you say can be used as evidence against you.

Do you understand that?

S: Mmm, mmm.

I: What does that mean?

S: You can use what I say in court against me.

I: That is right. So, would you like a lawyer?

S: Nah.

I: Are you willing to talk to us?

S: Yeah.

When interviewing someone from this population of suspects, the investigator must consider the mental development of the interviewee when assessing his answers. The manner in which questions are asked is critical, especially when attempting to collect accurate information from an alleged victim. Interviewing is a learning process. The questions asked by the interviewer may be assimilated into the child's memory, thereby affecting the child's actual recall.

The interviewer's influence on these populations can be verbal as well as nonverbal. A verbal example of interviewer influence would be an attempt to gather information by making a statement such as, "I interview many children/people who have had bad things happen to them. I am very proud that many of them have the courage to tell me about it. I want you to tell me about what happened to you." Because of this question, the interviewee can be influenced to tell a story of bad things happening to him in order to meet

the expectations of the interviewer. A nonverbal example of interviewer bias could be any gesture or expression that reinforces the belief that something bad has happened to the child/person.

The investigator should know that there are no behavioral manifestations that in and of themselves are conclusive of sexual abuse. For example, nightmares, bedwetting, sudden changes in school performance, and aggressive or sexual behavior are all behavioral symptoms, but none of these symptoms are specific to sexual abuse.

The use of props and drawings during the forensic interview may also create false information. Therefore, before the child completes his initial statement during the Forensic Interview process, it is recommended that the interviewer not use props and drawings, because the added information that results from this process often is tainted, and it is not possible to differentiate between true facts and fictitious facts.

In their research, Greenhoot et al. [1] allowed children to utilize props to assist them in describing what happened during a visit to a doctor's office. They found that children using props gave more detailed and elaborate statements than children using only verbal responses; however, these children also had more inaccuracies about their visits.

Researchers have determined that information provided by children may be based on recall memory or recognition memory. Recall memory refers to information that results from open-ended questions, such as, "What did you do this morning?" Recognition memory refers to information obtained from direct questions, such as, "Did you eat breakfast this morning?" [3] Questions dealing with recall memory provide more accurate information because the child is not influenced in any direction by the interviewer.

In research conducted at the National Institute of Child Health and Human Development (NICHD), scientists found that young children will provide a great deal of information, of a much purer nature, when asked questions that require the information to come from recall memory. Questions that lend themselves to recognition memory may produce tainted information because it may lead the interviewee to give false information: the child may think this is what the interviewer seeks, or may feel pressured to give false information for self-esteem [3].

If a child is asked a question based on recall memory, such as, "What did you do after school yesterday?" and the child replies, "When I got home the first thing I did was my homework," it would be more likely to be accurate than if the interviewer had asked a direct question based on recognition memory, such as, "When you got home from school yesterday, did you do your homework?" Perhaps, now the child will give false information and say they did, because they feel that the interviewer expects them to have done this, and they want to meet the interviewer's expectation [3].

Because it is not possible to differentiate true statements from statements made as a result of a suggestion of the interviewer or others in the child's environment, it is very important that the interviewer attempt to ensure that the interview is free of leading questions. To be able to detect possible influences caused by suggestive questions during the interview, it is highly recommended that all interviews of this nature be video recorded.

There are five types of questions interviewers generally use: general questions, focused questions, multiple-choice questions, yes-no questions, and leading questions [4].

General questions can be used as opening questions with adults and teenagers. For example, asking an alleged victim, "Tell me why you came to see me today?" would probably prompt an answer concerning an alleged crime of sexual assault or rape. However, with a younger child, these types of general questions would not result in useful answers. A better question for this population would be, "Did anyone tell you why you were coming to see me today?" [4]

Clinical experience suggests that in interviews of children concerning alleged sexual abuse, focused questions are optimal. Focused questions often elicit relevant information, but they are not leading. There are three types of focused questions: questions focused on people, questions focused on the circumstances of the abuse, and questions focused on body parts [4].

Questions focused on persons will include questions about the alleged offender. It is a good strategy to begin by asking questions that will not be difficult. Thus, focused questions might first be asked about siblings, then about the mother, and finally about the alleged offender. A series of focused questions about an alleged offender might be the following [4]:

- "Where does Joe (mother's boyfriend) live?"
- "What kind of things does he do with the family?"
- "Are there things he does especially with you?"
- "Are there things Joe does that you like?"
- "Are there any things he does that you don't like?"
- "Does he ever do anything with you that you don't like?"

There are two types of focused questions about the possible circumstances of the sexual abuse that many interviewers use: "Are there any secrets in your family?" and "Does ever play games with you?" Children are often told that the sexual abuse is a special secret between themselves and the offender. Alternatively, offenders may induce children's cooperation or normalize the behavior by defining the victimization as a game [4].

Based on case facts, other focused questions may be [4]:

- "What do you do when Grandpa babysits?"
- "How does Daddy take care of you when Mom is at work?"
- "What happens when you are in the bath?"

Multiple-choice questions may be employed when focused questions fail to elicit the necessary information. The interviewer must consider that young children may have difficulty with this format, and they will have more difficulty the more options they are given. Second, interviewers must be sure to include a correct response, so that the child is not given the choice between two or more incorrect responses. Third, it is advisable to limit the use of multiple-choice questions to the circumstances of the sexual abuse and, if possible, not to use them to ask about the abuse itself. For example, the interviewer might ask: "Do you remember if you were wearing your day clothes or your night clothes?" Multiple-choice questions could possibly be leading, and therefore are not advisable. For example, asking: "Was it your dad, your stepdad, both, or someone else who hurt your butt?" would be incorrect [4].

“Yes-no” questions are generally used in investigative interviews with children only when more open-ended questions are not productive, but the possibility of abuse having occurred remains. These types of questions may elicit “social desirability” responses, especially in young children. Another problem with this type of question is that a child may not understand the question and nevertheless answer with a “yes” or “no” [4].

Leading questions such as, “Your father put his privates in your mouth, didn’t he?” should not be used in an interview with a child or mentally challenged person, because again it could result in an incorrect response due to “social desirability.” Interrogations using leading questions also must be used with caution, and information that only the guilty party would have should be withheld and later elicited to ensure that a false admission was not given.

A study performed by researchers at the National Institute of Child Health and Human Development, in Bethesda, Maryland, resulted in a special interview format called the NICHD Investigative Interview Protocol [5]. Although this protocol was designed with children in mind, it appears to also lend itself to developing information from a mentally deficient interviewee.

The protocol ensures that the interviewer uses the proper steps in obtaining optimal information by:

1. Properly introducing himself or herself.
2. Developing rapport with the child.
3. Establishing the purpose of the interview.
4. Establishing that the child is willing to talk to the interviewer.
5. Establishing that the child understands they do not have to know the answer to every question.
6. Establishing that the child knows the difference between telling the truth and lying.
7. Establishing that they understand they can correct the interviewer if they feel the interviewer says something that is not true.
8. Utilizing investigative questions that do not influence the quality and accuracy of the information obtained.

Look over the following NICHD Protocol for Investigative Interviews of Alleged Sex-abuse Victims (Version 3.0), Michael E. Lamb, Kathleen J. Sternberg, Phillip W. Esplin, Irit Hershkowitz, and Yael Orbach:

I. “Hello, my name is \_\_\_\_\_ . I am a youth investigator and part of my job is to talk to children about things that have happened to them.

*As you can see, I have a tape recorder here. It will record our conversation so I can remember everything that you tell me. Sometimes I forget things and the tape recorder allows me to listen to you without having to write everything down.*

*I meet with lots of children and during our discussions they tell me the truth about things that have happened to them. I want to make sure you know what the difference is between a truth and a lie: If I were to say for example that my shoes were blue (or red, or green), is that the truth or a lie?”*

(Wait for a response)

*“Yes, that would be a lie because my shoes are really black/blue, etc. And if, for example, I was to say to you that you and I met yesterday, would that be a truth or a lie?”*

(Wait for a response)

*“Yes, that would be a lie, because we did not meet yesterday. I can see you understand the difference between telling the truth and telling a lie. It is very important that you only tell me the truth today. You should only tell me things that really happened to you.”*

(Wait for a response)

*“If I ask a question you do not understand, or that you do not know the answer to, just tell me, “I don’t know.” If I say things that are wrong, you should correct me. Okay? For example, if I said you were a six year old girl (to a 10 year old boy) what would you say?”*

(Wait for a response)

*“That’s right. Now you understand that you can correct me if I make a mistake or say something wrong.”*

II. *“Now, I want to get to know you a little better. Tell me a little bit about your family.”*

(Wait for a response)

If the child does not answer, gives a short answer, or gets stuck, you can ask:

1. *“I really want to get to know you better, what else can you tell me about yourself?”*

(Wait for a response)

2. *“What else can you tell me about your family?”*

(Wait for a response)

III. *“You’ve told me about yourself and about your family, now I want to hear about your school/nursery school. Tell me about some of the things you like to do in school and about some of the things you do not like to do.”*

(Wait for a response)

If the child does not answer, gives a short answer, or gets stuck, you can ask:

1. *“What else can you tell me about school?”*

(Wait for a response)

2. *“Tell me about your teacher.”*

(Wait for a response)

3. "Tell me about the children in your class."

(Wait for a response)

IV. "A few days ago (or, a few weeks ago), was (a holiday). Tell me how you celebrated (the holiday)."

(Wait for a response)

1. "I want you to tell me about (another holiday, or birthday party)."

"Think again about the (holiday, or birthday party). I want you to tell me what happened from the time you woke up until the time you went to sleep that night."

(Wait for a response)

If the child gets stuck, encourage the child by saying:

2. "What else can you tell me about \_\_\_\_\_?" or "Tell me a little bit more about \_\_\_\_\_?" or "And then what happened?"

If the child stops, or gives a short answer, continue:

3. "I am interested in hearing how your \_\_\_\_\_ was. Try hard to help me understand what happened from the time you woke up until you went to sleep that night."

(Wait for a response)

If the child says for example, "We went to Grandma's," or "We opened presents," say:

4. "Tell me everything that happened at Grandma's (or when you were opening presents), every detail from the minute you got there until you left."

Wait for the child to finish then say:

"It sounds like you really had a great (party/holiday)."

V. "Now that we know each other a little better, I want to talk about the reason you are here today."

1. "Do you know why you are here today?"

(Wait for a response)

If the child makes a brief allegation, i.e.: "Uncle Bobby touched my pee pee" or "Uncle Bobby is bothering me"), go to VI. If child does not make an allegation, ask:

2. *"Tell me the reason you came to talk to me today."*

(Wait for a response)

If the child makes a brief allegation go to VI. If child does not make an allegation, ask:

3. *"I understand you told (Mom, Dad, Teacher, etc.) that someone has been bothering you. Tell me what you told (Mom, Dad, Teacher, etc.)"*

(Wait for a response)

If the child makes a brief allegation go to VI. If child does not make an allegation, ask:

4. *"Does your (Mom, Dad, Teacher, etc.) think something happened to you?"*

(Wait for a response)

*"Tell me what (Mom, Dad, Teacher, etc.) is worried about."*

VI. Repeat the allegation (i.e.: "Okay, Uncle Bobby touched your pee pee" or "Okay, your Mom thinks Uncle Bobby touched your pee pee"). Then say, "Tell me everything that happened to you, from the very beginning to the very end, as best as you can remember it."

*If the child's account is brief ask, "And then what happened?" or "What else can you tell me about that?" You can use these prompts several times. After the child has finished proceed to VII.*

VII. *"Did that happen one time, or more than one time?"*

If the child says, "One TIME," probe further about the incident by drawing the child's attention back to salient detail mentioned by the child (the location, an element of the abuse, clothing, etc.).

1. *"Earlier you said something about (some cream, a stick, . . .), can you tell me everything about that?"*

Repeat this to get as many details or cues as possible, then go to VIII.

If the child says, "MANY TIMES," ask:

2. *"Tell me about the time you remember best. I want to understand what happened from the very beginning to the very end."*

After the child has given a description of "the time best remembered" ask for additional information using open questions like: "And then what happened?" or "What else can you tell me about that?" Proceed asking questions using the strategy described in VII-1, and then say:



3. *"Tell me about the last time something happened. I want to understand from the very beginning to the very end."*

After the child has given an account of the "last time," ask for additional information using open ended questions like: "And then what happened?" or "What else can you tell me about that?" Proceed by asking questions using the strategy described in VII-1. Then say:

4. *"Can you tell me about the very first time something happened, from the very beginning to the very end?"*

(Wait for a response) Finally ask:

5. *"Is there another time you remember well? Tell me about that time, from the very beginning to the very end?"*

(Wait for a response)

After the child has given an account ask for additional information using open ended questions like: "And then what happened?" or "What else can you tell me about that?" Proceed by asking questions using the strategy described in VII-1.

VIII. If crucial details about the incident (location, perpetrator's identity or appearance) are still lacking, ask for them at this stage. Use a direct question ("Were your clothes on or off?") and whenever possible follow it with an open-ended request for more information (i.e.: "Tell me everything about how they came to be off.").

IX. At the end of the interview, ask:

1. *"Is there anything else I should know?"*

(Wait for a response)

2. *"Is there anything else you want to tell me?"*

(Wait for a response)

3. *"Are there any questions you want to ask me?"*

(Wait for a response)

Before you finish the interview, say to the child:

4. *"Thank you for telling me so much. It really helped me understand what happened. Now I am going to take you back to (Mom, Dad, etc.). What are you going to do once the interview is over?"*

(Wait)

5. *"I assume you are very hungry!"*

(Wait)

6. *"What is your favorite food?"*

(Wait)

7. *"Do you eat a lot of it?"*

(Wait)

Using these techniques, the authors have successfully interviewed numerous children and mentally deficient individuals during their careers.

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## SUMMARY

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- When interviewing children or mentally deficient individuals, the interviewer must recognize that the language development and resources of these individuals will have an effect on their ability to give a statement, as well as their ability to encode and recall an experience.
- When interviewing someone from this population, the investigator must consider the development of the interviewee when assessing the answers.
- The investigator should know that there are no behavioral manifestations that are conclusive of sexual abuse in children.
- NICHD Investigative Interview Protocol is an excellent format designed with the child in mind and appears to also lend itself to developing information from a mentally deficient interviewee.
- The interviewer must take care not to lead these individuals or inadvertently taint their statements.
- With patience and consideration, these interviews can be very successful and fruitful to the investigative process.

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## Report Writing

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One of the most important skills an interviewer can have is the ability to effectively report the results of an interview or interrogation. Volumes have been written on the subject, and every law enforcement or investigative training course devotes hours to developing these skills. The authors have been writing reports for more than 40 years each. Although the job is now easier, thanks to modern word processing with its clip and paste and template capabilities, we believe that success in report writing rests in the basics.

A good report must tell a story. Unlike fiction, it is a true story. To tell this story, we must collect all of the available facts and ensure that they are reported in a concise and clear manner. The report should be clear, concise, understandable and, after it is read, should have answered any and all questions the reader might have about the matter at hand – in particular, the five “W’s” of Who? What? When? Where? and Why?

A simple reporting technique is to try to answer these questions as you conduct your interviews and interrogations. Therefore, it is important that your questions to the subject should be formulated to elicit the answers to the five W’s.

It is extremely important to take good notes even though the interview may be recorded. We are often reminded of the faux Confucius saying, “A short pencil is better than a long memory.” Collecting the facts and later accurately memorializing them is the crux of what we do. We strongly suggest you prepare the report as soon after the interview as possible. This is important because it is fresh in your mind and you can clearly interpret your own notes. Many recent legal precedents require that you maintain your handwritten notes of an interview for various prescribed lengths of time. We recommend that you keep your handwritten notes in the case file.

Every report should be written as if it will someday be read by a trial judge – and it may well be. The report should reflect what happened, and whenever possible, quotes should be accurately reflected with quotation marks. A report should only relate to the facts and should not reflect the interviewer’s opinion. It can, and often does, include the interviewee’s opinions, which should be clearly reported as such. For example: Mr. Johnson stated he “believes that the gun belonged to his brother-in-law, Fred.”

The report can be in memorandum form or in a formal report format. Once a format is chosen, it should be consistent with your agency or company’s standard format. All reports should follow the same format. There is nothing more unprofessional than three or four investigators in the same agency or firm using as many different reporting formats. This

format should extend to the “voice” of the report, whether it is written in the first person (*I asked Mr. Smith where he was on the day the money went missing*) or the third person (*The interviewer asked Mr. Smith where he was on the day the money went missing*). Remember to be consistent with voice as well as format. Whenever possible, use uncomplicated language. Your purpose is not to impress the reader with your erudition, but to communicate the facts in a simple, understandable manner.

The report should clearly indicate times, places, and participants in the interview. Identifying data and contact information should be included for both the interviewee and the interviewer. Some reporting formats place identifying data at the end of the report.

The first paragraph should include the predication, date, time, and location of the interview, as well as the name, address, and telephone number of the interviewee. The purpose of the interview should be clear to the reader. The report should include the information that the interviewee was advised of the identity of the interviewer(s) and the nature of the interview. Also, any rights or warnings given to the interviewee should be noted here. The last sentence of the first paragraph should indicate that the interviewer was voluntarily providing the subsequent information.

For example, the first paragraph of a memorandum of an interview written in the third person may look something like this:

On January 5, 2010, Archibald Meriwether, white male, born 01/01/1955 at Columbus, Ohio, currently residing at 123 Brown Street, Apartment 4F, Anywhere, PA 18080, telephone number 215 555 4321, was interviewed at his residence by investigators Ralph Johnston and Samuel Adamski, Cleveland Office of the ABC Investigation Agency. The interviewing officers identified themselves and stated the nature (purpose) of the interview. At which time, Mr. Meriwether provided the following voluntary information:

The subsequent paragraphs should relate all relevant information developed during the interview. The report writer should use appropriate language that is clear, concise, and easy to read. The report must logically follow the flow of the interview. However, it is OK to write the report in such a manner that the information is sorted out by content. Often, an interviewee will add a thought to a previous statement, and this should be placed in the report in the proper context.

Subsequent paragraphs written in the third person voice might look as follows:

He has worked at the Cooper Mortgage Company, 1414 5th Street, Cleveland, Ohio, for approximately seven (7) years. He is an accounts manager. Last Thursday he was off on a personal vacation day, which he needed to get his car fixed. When he came into work on Friday, Jack Jackson, his boss, told him “Some body broke into the safe and took all the cash.” That was the first time he learned of the theft.

The last paragraph should logically finish up the interview:

He advised that he could provide no further information concerning the missing money. The interview was terminated.

Many agencies use a Q&A format to report interviews and interrogations. In this format, every question and answer is reported verbatim. This is the format used by court reporters. When conducting a FAINT interview as discussed in this book, the Q&A format is easily

followed and the report can be set up as a template in your word processor. See Appendix A for an example of the FAINT format.

There are some exceptions regarding the inclusion of the interviewer's opinions in a report. For example, when preparing reports such as the results of a polygraph examination or a FAINT interview, you may offer opinions as such: "In my professional opinion, Mr. Meriwether can be eliminated (or cannot be eliminated) as a suspect in the theft of money reported missing from the safe at the Cooper Mortgage Company."

Never let your personal feelings about the interviewee "jude" your report. Your report must contain all relevant information offered by the interviewee, incriminating and exculpatory. The test of a good report is when the reader can understand it and has had all of his questions answered when he is finished reading the report. Remember, if it is not on paper, it does not count.

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## SUMMARY

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- The report tells a true story of what occurred during the interview and what the interviewee said.
- A good report answers Who? What? When? Where? and Why?
- Develop a standard format and stick to it.
- Do not include your own opinions in your report, unless they are offered as the "professional opinion" of an expert.
- The report should use simple language and concisely represent what the interviewee said.

## Torture and False Confessions: The Ethics of a Post-9/11 World

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In the first chapter, we presented examples of methods used throughout history by various cultures and societies to determine the truth. “Truth seekers” employed these techniques for what they believed was “the greater good” to protect the group as a whole from its deviant members. Some of these techniques involved different degrees of “torture.” Today, we have been led to believe that civilized governments have for the most part publicly abandoned the use of torture to illicit truthful information.

Our use of the word *publicly* is not by happenstance. Year after year, month after month, and, yes, day after day, stories appear from all over the world of human rights abuses involving torture and murder. Whether it is a report about Pinochet’s Chile; torture, murder, and human dismemberment in Rwanda; “ethnic cleansing” in the former Yugoslavia; rape and torture in the Sudan; or the interrogation incidents at Abu Ghraib, allegations of torture are rampant. In the United States, the case of a Haitian immigrant, Abner Louima, who in August 1997 was arrested outside a social club and physically tortured with a now infamous “toilet plunger,” clearly demonstrates that America is not immune from this abhorrent activity. All of these are terrible examples of abuse of power. We would think that no moral and ethical person would in any way whatsoever justify this inhuman treatment of fellow human beings. But it happens.

On September 11, 2001, our world changed forever with the attacks against U.S. citizens in New York, Virginia, and Pennsylvania. Ironically, September 11, 2001, was also the publication date of the first edition of this book. Americans can no longer go about their daily lives in ignorant bliss, safe in the knowledge that two huge oceans and a vigilant government are protecting them from dangerous extremists. On September 12th, the day after, Americans screamed for retaliation. They demanded enhanced security immediately. They were willing to pay the cost to their pockets, as well as their convenience. But were Americans willing to defend themselves at the cost of their ethical, cultural, and constitutional values? The American public cheered the war in Afghanistan, and many agonized over the war in Iraq. Now, there soon may be a war in Yemen.

Almost 10 years later, the debate is still raging on. After the allegations of prisoner abuse at the Abu Ghraib prison and Guantanamo, the arguments continue concerning the use of “extraordinary measures” in the interrogation of Arab prisoners by the United States and its

allies. The ethics, legality, and practicality of subjecting armed combatants and others to extreme interrogation conditions are still the fuel for moral and political arguments. Prosecutions and threats of prosecution loom in every political debate. Fortunately, most of us will never have to decide whether or not to “torture” a prisoner. That dilemma is on the plates of the military, intelligence, and police entities that now are operating in these new theaters of war.

When Saddam Hussein was dragged out of his “spider-hole” hideout near his birth village just outside Takrit, Iraq, there was great discussion on how he was going to be treated during his interrogation. Human rights groups screamed for the protection of the former dictator’s human rights, while right-wing talk show hosts screamed for “squeezing” Saddam for information about other terrorists, and his former Iraqi subjects screamed for his head. It was obvious that Saddam’s interrogators were not interested in having him admit guilt to his crimes. The crimes against his people were so well documented that his confession was unnecessary. It was more important to learn as much as possible about the ongoing insurgency, weapons of mass destruction (WMDs), future planned attacks, locations of the opposition leadership, explosives, strategies, and so forth. The question was how to proceed with his interrogation. According to Saddam’s FBI interrogator, special agent George Piro, no coercive techniques such as “sleep deprivation, heat, cold, loud noises, or water boarding” were used against Saddam [1]. In his interview on CBS News’s *60 Minutes*, Piro told correspondent Scott Pelley that harsh methods were not used because “It’s against FBI policy, first. And wouldn’t have really benefited us with someone like Saddam,” because he, Saddam, was not the kind of person who would “respond to threats, to any type of fear based approach.” [1] Piro took a traditional psychological approach to dealing with Saddam, creating a psychological attitude of superiority, “creating a relationship based on dependency, trust and emotion,” alternating between “acts of kindness and provocation.” [1]



FIGURE 14.1



It took Piro 5 months to bring up the most sensitive issue on which he was seeking information – WMDs. Certainly, using the psychological soft-sell approach with Saddam would not have been feasible if this had been a “ticking bomb scenario.” However, the FBI did achieve its goals to hear from the “horse’s mouth” about the history of Saddam’s actions and capabilities leading up to the confrontation that brought him down.

The United Nations Office of High Commission on Human Rights’ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture in Part I, Article 1, paragraph 1, as follows:

For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions [2].

Merriam-Webster defines torture thus:

Pronunciation: ‘tor cher. Function: *noun*; Etymology: French, from Late Latin *tortura*, from Latin *tortus*, past participle of *torquere* to twist; the infliction of intense pain (as from burning, crushing, or wounding) to punish, coerce, or afford sadistic pleasure.

Amnesty International, an organization that tracks human rights violations, is of the mind that under no circumstance should undue coercion or torture be used, period. Somewhere in this debate lies an interrogation approach that should be based on legal and



FIGURE 14.2



ethical standards and that considers the risk of engaging in untoward interrogation versus the safety and welfare of the innocent public. There are no easy answers; however, in this chapter we review some of the issues and give our own thoughts on the matter.

First and foremost, we do not advocate the use of physical force in any manner whatsoever to obtain a criminal confession. Furthermore, we abhor gratuitous abusive behavior at any time during an interrogation. The authors strongly believe such conduct is counterproductive in the search for truthful and useful information. That being said, let us look at some other viewpoints about this issue.

In January 1997, under pressure by a Freedom of Information Act (FOIA) request by the *Baltimore Sun*, the CIA declassified its previously secret manual on interrogation entitled "KUBARK Counterintelligence Interrogation," dated June 1963 [3]. This manual sets out and discusses various interrogation methods, including "torture," for extracting information from "uncooperative" subjects. The KUBARK\* Intelligence Manual has since become a lightning rod for human rights groups in their war against extraordinary methods of interrogation of prisoners, usually by despotic regimes, but more recently, in the course of CIA and U.S. military activities in Afghanistan, Iraq, and Guantanamo Bay, Cuba.

The KUBARK Intelligence Manual goes into detail of how to conduct an interview of a "resistant source who is a staff or agent member of an Orbit intelligence or security service or of a clandestine Communist organization." This interrogation is described by the manual's author(s) as "the most exacting of professional tasks." We would agree.

The KUBARK Intelligence Manual defines *counterintelligence interrogation* (CI) as follows:

An interrogation designed to obtain information about hostile clandestine activities and persons or groups engaged therein. KUBARK CI interrogations are designed, almost invariably, to yield information about foreign intelligence and security services or Communist organizations. Because security is an element of counterintelligence, interrogations are conducted to obtain admissions of clandestine plans or activities directed against KUBARK or PBPRIME\*\* security are also CI interrogations. But unlike the police interrogation, the CI interrogation is not aimed at causing the interrogatee [sic] to incriminate himself as a means of bringing him to trial. Admissions of complicity are not to a CI service, ends in themselves but merely precludes to the acquisition of more information [3].

The foregoing definition clearly makes the obvious distinction between the interview and interrogation methods we are advocating for use by police officers, security people, attorneys, and so on, and those that the KUBARK Intelligence Manual illustrates. For the most part, the readers of our book are trying to solve crimes that have already occurred or are ongoing. Counterintelligence officers, on the other hand, are trying to stop continuous hostile acts against the interests of their nation and allies, as well as to prevent future hostile actions from occurring. These are definitely far different goals for the respective interrogators. One is to solve a crime, and the other is to obtain information to prevent one.

The KUBARK Intelligence Manual outlines several interrogation techniques. It divides strategies into two major types, "Non-coercive Counterintelligence Interrogation" and "Coercive Counterintelligence of Resistant Sources." Because the techniques of noncoercive interrogation are set forth in this book, we will only discuss the latter techniques for a

\*KUBARK is a code word designator, which identifies the CIA.

\*\*PRPRIME is believed to be the code word for United States citizens.

“resistant subject.” We feel it is important to understand that the person being interrogated has the key to avoid coercive methods by just truthfully answering the interrogator’s questions.

KUBARK sets out its own caveat regarding coercive techniques. The manual is quick to state that the discussions of the methods therein are not to be “misconstrued as constituting the authorization for the use of the coercion at field discretion” [3]. The manual further advises that “coercive methods are only used to exploit the resistant source’s internal conflicts and induce him to wrestle with himself but also to bring a superior outside force to bear upon the subjects’ resistance.” [3]

The manual makes reference to the work of Dr. Lawrence E. Hinkle, Jr., “The Physiological State of the Interrogation Subject as It Affects Brain Function.” Hinkle’s research reinforces the theory that the interrogator’s goal is to cause regression and break down the subject’s acquired skills to resist. Regression is defined here as the returning by an individual to a younger state of mind.

This regression is accomplished by applying “relatively small degrees of homeostatic derangement,” such as fatigue, pain, sleep loss, or anxiety [3]. In other words, the manual suggests that if the subject is kept wet, hungry, and disoriented, eventually all the ego defense mechanisms will break down, and he will become compliant and talk.

KUBARK’s conclusions regarding coercive interrogation are extremely interesting from an interrogator’s viewpoint. The manual states that the “principal coercive techniques are arrest, detention, the deprivation of sensory stimuli, threats and fear, debility, pain, heightened suggestibility and hypnosis, and drugs.” [3]

The manual further suggests that the specific coercive techniques employed should be chosen based on the personality of the subject. The “usual effect of coercion is regression.” The subject will become more “childlike” as his/her adult defenses break down. While this is happening, the subject will feel guiltier, and the interrogators should exploit this.

At the point where the subject’s resistance is overcome by a desire to cooperate, the interrogator should provide a “face-saving rationalization.” Like the coercive techniques themselves, the rationalization should be tailored to the subject’s personality. The coercion/duress should be reduced or stopped when the subject’s cooperation is at hand. This will allow the subject’s cooperation to proceed unhindered. In contrast to the physical and mental coercion advanced by KUBARK, reducing the stress on the subject after compliance with the interrogator is a quite standard police interrogation procedure.

Interestingly, Alan Dershowitz – probably America’s best known advocate for defendants’ rights – has proposed a “Torture Warrant” for use in those cases when there is an imminent threat to life and limb, such as a ticking bomb, and the suspect or suspects are unwilling to divulge its location. This has become known as the “ticking bomb” scenario. Dershowitz suggests that the government either itself or through surrogates administer torture to get information concerning the ticking bomb. Mr. Dershowitz has gone so far as to suggest the method of torture to employ: sterilized needles under the fingernail. This view has earned him, in some circles, the sobriquet “Alan ‘the Needle’ Dershowitz.”

Where does an extraordinary interrogation measure end and torture begin? Some believe that if there is no irreparable mental or physical damage done, then it is not torture. The Israelis for a long time believed that the extraordinary conditions in their country, where

citizens are threatened on a daily basis by terrorist bombing and other attacks, justified the use of what the Israeli General Security Service called “moderate physical pressure” when interrogating terrorist suspects. This pressure included placing hoods over the heads of the suspects and violently shaking them. Sometimes these methods led to the death of suspects, and they have been condemned by international human rights organizations. By that decision, the nine-member Israeli Supreme Court changed the rules for the Israeli General Security Service by prohibiting the use of moderate physical force even in ticking-bomb scenarios.

A parallel issue of importance to discuss along with confessions by torture is false confessions. Many times, young persons under the duress of prolonged and vigorous interrogation make a false confession. At one time one of the authors was convinced that no sane person in this country, with all its legal protections, would confess to a serious crime that he or she did not commit, regardless of the physical or mental duress employed by the police to get the confession. Many, including jurors, hold this belief. Because of this belief, a confession by the defendant, if presented to the “finders of fact” (the jury), is very compelling evidence of guilt.

Approximately 22 years ago, there was a breaking story in the Washington, D.C., media that a man who had served – if memory serves – 8 years of a life imprisonment sentence after confessing to the rape and murder of a young woman, was freed. Another man had confessed to the crime, and DNA testing confirmed it. Needless to say, the author’s mind on this point forever changed; yet, he still held the belief that this was a very rare phenomenon.

Then, in 2003, five young men from New York, whose confessions were videotaped and who had been convicted for the vicious and heinous 1989 rape and beating of a young woman now known forever as the “Central Park Jogger,” were released from prison, vindicated, after a convicted killer admitted he had committed the crime. This confession was corroborated by DNA evidence. From all over the United States and Canada, more tales of false confessions elicited by overzealous investigators were, and are still, coming to light.

In the April 5, 2005 edition of *The Straits Times*, the Reuters China Daily/Asia News Network reported the story of She Xianglin, a Chinese man who spent 11 years in a Chinese prison for murdering his wife. After Madame Zhang Zaiyu, the wife, reappeared, Mr. Xianglin was freed from prison. Madame Zhang had disappeared in 1994, after an argument with her husband. A few months later the badly decomposed body of a female was discovered in the region, and police suspected it was Madame Zhang. Mr. Xianglin was arrested and interrogated for almost 2 weeks before confessing to his wife’s murder. He was sentenced to death, but had his sentence commuted to life in prison. He now states that he only confessed after a police officer placed a gun to his head and threatened to kill him if he did not confess.

Why would someone confess to a serious crime they did not commit? Fear, threats, intimidation, trickery, diminished mental capacity, suggestibility, and physical abuse are just some reasons that come to mind. Lest the reader thinks this is a rarity, research conducted by Joe Wheeler Dixon, PhD, JD, has offered several thoughts concerning the false confession syndrome in juveniles. Dixon, a highly regarded psychologist, discovered that juveniles are very suggestible, and the younger the child, 12 years old or less, the more

suggestible and more easily influenced by negative feedback from the interrogators (see Chapter 12 on interviewing children).

Probably the world's foremost authority on false confession, psychologist Saul M. Kassin, believes that the interrogation tools that lead to the majority of false confessions are the misrepresentation of legal evidence by investigators, the implied understanding that a confession will allow a suspect to go home, and, perhaps most of all, time. Whereas the elapsed time of an average interrogation is about 1 to 4 hours, most of the false confessions Kassin studied came after an average of 16 hours of continuous questioning [4].

In his seminal paper "The Psychology of Confession," first published online in 2008 [5], Kassin classified false confessions into three categories: voluntary, compliant, and internalized false confessions. The types of false confession are almost self-explanatory. *Voluntary* false confessions are those where there is no prodding from the police or others to induce an innocent person to admit to a crime they did not commit. These individuals usually walk into the police station and confess to a well-publicized crime. Kassin proffers possible explanations of this type of behavior as a "pathological need for attention or self-punishment; feelings of guilt or delusions; the perception of tangible gain; or the desire to protect a parent, child or someone else." [5]

Compliant false confessions are a result of police interrogation where the subject confesses to avoid being in a "stressful custodial situation, avoid physical or legal punishment, or gain a promised or implied reward." [5] The innocent subject may make these compliant false confessions to get some food or sleep, to be able to go home, or to see a loved one.

Internalized false confessions are found with innocent and vulnerable individuals; young people; children; the mentally disabled or weak-minded; or others who are easily suggestible. Strong interrogation methods can lead such individuals to believe they actually committed the crime, and, according to Kassin, this belief may even be accompanied by false memories. We sometimes see this same phenomenon when there are allegations of sexual molestation and overly suggestive parents, police, or social workers convince very young children they have indeed been victimized when in fact they have not been.

Kassin often looks to the work of British psychologists Gisli Gudjonsson and James MacKeith,<sup>†</sup> who have extensively researched the phenomenon of false confession. They are of the opinion that the coerced internalized false confession can come from a lack of confidence in one's own memory of the events. And, therefore, a subject can be made to actually believe that he or she may have in fact committed the crime in question.

Another explanation may be found in the conclusions of the KUBARK manual. The goals of the coercive interrogation are to get the subject to regress to a childlike mental state, so that he becomes compliant with the interrogator. We would maintain that with young, immature, or mentally impaired subjects, regressive behavior already exists. These populations are already mentality compliant and lack the strong social and ego-defending skills acquired by adults through socialization.

These horror stories have presented law enforcement with many problems, lawsuits, and botched investigations resulting in public mistrust. Many departments have adopted new

<sup>†</sup>Gudjonsson and MacKeith, from the Institute of Psychiatry, London, have researched many aspects of lie detection and other aspects of confessions.

guidelines for interrogating young people and those with diminished mental capacity. The authors believe this is a first step in the right direction and that further efforts to safeguard against false confessions should be continued. However, we also recognize that obtaining a confession is not as simple as telling a suspect, later confirmed as the perpetrator, that we know he or she did the crime.

During the interview of any suspect, especially one of young or diminished mental capacity, any admission should be suspect unless verified by independent facts or physical evidence. We therefore recommend that whenever possible, the investigator hold back critical crime information or "keys" that only the perpetrator, victim, or police would actually know. This key information, when freely provided by the suspect and corroborated by the investigators, then ensures the veracity of the confession and guilt of the confessor.

We all know that "ethics" is the standards by which all individuals should conduct their activities. Often, institutions and organizations establish ethical conduct, such as the legal ethics for attorneys prescribed by the Bar Association. By what code of ethics should interrogators conduct their activities? Is there any circumstance in which the normal standard of ethics in interrogation should be abrogated?

Ethical behavior is, in our view, independent of laws, rules, and policy, because some of these may be immoral in or of themselves. For example, most of the racial crimes perpetrated by the Third Reich were codified by the Reichstag and therefore "legal." In the Republic of South Africa, apartheid was also legal, as were the Jim Crow laws of the United States. Behaving in an immoral way just because it is acceptable under the law is still unethical. Violating a law because you deem it immoral is still illegal. The question becomes, "How do I conduct myself when there is a conflict between what is legal and what is ethical?" It is not enough to always "do the right thing." Sometimes, there is no right thing. We believe that a person's conscience is a pretty good guide to how to conduct oneself. If you are ashamed of what you did to get that confession, you most probably crossed that ethical line.

Today the world faces an unprecedented enemy in the form of the international terrorist. This enemy is capable of taking innocent human beings hostage in airplanes and crashing those airplanes into buildings full of other innocent human beings; walking into a restaurant full of people and blowing himself up; or killing thirteen fellow soldiers with gunfire. This enemy is a state of mind that may be found in anyone who lives among us. It is a fanaticism that cannot be reasoned with or cajoled into compliance.

Although the authors are adamant that unnecessary duress or torture that causes irreparable physical or mental harm should never be used in a law enforcement situation, we recognize that in certain counterintelligence situations, such as the "ticking bomb" scenarios that our military and intelligence services face in the war against terror, sometimes extraordinary interrogation measures must be undertaken "for the greater good."

Post-9/11, the most criticized and discussed enhanced interrogation methods employed by U.S. interrogators and their agents has been "waterboarding." In waterboarding, the person being interrogated is strapped to a slightly tilted board – head down – with a cloth hood affixed over the nose and mouth. Water is then poured by bucket or hose over the head, giving the sensation of drowning. The water is poured for anywhere from 30 seconds to a minute or two. This is repeated until the subject answers the questions or the interrogators determine there is a danger to the physical well-being of the person. Waterboarding

is often repeated over a long period of time. The employers of this technique claim that it is very effective, has provided valuable information that has saved American lives, causes no permanent damage, and is not torture. Its detractors insist that it is torture and therefore in violation of the Geneva Convention and American values. Regardless of who is right, waterboarding has become the symbol of all that is bad in enhanced interrogation. Its detractors decry its inhumanity and the physical and mental damage it causes. Its supporters laud its effectiveness and virtual harmlessness. Regardless of who is correct, a simple countermeasure that can be used by the subject to avoid this ordeal is to fully and truthfully answer each of the interrogator's questions. Here the interrogated have the power to prevent being waterboarded and the issue would be moot.

After promising to do so during his campaign, following his inauguration, President Barack Obama ordered the closing of the military prison at Guantanamo Bay, something which appears to be more easily said than done. On Christmas Day 2009, an attempted bombing attack of a Delta Airlines Flight to Detroit from Amsterdam was carried out by 23-year-old Umar Farouk Abdulmutallab, a "radicalized Muslim" who allegedly was trained in Yemen, by Yemenis who had been detained as terrorists at Guantanamo and were subsequently released back into Yemen after being "rehabilitated" in Saudi Arabia.

The foregoing example illustrates that simple reasoning and kindness do not always work to change the minds of men. Nor do extraordinary interrogation techniques always get you to the truth.

One definite thing history has shown us is that you cannot reason with fanatics, whether they are sports fanatics, political fanatics, food fanatics, or Islamic terrorists. It sometimes takes "cognitive shock" to change a fanatic's attitude and bring him or her to reason. The authors are confident that our leaders are up to the challenge to make those tough decisions that weigh the rights of the individual against the needs and safety of society. It is strong leadership in these times that will keep our homeland and the world safe.



FIGURE 14.3



## SUMMARY

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- The law enforcement and counterintelligence officer have different objectives when conducting interrogations. One is to solve a crime and the other is to obtain information to prevent one.
- The theory for coercive interrogation is that the interrogator's goal is to cause regression and break down the subject's acquired skills to resist. Regression is defined here as an individual's return to a younger state of mind, caused by applying "relatively small degrees of homeostatic derangement" such as fatigue, pain, sleep loss, or anxiety.
- In certain counterintelligence situations such as the "ticking bomb" scenarios that face our military and intelligence service in the war on terror, decisions concerning extraordinary interrogation measures may have to be undertaken "for the greater good."
- False confessions generally occur as a result of misconduct or unethical behavior by the interrogator(s).
- False confessions may occur with juveniles because they are very suggestible. The younger the child, 12 years old or less, the more suggestible and more easily influenced by negative feedback from the interrogator(s).
- The interrogative tools that lead to the majority of false confessions are the legal misrepresentation of evidence by investigators, the implied understanding that a confession will allow a suspect to go home, and, perhaps most of all, interrogations of extreme length.
- The best way to ensure that a confession is true is for the investigator to hold back critical crime information only the perpetrator, victim, or police would know. This information, when freely given by the suspect, would then ensure the veracity of the confession.

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## Pre-employment Interviewing

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Over the last three decades, statistics have clearly demonstrated the security dangers inherent in the standard hiring process. If a typical business person were to post an advertisement in a newspaper and hire ten applicants without any type of screening, four would already be planning to steal and would start within the first 2 weeks of employment. Sixty percent of small businesses that go bankrupt do so because of internal theft. Employees are estimated to steal at least five times more than shoplifters. When you think about it, this makes sense. The employee is the one entrusted with the store keys, who handles the merchandise, who handles the money. Some companies have been forced to accept this and just try to keep this “shrinkage,” as it is known in the business world, to as low a percentage as possible.

One of the better weapons agencies and businesses have to combat this extensive problem is utilizing a skilled interviewer to perform a pre-employment security interview. This interview will utilize several techniques to ascertain information from the applicant and allow the employer to select the most qualified candidate.

There are limited external checks that can be done, which might supply the business person with more accurate information than the applicant himself. For example, you could perform a criminal record check: this usually provides you with any criminal convictions during the past 7 years – “usually,” because it requires that you check in the correct geographical area. An applicant living in the northeast section of Philadelphia, Pennsylvania, who was convicted of a crime minutes away in bordering Bensalem, Pennsylvania, would go undetected in a county search. He lives in Philadelphia County, but was convicted in Bucks County. This same individual would go undetected in a state search if the crime was committed minutes away in the state of New Jersey. Even if you have the correct county or state, you still may get incorrect information because of clerical errors. Presently, there is no nationwide criminal history check available to the private sector.

You must also recognize that criminal records do not take into consideration the percentage of individuals who commit serious crimes and are never caught. Nor does it consider the ones caught compared with those actually found guilty, for whom a criminal record would actually be available. Also, many states do not report arrests that are 3 or more years old and have not been adjudicated.



Drug tests can confirm only recent use of illegal substances. Most employee thefts go undetected, and even those discovered would usually not be divulged by the previous employer if contacted out of fear of reprisal.

It is the applicant who knows if he ever committed a serious crime. It is the applicant who knows the extent of his drug use, honesty, employment history, and so on. It is the applicant who provides the most useful information available to us. The question is not, where do we look, but how do we get the applicant to tell us the truth? The following points will maximize your ability to accomplish this:

- Plant seeds for truth and gain rapport
- Ask assumptive questions
- Exaggerate the problem
- Share
- Ask projective questions

The first thing the interviewer must do is plant the seeds for truth. This includes developing rapport with the applicant and giving the applicant a reason to tell the truth. Over the past 30 years, the following presentation has been very helpful to the authors in establishing the atmosphere for a truthful interview:

This process is designed to identify one out of ten applicants who have engaged in serious unacceptable past behavior. Nine out of ten applicants should do well, but only seven do! Two of these nine applicants who should do well deliberately withhold, or lie about, information that is later uncovered during our investigation. Usually this information would not have been serious enough to have affected their chance for employment; however, the fact that they did not tell the truth shows a lack of either integrity or maturity on their part, and they are eliminated from consideration.



FIGURE 15.1

Therefore, it is extremely important that you answer every question truthfully. Your background investigation is only one component of the employment decision. I am not a saint. I do not expect you to be a saint! However, I do expect you to be truthful!

The second requirement is for the interviewer to use assumptive questions during the interview, which are given power by telling the applicant that the truthfulness of the answers will be checked. The interviewer always assumes the applicant did something, and it is up to the applicant to deny it. This does not require a forceful or challenging interview style; it merely means that rather than ask, "Have you ever been fired from a job?" we ask, "When we check with your past employers (implying the information will be verified), and certainly now is your opportunity to tell your side of it, how many will say you were fired (assumptive)?"

Third, we can exaggerate numbers. For example, if an applicant was late for work 15 times in the past year, and we asked the applicant, "How many times were you late for work in the past 12 months?" what are the chances they would honestly answer us "15 times"? We think you would agree this would be unlikely. However, if we ask, "When we check with your employers and your employee records, how many times will we find you were late for work in the past 12 months: 100, 50, 20, 10, 5?" In this case, because we started with an exaggerated number (100) there is a much more likely chance that the applicant will give a truer answer.

We can also increase the number of admissions we receive by appearing to share information with the applicant and giving the applicant the perception that we expect an answer. At our seminars we often begin by having the participants sit back to back, in pairs. They are then instructed to engage in a conversation about who they are and why they are there, without looking at each other. This, we explain, is auditory communication without nonverbal or kinesic information. They are then told to turn their chairs, and continue the conversation, now receiving auditory and nonverbal information. Last, they are told to join hands, now receiving auditory, nonverbal, and kinesic information.

At one seminar the group was too large to make the exercise practical, so we asked two participants to come up front to engage in the exercise for the group. One turned out to be a special agent with the Federal Bureau of Investigation, and the other a director of security for an Atlantic City casino. They were instructed to sit back to back and tell each other who they were, why they were there, and a little about themselves.

They shared very little information, and sat in silence. One of the authors then wrote on a pad, "Tell him about your family," and held it up in front of the Security Director. The Security Director then stated, "I have been married for 6 years, and just recently had a baby boy. It's the greatest thing that ever happened to me." What do you think the FBI agent did? He told the Security Director about his marital life.

The pad in front of the Security Director now read, "Tell him about your educational background." The Security Director stated, "I went to Temple University and have a master's degree in Criminal Justice." What do you think the FBI agent said? Yes, he told about his education.

Next, the pad in front of the Security Director said, "Tell him you tried marijuana once in high school, and didn't like it." The Security Director read the statement, and what do you think the FBI agent did? Wrong! He didn't tell about his illegal drug experimentation.

He broke out in a cold sweat, and stood up saying he didn't feel comfortable doing this exercise anymore! He felt compelled to give something back, but couldn't! When we tell someone something, especially a secret about ourselves, there is an unstated agreement they must give something back. This is called the "Law of Reciprocity." How do we apply this to our pre-employment interview? We already know we can increase information to the question, "Have you ever used illegal drugs?" by asking an assumptive question that gives an expectation for an answer, "Name the illegal drugs you have used." We can now elicit even more information by using the concept of "sharing." For example, "I am from the sixties; we were called 'hippies.' What I need you to do (expectation) is name every illegal drug or narcotic you ever used, even if it was only marijuana once (assumptive), and I'll let you know when you beat me (sharing)."

Finally, as part of our interview process we also use Attitudinal and Projective questions. As in the "Forensic Assessment Interview," these questions give us an idea of the person's background. Here are some examples:

"If an employee is caught stealing, what do you think should happen to them?" (Projective)

"Do you think they should get a second chance?" (Projective)

"If you were the owner, and you caught an employee stealing cash, how much would they have to have stolen before you would call the police and prosecute: \$1, \$5, \$10, \$25, \$50, \$100, \$250, \$500, \$1,000, \$5,000?" (Attitudinal)

"How about if it was merchandise?" (Attitudinal)

It is very interesting when an applicant differs in the amounts they require between cash and merchandise before they would prosecute. They probably select amounts that correlate with and justify what they themselves have taken. An applicant selecting \$1 in cash and \$250 in merchandise probably has stolen merchandise, and not cash. The amount they have stolen is probably more than \$100, and less than \$250.

We end our interview with an After-Interview Interview. This concept is adapted from Scientific Content Analysis, originated by Avinoam Sapir, of the Laboratory of Scientific Interrogation, in Phoenix, Arizona:

- "How do you feel now that you have finished answering the questions in this interview?"
- "Should I believe all of your answers were truthful?" (*The answer to this question should be "Yes."*)
- "Give me one reason why."
- "What would you say if the background investigation turns up evidence that proves you lied about critical information?"
- "What were your emotions while completing the interview?"
- "Were you afraid?"

We would expect a truthful applicant to say "Yes" to the second question, and then say, "I told the truth," or "I didn't lie," to at least one of the questions in this portion of the interview.

One of the laws that must be considered when performing pre-employment screening is the American with Disabilities Act (ADA), which was passed in 1990 [1]. Several updates have been made. In general the act was designed to prohibit discrimination and ensures equal opportunity in employment for persons with disabilities. It applies to all state or local

governments and their agencies. ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

The Title I employment provisions apply to private employers, state and local governments, employment agencies, and labor unions. Employers with fifteen or more employees were covered beginning July 26, 1994. The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

An employer may not ask or require a job applicant to take a medical examination before making a job offer. It cannot make any pre-employment inquiry about a disability or the nature or severity of a disability. An employer may, however, ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how she or he would perform these functions. An employer may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all entering employees in the same job category. A post-offer examination or inquiry does not have to be job-related and consistent with business necessity.

An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to a disability. For example, suppose two persons apply for a job as a typist and an essential function of the job is to type 75 words per minute accurately. One applicant, an individual with a disability, who is provided with a reasonable accommodation for a typing test, types 50 words per minute; the other applicant, who has no disability, accurately types 75 words per minute. The employer can hire the applicant with the higher typing speed, if typing speed is needed for successful performance of the job.

Drug addiction is also protected under the ADA; however, current or casual drug use is not protected under the ADA. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, employers may conduct such testing of applicants or employees and make employment decisions based on the results. The ADA does not encourage, prohibit, or authorize drug tests. If the results of a drug test reveal the presence of a lawfully prescribed drug or other medical information, such information must be treated as a confidential medical record.

An alcoholic is considered to have a disability and is protected by the ADA if he or she is qualified to perform the essential functions of the job. An employer may be required to provide an accommodation to an alcoholic. However, an employer can discipline, discharge, or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct. An employer may also prohibit the use of alcohol in the workplace and can require that employees not be under the influence of alcohol.

If an individual has a known disability that would reasonably appear to interfere with or prevent performance of job functions, that person may be asked to demonstrate how these functions will be performed, even if other applicants are not asked to do so [2].

The Fair Credit Reporting Act (FCRA) requires businesses to have employees sign a disclosure form granting authorization to perform a background check. The FCRA is not just

restricted to credit reports but includes all “consumer reports.” Laws will vary from state to state in how and what information can be used during the pre-employment screening process.

You will find a copy of the authors’ pre-employment booklet in Appendix C. Using it will allow you to perform effective pre-employment screening interviews to ensure that you and your clients or department hire the best applicants applying for the job.

## SUMMARY

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- The best source of information comes from the applicants themselves.
- To get information the interviewer must:
  - Plant seeds for truth and gain rapport
  - Ask assumptive questions
  - Exaggerate the problem
  - Share
  - Ask projective questions

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## Passenger Screening with Verbal and Nonverbal Cues

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One of the hottest topics in today's security-conscious world is how to balance airline travel convenience with fail-proof passenger safety. Believe us, there is no simple solution to this problem. In the United States we have seen airline security going from almost none in the pre-1960s, where passenger safety amounted to no more than the pilot checking the fuel and "kicking the tires" of the airplane, to today, where full-body back scanning x-ray is soon to be widespread. How did we get here, and what interviewing and interrogation techniques can our transportation and security experts employ to make our travel more convenient but not increase our vulnerability to attack?

Before the airline hijackings of the late 1960s and '70s, the biggest threat to the flying public was the "mad bomber" scenario, which surfaced in the 1950s. Two of several noteworthy incidents back then shocked airline security professionals. Reminiscent of other family murderers, 31-year-old philanderer John Henry Grant decided to solve all his financial and social problems by taking out \$25,000 in life insurance on his wife and two children, then planting a bomb in their luggage. The bomb was set to go off in the air as the plane traveled between Los Angeles and San Diego, California. Fortunately the device failed and all onboard were spared. Grant was caught in short order and sent to prison [1].

In November 1955, when John Graham sent his mother off to visit relatives in Alaska with a suitcase bomb consisting of twenty-six sticks of dynamite he had "thoughtfully" packed for her, neither law enforcement nor airline security were expecting that someone would blow up an airplane with forty-four passengers to collect his mother's life insurance. Ten minutes after the DC-6 left Denver's Stapleton Airport, it crashed in flames, leaving all onboard dead. Graham became a suspect when a witness reported that prior to the flight he had nervously purchased flight insurance for his mother. Investigation by the FBI found bomb-making materials in Graham's home. He was subsequently convicted and was executed 2 years later [1].

These events as well as the rash of airplane hijackings of the 1960s and 1970s resulted in the airlines x-raying baggage and having passengers pass through metal detectors. These passenger screening procedures caused minimal inconvenience to the flying public and

were quickly accepted as necessary and unobtrusive. As for enhancing airline security, for the most part, the airline screening procedures were disjointed and nonuniform with many potential threats slipping through the cracks. Each domestic airport and airline interpreted the Federal Aviation Administration (FAA)'s directives relating to security slightly differently. At some foreign airports, security screening was cursory or nonexistent. The private contract security companies that staffed most security checkpoints were for the most part atrocious. More alarmingly, the flying public's safety was in the hands of minimum-wage employees with little or no formal training. Many of these private contractor screeners were subsequently found to have criminal records, which in some instances were covered up by their employers.

On September 11, 2001, things changed dramatically. There is no need to rehash here those tragic events. However, the world suddenly woke up to the need for proper airline passenger screening. Those nineteen assassins shook the country and the airline industry to its core. Airline safety became an international priority. Tighter ticketing procedures were put in place. No one could fly without proper government-issued picture identification. Each passenger was asked if they had packed their own bags and if they were carrying a package for anyone else. Pen-knives, nail clippers, and other sharp objects were banned from carry-on luggage.

Passenger screening procedures were further refined, and security screening became the responsibility of the Transportation Security Administration (TSA), which was formed under the new Department of Homeland Security (DHS). Various "red-flag" indicators were developed. Did the passenger buy the ticket with cash? Was it a one-way ticket? Was the passenger flying alone? Did the passenger's trip originate from, or pass through, a high-risk country? Did the passenger have check-in luggage? However, the main focus appeared to be cockpit safety – reinforcing the cockpit doors and restricting access. Some pilots who were willing, "on their own dime," could volunteer for DHS training to carry firearms while in flight. A "Sky Marshal" program was reactivated, and new officers were trained to fly undercover on high-risk flights.

Everything seemed to be right on track with airline security when, in December 2001, the 28-year-old, British-born, self-admitted Al Qaeda member Richard Colvin Reid tried to blow up his shoes, which contained an explosive, aboard American Airlines Flight 63. What was the government's response to this development? From then on, all passengers were required to remove their shoes for x-ray screening.

To add insult to injury, on December 25, 2009, Christmas Day, Umar Farouk Abdulmutallab, a 23-year-old Nigerian who had been co-opted by Yemeni Al Qaeda members, while a passenger aboard a Delta flight from Amsterdam to Detroit, attempted to set off a bomb concealed in, of all places, his underwear. If the security procedures already in effect had functioned as designed, Abdulmutallab would have never been allowed to board that flight. In fact, had the persons responsible for screening passengers "connected the dots," as many of our leaders like to say, Abdulmutallab would have never even have been issued a visa to enter the United States in the first place.

Unfortunately the system failed, and now passengers will be subject to a full-body back-scanning x-ray to board a plane. In addition, while in flight passengers must now remain in their seats 1 hour before landing. Again, all our security reactions seem to be "knee-jerk" reactions. We should be proactive in airline security.



For the past six decades one airline has gotten it right – Israel’s national airline, El Al (El Al is Hebrew for “to the skies”). Widely recognized worldwide, El Al passenger security screening is the toughest and most effective in the world, and they do not apologize for it. Although there have been many attempts against the carrier, only one hijacking, in 1968, was successful [2].

What are the techniques employed by El Al that have protected it so well?

The answer is actually very simple. Having been a target of terrorists for so long, El Al takes a total security approach. They developed, constantly refine, and enforce strict security procedures at the airports as well as in flight.

Security at the airport begins at the curb and relies on armed security officers and plain-clothes operatives in and around the passenger areas, luggage, and airplanes. We will not discuss the physical security measures on the ground or in the air, which are substantial, but will focus on what interviewing techniques are used with the passengers.

Passengers are asked to arrive to the airport 3 hours before the flight. This is to allow ample time for El Al security professionals to do their job. Each and every passenger, adult or child, is interviewed by highly trained security specialist teams. Before being allowed to even approach the ticket counter, every passenger is stopped by El Al security officers. The security officers ask the passenger open-ended and assumptive questions similar to those mentioned before in this book: “Where are you coming from?” “What is the purpose of your trip?” “Who do you know in Israel?” “What is your occupation?” “Who asked you to take something on this trip with you?” “Tell me how your bags got packed?” “Where did you get your last name?” “Can you speak Hebrew?” “How long do you plan to stay in Israel?” “What are you going to do there?” The interviewer is looking for verbal and non-verbal cues of deception. El Al security and ticketing staff have been extensively trained to listen for pitch, cadence, and answering changes in the voice.

These security officers will use follow-up questions to clarify answers and to increase or decrease the tension. If the passenger’s answers are nonresponsive, illogical, or generally do not make sense, the passenger is red-flagged. Body language is expertly observed. Body posture, eye contact, face blanching or blushing, and profuse perspiration are all being assessed. The security officers use comparison-type questions as discussed in Chapter 6 of this book.

Political correctness is not a consideration here; El Al security officers ask questions in a somewhat authoritarian manner, not unlike the high school assistant principal questioning the tenth-grader walking in the hallways during class time. This approach is deliberate and matter of fact. The purpose is to maintain psychological control and place stress on any passenger who is up to no good. Remember, the student caught in the hallway with a hall pass feels nowhere near the stress of one without a pass.

If the passenger gets through the first phase of questioning, El Al ticket counter personnel again question them. Although it may not be as extensive questioning as by the first team, the passenger will be again asked assumptive-type questions such as, “What are you carrying in your baggage given to you to carry by someone else?” “Who did you let pack your bags?” In fact, the passenger may be again questioned at the gate. This multilayer approach allows behavior assessment to be made by more than one questioner, substantially increasing the chances that a high-risk passenger will not make it through all the checkpoints without being identified.





FIGURE 16.1

In April 1986, it was just such interview screening by El Al security officers that prevented the death of 387 passengers on an El Al flight from Heathrow to Tel Aviv's Ben Gurion Airport. An unwitting, pregnant 32-year-old Anne Mary Murphy was traveling to Israel to meet her Jordanian fiancée's family when El Al security officers stopped and questioned her. It was determined that her Jordanian boyfriend, Nezar Hindawi, had told her he wanted to marry her, but she would have to go meet his parents in Israel before he could do so. In preparation for her trip, Nezar Hindawi packed the 10-pound bag of explosives into her suitcase without her knowledge. The disaster was averted and Hindawi still sits in a British prison. It was determined that the bomb had been prepared by Syria and provided to Hindawi [3].

Keep in mind that anxiousness or nervousness may be a normal reaction for some passengers who are fearful of flying, or just put off by being asked seemingly personal questions by a stranger. El Al security officers expertly observe these passengers and quickly sort out those who are not a risk. The critical thing about the interviewing process is that unless the security officer is satisfied that the passenger does not pose a threat to the security of the airplane and other passengers, that passenger does not get onto that airplane, period! El Al does not rely on any other country's security systems and procedures. El Al takes full responsibility for all of its own security measures.

The 2004 report of the National Commission on Terrorist Attacks Upon the United States [4], commonly referred to as the "9/11 Commission Report," clearly identified the problem facing the United States as a result of terrorist aggression against American people and property worldwide. The Commission made several recommendations that, had they been implemented, most likely would have prevented Abdulmutallab from even boarding the Delta flight in Amsterdam: for example, moving forward with the use of biometric identification and extensive database integration.

In the early 1980s, one of the authors\* made a formal suggestion to the U.S. Customs Service that techniques in behavior analysis be part of the training for Customs inspectors to

\*William L. Fleisher, special agent, Office of Investigation, U.S. Customs Service.



FIGURE 16.2

enhance their ability to detect smugglers. The suggestion was adopted by the Assistant Commissioner, Inspection and Control, and the initiative was given to Garnett Fee of that headquarters division to develop a nationwide training program for all U.S. Customs inspectors in the art of behavior analysis.

At the request of Mr. Fee, the author developed a training program to “train the trainers.” Training was conducted at the Port of Miami, and several Customs inspectors were trained in verbal and nonverbal indicators of deception. Those inspectors trained, John Ryan, Prospero Ellis, Pierre Hebert, and Gary Heffner, became legendary in the Customs Service for their acumen in detecting drug smugglers and becoming effective trainers in interviewing skills. These inspectors and the author took the program nationwide, training every inspector working airports on the system. In 1984, the Commissioner of Customs, William van Raab, presented the author with Customs’ Distinguished Service Medal for his part in this program. In the citation for the award, Commissioner van Raab reported that in the 7-month period following the training, the program was directly responsible for 8 heroin seizures totaling 12 pounds; 50 cocaine seizures at 130 pounds; 34 marijuana seizures at 215 pounds; 8 hashish seizures at 57 pounds; 2 opium seizures at 4 pounds; 20 currency seizures at \$397,898; and 7 merchandise seizures at \$311,084.

The simple elegance of the Customs Behavior Analysis training program was to introduce Customs inspectors to using their innate skills to observe another’s body language and listen to elicited responses and spontaneous utterances that were indicative of deception or a threat risk, in order to identify incoming air passengers who were smugglers or other criminals. Using the same interviewing and observational techniques to identify

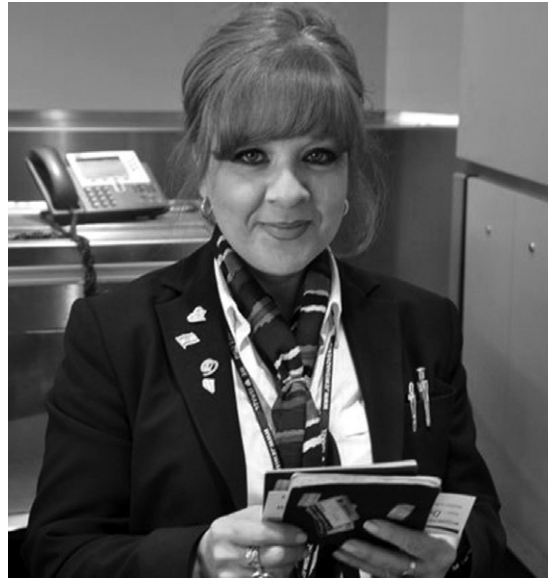


FIGURE 16.3

high-risk passengers before they board the airplane would also be an easy task. Remember, this training would only enhance the detection skills already given to us by nature.

Today, many companies are investing time and energy in developing systems that can – in a manner of speaking – read passengers’ minds. For example, an Israel-based company, WeCU Technologies, is working on an airport security system that will use state-of-the-art technology to assess physiological reactions, establishing cognitive knowledge of certain symbols or pictures recognizable only by terrorists. This is achieved by having a passenger look at a screen on which certain symbols or pictures are projected. These images would be threat specific and only have cognitive meaning for someone involved in or planning an act of terror. Working on the theory that an individual cannot “not react” when presented with a significant stimulus, sensors would record slight changes in heart rate, skin temperature, and so on, not unlike how a modern polygraph instrument works. Those who react to the terror-specific stimuli would be pulled from the line and given an intense secondary screening. WeCU is working on more sensitive instrumentation that can be operated from a distance. The goal is to rapidly screen passengers to speed up the security process.

The bottom line on effective passenger screening is to use all available tools from interviewing to technology. Do not rely on any single technique. Multilayer the passenger screening process through observation and interviewing techniques conducted by various security team members from the baggage sky cap to the boarding agent. Although in this country “profiling” has become a bad word, we believe that profiling behavior, not appearance, is acceptable and necessary to protect the flying public.

## SUMMARY

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- To screen passengers, transportation security officials must use proven methods that are effective and fair.
- The Israeli airline security model has worked for six decades, and passenger interviewing is an integral part of it.
- Effectively used interviewing and interrogation techniques for passenger screening have been proven to work.
- At present, there is no practical technological substitute for the observations of a highly trained interviewer in identifying high-risk passengers.
- It is critical for effective passenger screening that the screeners be well trained in nonverbal and verbal indicators of a threat.

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## Legal Considerations

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The primitive view of confessions was that a sane person would not confess to a crime he did not commit. Of course it was perceived that the confession had to be given freely and voluntarily.

In the 1783 United Kingdom case of *King v. Warickshall* (U.K. LDB 1783), the court ruled that:

a free and voluntary confession is deserving of the highest credit, because it is presumed to flow from the strongest sense of guilt, and therefore is admitted as proof of a crime to which it refers, but a confession forced from the mind by the flattery of hope, or by the torture of fear, comes in so questionable a shape when it is to be considered as the evidence of guilt, that no credit ought to be given to it; and therefore it is rejected [1].

In 1791, Congress suggested twelve amendments to guarantee “the people” certain rights against oppression by a strong central government. Ten of these were approved. These amendments to the Constitution are called the Bill of Rights. The Fourth, Fifth, and Sixth Amendments play an important role in the admissibility of confessions into a criminal trial.

The Fourth Amendment covers the scope of search and seizure. The Fifth Amendment states that no person shall be compelled in a criminal matter to be a witness against himself. The Sixth Amendment guarantees the accused a speedy and public trial by an impartial jury and, among other things, the right to counsel.

These were amendments to the Constitution; they were intended to protect the people from the threat of an arbitrary and oppressive federal government, and its agents and officers.

The Fourteenth Amendment was added in 1868 and placed some comparative restrictions on the states and their agents and officers: no state shall deprive any person of life, liberty, or property without due process of law. It is this amendment that has imposed constitutional restrictions on state and local law enforcement officers.

As confessions began to play a major role in our judicial system in convicting individuals, the courts became concerned as to whether these “confessions” were induced through physical abuse or mental duress and, thus, were not intelligently and freely given.

In 1935, in a North Carolina case, *State v. Anderson*, the court stated:

Confessions ... are called voluntary when made neither under the influence of hope or fear, but are attributable to that love of truth which predominates in the breast of every man, not operated on him by other motives more powerful with him, and which, it is said, in the perfectly good man can be countervailed.

The concern about a voluntary and freely given confession was to ensure that the statement of a suspect was valid and that the suspect was not denied the unalienable right against self-incrimination afforded him by the Fifth Amendment.

In the 1936 case of *Brown v. Mississippi* (297 U.S. 278), the U.S. Supreme Court reversed a local court's guilty verdict against three African American males accused of murder. The three were found guilty mainly on the grounds of their confessions, which were given after they were hanged and whipped on more than one occasion. The reversal was argued only on the narrow grounds that the defendants had been denied due process of law.

In 1940, 4 years after the Brown case, the U.S. Supreme Court heard another case, this one dealing with psychological rather than physical abuse. In *Chambers v. Florida* (309 U.S. 478), four young African American males were convicted of murder, again based mainly on their confessions. These men were held isolated in local jails without any contact with the outside world. They were questioned repeatedly for 7 straight days before they confessed.

The Supreme Court reversed the decision of the lower court on the grounds that the confessions were coerced and, therefore, the defendants had been denied due process of law. The justices felt that continued questioning in an unfriendly environment, without any contact with the outside world, was sufficient pressure to make the confessions involuntary.

In the 1943 case of *McNabb v. United States*, the U.S. Supreme Court decided that a confession could be excluded from evidence if there was an unusual delay between the time of arrest and the time of arraignment. The details of the McNabb case are as follows. The three McNabb brothers were arrested for killing a U.S. Alcohol Tax Unit officer. They weren't arraigned until 6 days after their arrest. During this time "legal" confessions were obtained. The defense appealed on the grounds of self-incrimination, but the Supreme Court did not consider this argument. Instead, they focused on the delay from the time of arrest to the time of arraignment. The Court stated:

Legislation requiring that the police must with reasonable promptness show legal cause for detaining arrested persons, constitutes an important safeguard, not only in assuring protection for the innocent but also in securing conviction of the guilty by methods that commend themselves to a progressive and self confident society. This procedural requirement checks those who would resort to those reprehensible practices known as the "third degree," which, though universally rejected as indefensible, still find their way into use.

Interestingly, the McNabb ruling only applied to federal officers and was not applied to state or local law enforcement agencies.

In 1964, the decision in *Escobedo v. Illinois* (378 U.S. 478) played a major role in reshaping the requirements for a confession to be admissible. Escobedo was arrested for killing his brother-in-law. He refused to make any statements to the police and was released the same day, after his attorney obtained a writ of habeas corpus. The police then received additional information and rearrested Escobedo. Escobedo requested to see his attorney. His attorney

arrived at the police station and requested to see Escobedo. Both requests were refused. Throughout his interrogation, Escobedo made additional requests to consult with his attorney. These requests were also denied. Escobedo eventually made damaging statements that were used against him at his trial.

Escobedo was found guilty of the murder; shortly thereafter, his attorney appealed on the grounds that Escobedo was denied his right to counsel as provided under the Sixth Amendment. The State Supreme Court ruled that the right to an attorney, as provided by the Sixth Amendment, referred to legal representation at the time of the trial, not at the time of arrest.

The U.S. Supreme Court disagreed and held that the right to counsel begins at the moment an "investigation begins to focus on a particular suspect." It was at this point that a suspect had to be advised he had the right to remain silent and a right to speak to his attorney if he so desired, or any of his statements would be inadmissible. Because Escobedo had been denied these rights, his conviction was reversed.

Two years later, in 1966, the Court set solid guidelines and gave the suspect greater rights in *Miranda v. Arizona* (384 U.S. 436). *Miranda* was only one of four cases that were actually being viewed by the Supreme Court at the time; however, the ruling is known as the "Miranda rule." In this case the U.S. Supreme Court held that for a confession to be admissible, officers had to abide by a specific set of rules. These rules dictate that if a suspect is in custody, or deprived of his freedom of movement in any way, he must be advised that:

1. He has the right to remain silent.
2. If he gives up this right to remain silent, anything that he says can and will be used as evidence against him in a court of law.
3. He has the right to consult an attorney and to have that attorney present during the police/law enforcement interrogation; and
4. If he is unable to afford an attorney, he is entitled to have an attorney appointed to represent him, free of charge, during the course of the interrogation.

In the opinion, Chief Justice Warren elaborated on these guidelines:

The cases before us raise questions which go to the roots of our concepts of American criminal jurisprudence: the restraints society must observe consistent with the Federal Constitution in prosecuting individuals for crime. More specifically, we deal with the admissibility of statements obtained from an individual who is subject to custodial police interrogation and the necessity for procedures which assure that the individual is accorded his privilege under the Fifth Amendment of the Constitution not to be compelled to incriminate himself.

We dealt with certain phases of this problem recently in *Escobedo v. Illinois*. There, as in the four cases before us, law enforcement officials took the defendant into custody and interrogated him in a police station for the purpose of obtaining a confession. The police did not effectively advise him of his right to remain silent or his right to consult with his attorney. Rather, they confronted him with an alleged accomplice who accused him of having perpetrated a murder. When the defendant denied the accusation and said "I didn't shoot Manuel, you did it," they handcuffed him and took him to an interrogation room. There, while handcuffed and standing, he was questioned for four hours until he confessed. During this interrogation, the police denied his request to speak to his attorney, and they prevented his retained attorney, who had come to the police station, from consulting with him. At his trial, the State, over his objection, introduced the confession against him. We held that the statements thus made were constitutionally inadmissible. . . .

The constitutional issue we decide in each of these cases is the admissibility of statements obtained from a defendant questioned while in custody and deprived of his freedom of action. In each, the defendant was



questioned by police officers, detectives, or a prosecuting attorney in a room in which he was cut off from the outside world. In none of these cases was the defendant given a full and effective warning of his rights at the outset of the interrogation process. In all cases, the questioning elicited oral admissions, and in three of them, signed statements as well which were admitted at their trials. They all thus share salient features incommunicado interrogation of individuals in a police dominated atmosphere, resulting in self incriminating statements without full warnings of constitutional rights. An understanding of the nature and setting of this in custody interrogation is essential to our decisions here today. The difficulty in depicting what transpires at such interrogations stems from the fact that in this country they have largely taken place incommunicado. From extensive factual studies undertaken in the early 1930s, including the famous Wickersham Report to Congress by a Presidential Commission, it is clear that police violence and the "third degree" flourished at that time. . . .

By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. This is what we meant in *Escobedo* when we spoke of an investigation which had focused on the accused. . . .

Again we stress that the modern practice of in custody interrogation is psychologically rather than physically oriented. As we have stated before, since *Chambers v. Florida*, this court has recognized that coercion can be mental as well as physical, and that the blood of the accused is not the only hallmark of an unconstitutional inquisition. . . .

In dealing with statements obtained through interrogation, we do not purport to find all confessions inadmissible. Confessions remain a proper element of law enforcement. Any statement given freely and voluntarily without any compelling influence is, of course, admissible as evidence. . . . There is no requirement that the police stop a person who enters a police station and states he wishes to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make.

Although there is no requirement that the suspect sign a form to waive his rights, having the suspect sign an Advice of Rights form indicating that he does waive them prevents him from later denying he was advised of them. This is the best practice to use, to avoid any question that the person was properly advised consistent with the legal requirement.

The Court also held that even if a suspect waives his rights and agrees to be interviewed, he still has the right, at any time he so desires, to stop the interview process and/or request legal representation. Many law enforcement agencies have added this verbiage to their waiver forms; however, the court does not require that the suspect be advised of these rights. It only requires that if the suspect wants to stop, or to have legal counsel, the request must be honored.

Some courts have held that once a suspect refuses to talk, or requests an attorney, law enforcement officials cannot later ask the suspect if he has changed his mind and now desires to speak with them (*People v. Randall*, 1 Cal. 3d 948, 1970). If the suspect, by his own volition, requests to speak with law enforcement officers, then it appears he may be advised of his rights again, and spoken to if he waives them at that time.

In *People v. Lyons* (18 Cal. PP. 3d 760, 1971), the court held that if a suspect refused to waive his rights concerning one crime, he could later be asked to waive his rights concerning a different crime.

Once a suspect has consulted with an attorney, it appears that the police must advise the attorney if they wish to speak with the suspect. In *Tidwell v. Superior Court for Humboldt County* (17 Cal. App. 3d 780, 1971), the police got permission from the suspect to search his apartment without notifying his attorney, who had already been appointed by the court. Incriminating evidence that they discovered was ruled inadmissible because the attorney had not been duly advised.



Any evidence obtained from an illegal questioning of a suspect also will be ruled inadmissible. The courts have held that if the confession is obtained illegally and is therefore viewed as “poisonous,” then any evidence discovered as a result of it will be considered “fruits of the poisonous tree” and inadmissible.

In the 1977 case of *Oregon v. Mathiason* (495 U.S. 492), the court defined *custody* and clarified when it was required to give a suspect his Miranda warning by stating:

Any interview of one suspected of a crime by a police officer will have coercive aspects to it, simply by virtue of the fact that the police officer is part of a law enforcement system which may ultimately cause the suspect to be charged with a crime. But police officers are not required to administer Miranda warnings to everyone whom they question. Nor is the requirement of warnings to be imposed simply because the questioning takes place in the station house, or because the questioned person is one whom the police suspect. Miranda warnings are required only where there has been such restriction on a person’s freedom as to render him “in custody.” It was that sort of coercive environment to which Miranda by its terms was made applicable, and to which it is limited.

The court went on to clarify this issue in *Yarborough v. Alverado* (541 U.S. 652), stating:

Two distinct inquiries are essential to the determination: first what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave.

Most suspects, whether innocent or guilty, seem willing to waive their Miranda rights. This may be due to their innocence, their perception that even though they are guilty they will not say anything to indicate their involvement in the crime, their desire to confess, or their perception that refusal to cooperate would be a sure indication of their involvement.

There are instances where trickery is used to obtain a confession. The 1969 case of *Frazier v. Cupp* (394 U.S. 731) is one of the leading cases dealing with this issue. The defendant was convicted of murder based on his confession, after he was falsely told that his cousin had already admitted to the crime. The interrogating officer also offered false sympathy for the defendant, suggesting that the victim had provoked the attack by making homosexual advances. The defendant argued on appeal that (among other things) the confession had been involuntary and should have been excluded. The U.S. Supreme Court stated:

[T]he fact that the police misrepresented the statements that [the defendant’s cousin] had made is, while relevant, insufficient in our view to make this otherwise voluntary confession inadmissible. These cases must be decided by viewing the “totality of the circumstances,” and on the facts of this case we can find no error in the admission of petitioner’s confession.

In the 1963 case of *Lynumn v. Illinois* (372 U.S. 528), the defendant, who was convicted on drug charges, was lied to by the investigator and told that state financial aid for her infant children would be cut off, and her children taken from her, if she did not “cooperate.” The justices in this case ruled that the resulting confession was “not voluntary, but coerced.”

Courts have come to draw a distinction between two types of lying to suspects: intrinsic misrepresentations, or those lies that relate to a suspect’s connection to the crime; and

extrinsic misrepresentations, or those that have nothing to do with the suspect's connection to the crime but attempt to distort his ability to make a rational choice about confessing [2].

The 1992 decision by the Seventh Circuit Court of Appeals in *Holland v. McGinnis* clarified this difference. In that case a confession was obtained after investigators falsely told the defendant that they "had received a Chicago police report indicating that a witness had seen his vehicle in the alley where the victim had been raped." The Court stated:

Such misrepresentations, of course, may cause a suspect to confess, but causation alone does not constitute coercion; if it did, all confessions following interrogations would be involuntary because "it can almost always be said that the interrogation caused the confession." *Miller v. Fenton*, 796 F.2d 598, 605 (3d Cir.), cert. denied, 479 U.S. 989 (1986). Thus, the issue is not causation, but the degree of improper coercion, and in this instance the degree was slight. Inflating evidence of Holland's guilt interfered little, if at all, with his "free and deliberate choice" of whether to confess, *Moran v. Burbine*, 475 U.S. 412, 421, 89 L. Ed. 2d 410, 106 S. Ct. 1135 (1986), for it did not lead him to consider anything beyond his own beliefs regarding his actual guilt or innocence, his moral sense of right and wrong, and his judgment regarding the likelihood that the police had garnered enough valid evidence linking him to the crime. In other words, the deception did not interject the type of extrinsic considerations that would overcome Holland's will by distorting an otherwise rational choice of whether to confess or remain silent.

On June 1, 2010, in a 5 to 4 decision, the U.S. Supreme Court revisited *Miranda v. Arizona in Berghuis*, *Warden v. Thompkins* (560 U.S. (2010)). The Court decided that the interrogation may continue even after a suspect remains silent after being given *Miranda* warnings and any statements he makes are admissible unless he has affirmatively stated he wants to remain silent and/or affirmatively stated that he wanted an attorney present during questioning. Just saying he understands his rights does not prevent the continued questioning by the police. Basically, when considering trickery as part of an interrogation strategy, you must ensure that what is being done would not cause an innocent person to give a false confession. Most legal experts agree that telling a suspect you are a member of the clergy, or their defense lawyer, would be crossing the line. However, telling a suspect that he will feel better once he tells the truth, or that by telling the truth he will show that he is cooperating, would not typically be sufficient to render the confession involuntary [2].

It is the interviewer/interrogator's job to obtain the truth in a legal and ethical manner. The interviewer/interrogator must separate the innocent from the guilty. He must help the guilty accept responsibility for their offense and help them move on with their lives. It is an awesome responsibility that must be fulfilled in a way consistent with the principles of good interviewing and interrogation techniques.

## SUMMARY

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- The Fifth Amendment states that no person shall be compelled in a criminal matter to be a witness against himself.
- A suspect's constitutional rights are to protect him from threat of an arbitrary and oppressive federal government, and its agents and officers. A private investigator or security officer not working for the government is not required to advise a suspect of his constitutional rights.

- The Supreme Court requires a suspect be advised of his constitutional rights when in the mind of an “average person” he would believe he is not free to leave: that he is in a custodial situation.
- Many jurisdictions require their agents and officers to advise suspects of their constitutional rights anytime they are questioned and have become the focus of suspicion or anytime the interview becomes accusatory, regardless of whether it is a custodial situation.
- The interrogator must remember whether “Miranda” has been given or not. If the suspect is willing to communicate, there is a part of him willing to confess.

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## The Integrated Interrogation Technique

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Once the guilty suspect has been identified with reasonable certainty, the next step in the process is to obtain an admission of guilt. The interviews have borne fruit; the interrogation begins.

Warren Holmes, a famous polygraphist and former homicide detective from Florida, once stated that there was a formula for obtaining a confession. He identified it as:

$FA + L = C$  (Force of Assertion plus Leverage yields the Confession)

The FA (Force of Assertion) portion of the equation represents the force of the positive and convincing statement the interrogator uses to assert his sense that the suspect is guilty. For example, consider the following opening statement of an interrogation:

"John, I think you may have been involved in this homicide we are investigating."

This is a pretty weak opening statement! The words *think* and *may have* show a lack of certainty that the suspect is guilty. It may indicate that the interrogator is willing to accept that the suspect is not guilty. A much stronger assertion would be:

"John, the investigation is completed, and the evidence leaves no doubt you did this, didn't you?"

L (Leverage) represents real or imagined evidence. It is the weight of the physical or psychological evidence obtained from the Forensic Assessment Interview, polygraph charts, actual or potential forensic evidence, the testimony of eyewitnesses, and so forth. When FA and L are strong, the result is usually C (Confession).

Imagine a police officer driving down a street at 1 o'clock in the morning. As he drives past a home, he observes a man dressed in dark clothing coming out of the window with a television in his hands. He stops the man, who does not live at the residence, and on checking with the homeowners, confirms that the television is from the home. What is the chance that this suspect will not confess? None! The police officer caught the suspect in the act. The officer's Force of Assertion will be extremely high. The suspect has the television set in his hands; thus, Leverage is extremely high.

The same scenario happens throughout the country on a daily basis in retail security with shoplifting. A store detective observes a customer select merchandise from a rack and conceal it on his person. The detective approaches the customer, identifies himself as security, recovers the concealed merchandise, and escorts the shoplifter to an office where he attempts to obtain a confession. What is the success rate of confessions in cases like this? Close to 100%! The store detective observed the act, so force of assertion is high. The merchandise was recovered, so leverage is high.

In addition, the mechanism of internalized guilt works in the interrogator's favor. Guilt is an internalized state that begins when we receive the message from our parents that when we do wrong, the act renders us unlovable. How many times have we observed parents correcting their children, and heard the children ask, after they were admonished, "Mommy/Daddy, do you still love me?" As they grow older they no longer need to be caught by their parents to experience this feeling of unworthiness; the response becomes internalized. When they know they did something wrong, they psychologically punish themselves; this is guilt. Society reinforces the guilt mechanism by declaring certain public and private behaviors socially unacceptable and avoiding those who practice that behavior. Extreme forms of antisocial behavior are greeted with forceful rejection and public humiliation.

For many, there is the need to become socially "lovable" again. In that event, there are only two ways to relieve the guilt – be punished for the wrongdoing to compensate for the act, or seek forgiveness through confession. However, today guilt is no longer the almost universal factor it once was. With the breakup of the family structure and altered social codes, a significant number of suspects have a decreased sense of guilt and thus less of a need for psychological relief. That notwithstanding, almost every suspect will have some desire to confess or some need to claim credit for the deed. Predictably, the fear of punishment will usually counterbalance those desires or needs. However, that counterbalance can be worked with. If a suspect is willing to be interviewed and interrogated, he is also willing to confess. Perhaps he is 70% against confessing and facing punishment, and only 30% in favor of confessing. The fact remains that some part of him is willing to confess. The interrogator's job is to reduce the fear of punishment and enhance the desire to confess.

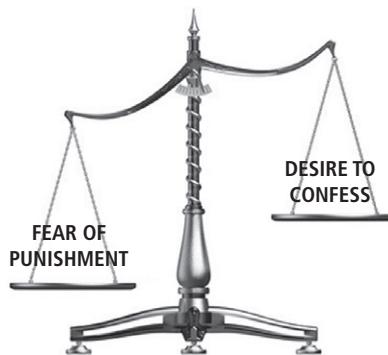


FIGURE 18.1

Fear of punishment usually outweighs the desire to confess. The job of the interrogator is generally to decrease fear of punishment and increase the desire to confess.

The Integrated Interrogation Technique maximizes the interrogator's ability to obtain a confession from the guilty suspect. This technique revolves around ten key factors that are introduced into the conversation repeatedly during the interrogation.

## 1. MAKE A FORCEFUL ASSERTION THAT THE SUSPECT IS GUILTY

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The interrogator must begin with a firm statement of the suspect's guilt, expressing to the suspect that he truly believes he committed the crime, otherwise there is no reason for him to confess: "John, our investigation is now completed, and there is no question that you were involved." At this point the interrogator should briefly pause. (Truthful people usually interrupt and begin to disagree, whereas deceptive people remain quiet, waiting to hear what else the interrogator has to say and what evidence or options will be offered.) The interrogator should then rephrase and repeat the statement: "There is no doubt you did this, didn't you?"

"There is no doubt you did this, didn't you?" is a hook! It allows the suspect to merely nod "Yes," and the process is over. This only happens around 10% of the time and is equivalent to someone hitting a home run. However, if you are only willing to hit home runs, we can assure you that you will never make the Hall of Fame! In most instances, then, the interrogator is just trying to get on base.

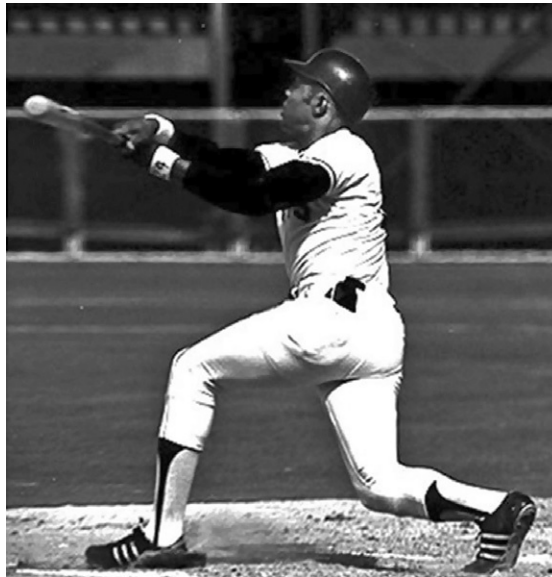


FIGURE 18.2

## 2. DO NOT ALLOW THE SUSPECT TO DENY THE ACT



FIGURE 18.3

Ninety percent of suspects will at some point begin to deny their involvement. The more the suspect is allowed to deny the act without contradiction, the more the suspect's lies are reinforced. In addition, confessing will also be more difficult. Now the suspect must admit his wrongdoing, as well as admit that he was lying to the interrogator every time he denied the act.

When the suspect starts to deny responsibility or involvement, the interrogator must either stop the denial by voice inflection and speaking over him, or holding his hand up, palm open and toward the suspect, like a traffic cop indicating "Stop," and saying, "Now wait a minute, John. First I want you to listen to what I have to say."

## 3. OFFER A SERIES OF POSSIBILITIES OF HOW AND WHY THIS MAY HAVE HAPPENED

The interrogator must offer possible scenarios to explain why the crime may have been committed. He should go from possibility to possibility, until the suspect appears to show an interest in a scenario, and then the interrogator should expand on that possible explanation. Many of these scenarios will minimize the blame for the impact of the suspect's act, making it easier for the suspect to admit his involvement. For example:

"John, there's many reasons why things like this happen. Once I was involved in a case like this, and the person who did it was forced to take the money to pay back a loan shark who was threatening to kill him. If that's why you took the money, tell me. It's not like you're a thief."

(Suspect shows no interest, or starts to deny it, so interrogator introduces a different scenario.)

"You could be a thief, a hardened criminal who deserves to be severely punished. Someone who planned the whole thing out. But I believe you're basically an honest person, who found himself in a very tempting situation, and you did something you wouldn't have ordinarily done."

(Suspect appears to be listening and showing interest.)

"Once I met a guy who went into a drawer to get some keys and someone had left \$1100 in there for a deposit instead of putting it into the safe. The guy wasn't a criminal, but he saw all that money and, not thinking, put it in his pocket. The next day he even felt guilty and wanted to put that money back, but it had already been discovered missing and he couldn't. Now, that guy was basically a good guy. He wasn't a criminal. He wasn't a thief..."

Suspects often will accept possibilities where blame is placed on the victim or where they find a way to diminish their responsibility; perhaps they were under the influence of alcohol or drugs, or perhaps they had no choice.

#### 4. UNDERMINE THE PERSON'S SELF-CONFIDENCE

All deceptive suspects are afraid of evidence that they may have left at the scene, or that may turn up, which will prove they committed the crime. Never use foolish bluffs to heighten this fear. For example, imagine an interrogator who tells a suspect he found the suspect's fingerprint on a matchbox found at the arson. The suspect knows that's not possible because he wore gloves. If the suspect recognizes that the interrogator is bluffing, the interrogator's credibility is ruined. Instead, the interrogator should undermine the suspect's self-confidence with phrases that begin, "What's going to happen if . . .," such as "John, what's going to happen if those fingerprints we found on that box of matches are yours?"

Other "What ifs" include footprints, sperm, blood type, and witnesses. The possibilities are endless and left to your case information and imagination.



FIGURE 18.4



## 5. OFFER PERSUASIVE ARGUMENTS FOR TELLING THE TRUTH

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The interrogator must tip the scales by enhancing the suspect's desire to confess, while reducing inhibitions arising from fear of punishment. The interrogator reminds the suspect of the guilt he is experiencing and how telling the truth will relieve all that stress as well as the stress of having the issue following him for some time to come. The suspect should be reminded that he has the opportunity to get it over with and not have to worry about it anymore. For example:

"John, we live in a psychological society, not a legalistic one. Two different people who have committed the exact same crime will receive totally different sentences because one acknowledges what he did was wrong and shows remorse, while the other defiantly refuses to admit his guilt. Our society looks at both differently."

With the pure sociopathic personality, where there is no guilt or remorse, the interrogator may play to the suspect's pride in taking credit for such a brilliant act or by challenging his ability to have committed the act because of his below-normal intelligence.

## 6. OFFER SOLUTIONS, WHERE POSSIBLE, TO ALLEVIATE THE PERSON'S FEAR

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The interrogator should never make promises he cannot keep. When possible, he can overcome the barriers preventing the suspect from telling the truth as the suspect brings them up. For example, a suspect may say he is afraid of admitting telling the truth because he may lose his job. An effective response might be, "John, you're worried about losing your job? Your job is what put you here! If they had paid you a fair wage, you wouldn't have needed that money. You've had other jobs before, and you'll have more jobs after this. What you have to do now is tell the truth, and get on with your life."

## 7. COMPLIMENT THE PERSON

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The interrogator wants the suspect to admit to the crime and talk about his "dark" side. By complimenting him and recognizing his good side, the interrogator makes it infinitely easier for the suspect to concede he has a dark side and discuss it.

No one believes he is a bad person or indefensible. If a person did not believe he was basically good and rational, he could not psychologically exist. A prime example of this is Joel Steinberg. He beat his adopted daughter to death and severely abused his lover. He was quoted in *People* magazine as saying people just do not understand him. He described himself as a really good person caught in difficult circumstances. Suspects may be complimented on their intelligence, their courage, and their innate ability. In a sense, the interrogator is appealing to the suspect's superior qualities as he leads the suspect to recognize that his best option is to tell the truth.



FIGURE 18.5

## 8. USE ALTERNATIVE AND LEADING QUESTIONS

By asking alternative and leading questions, the interrogator makes it much easier for the suspect to admit his guilt. The alternative question facilitates a positive response but allows reduced culpability, whereas the leading question enables a less threatening admission through nonverbal acquiescence.

One of the fears of the deceptive suspect during the interrogation is that he is losing control. Alternative questions give the illusion of control. For example, let's say you love food, except Greek food. Your significant other's favorite food is Greek food. You've had a tough day and would like to take your significant other out to dinner. If you come home and say, "Honey, I've had a tough day, and you probably did, too. Let's go out to dinner. Where would you like to go?" If you do this, you know you will be at a Greek restaurant. So, you give your significant other the illusion of control by saying, "Honey, I've had a tough day and you probably did, too. Let's go out to dinner. What would you like to eat, Italian or Chinese?" If your significant other chooses either, you are happy. Alternative questions offer two possibilities, one of which is ideally more severe than the other. If the suspect accepts either alternative, he has made an admission of guilt. "John, did you plan to do this ahead of time, or did you just find yourself in a tempting situation and do something you wouldn't have ordinarily done?" "Did you put your penis in your daughter, or was it just your finger?" "Did you come on to her, or did she come on to you?" "Were there other times you did this we don't know about, or is this the first time?" Notice that given a severe and less severe choice, the suspect finds the lesser threat much more appealing.

Leading questions also make it easier for a person to admit to wrongdoing: the interrogator asks an assumptive question that allows the suspect to confess with minimum verbalization or effort. We also refer to this as a "hook." He only has to nod "Yes," and he has confessed. Thus, the leading question is utilized by the interrogator who knows the suspect is willing to confess but is experiencing difficulty in voicing it:

"You didn't plan to do it, did you?"  
"It was your finger, wasn't it?"  
"She came on to you first, didn't she?"  
"This was the first time, wasn't it?"

## 9. WATCH FOR THE "BUY" SIGNS

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Getting a confession is, in a sense, selling the truth. There are many similarities between selling and interrogating. Perhaps truth is the toughest commodity to sell. If we sold new cars and the person bought our product, they would drive home in a shiny new automobile. We sell truth, and if the suspect buys our product, they may not get to drive for quite some time!

Just as in a sale, there are signs an interrogator can look for that signal that the suspect is prepared to make a purchase: that he is ready to tell the truth. These signs include sudden silence, listening attentively to what the interrogator is saying, dropping of the head and shoulders showing the nonverbal signs of submission, the nodding of the head up and down showing agreement with what is being said, or statements like "What would happen if someone did do this?" The last is no different from the prospect for a new car asking the salesman, "If I put \$1000 down, what will my monthly payments be?" Many salespeople can get the prospect to the point of showing "buy" signs, yet fail to make the sale.

## 10. MOVE IN CLOSE AND PRESS FOR THE CONFESSION

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When the interrogator recognizes the "buy" signs, he must move in close to the subject and press for the sale. Now is the time that the suspect's perception of the interrogator's being in his intimate zone is no longer anxiety-producing, but comforting, and the proper proxemic zone for the suspect to tell his darkest secret. The interrogator's presentation should include alternative and leading questions with a soft, accepting tone: "John, were you going to steal the money, or am I right, you were just borrowing it? This was the first time, wasn't it?" Many confessions are lost because the interrogator is reluctant to get in close and ask for the sale. Thus, the interrogator has to overcome any negative feelings about the suspect, his own fear of failure or his own fear of violating his own intimate zone by making physical contact with someone he does not psychologically or socially feel is appropriate.

The following is an interrogation of a man suspected of molesting his 4-year-old daughter. His wife made a police complaint after he had visited her (they were separated) for the weekend and her daughter began acting peculiar. The young girl told her mother that over the weekend her father came into her bedroom, lay in bed with her, and inserted something into her vagina.

Pay attention to the way the ten key aspects are introduced and utilized repeatedly throughout the interrogation until a confession is obtained. Also notice how the interrogator actively listens and reflects the words and the ideas of the suspect. In short, the interrogator uses the

suspect's remarks in framing his questions and responses. By using this reflective manner to lead the suspect toward the goal of truth, the interrogator moves away from the expected adversarial role to an empathetic one.

KEY: Interrogator (I), Suspect (S)

I: John, I called you in here today because our investigation is concluded, and there is no doubt you have a problem. (*Pause: truthful suspects usually begin to interrupt, whereas most deceptive suspects wait to hear their options*) There's no doubt you sexually molested Marianne. (*Firm statement of guilt*)

S: Well, there's . . .

I: (*Interrogator shows suspect palm to stop denial*) Now, there are several things that could have happened. Right now we have a statement from Marianne. We don't know if her perception was totally correct, but something occurred. Something had to have happened. (*Firm statement of guilt*)

S: Obviously, there's something wrong here . . .

I: (*Shows palm to stop denial*) John, wait a second.

S: I'm not the kind of person . . .

I: (*Shows palm to stop denial*) Listen to what I have to say . . .

S: I'm not a sick person, that . . .

I: (*Immediately deals with fear of being labeled "sick"*) I agree with you. I don't think you are a sick person, but I know something had to have happened. (*Firm statement of guilt*) Let's go over the things that have happened.

S: That's my daughter you're talking about!

I: How do you feel about your daughter?

S: How do you feel about your kids? You love them. You do what you can for them. I didn't raise her the way my old man raised me, but I did a good job of it considering.

I: John, what were the three most important things you taught your daughter?

S: I, uh . . . taught her to respect people, to love her mother and father, and . . .

I: And, I'll bet the third thing you taught your daughter was to tell the truth.

S: Yeah, I taught her that.

I: So, you taught her to respect people, love her parents, and tell the truth. (*Takes the suspect's hand*) Let me shake your hand. You did a good job. She is telling the truth. That's why I can't understand why you're going to put her through what you are. (*Argument for telling the truth*) John, could it be that you were out drinking one night, went to your wife's, and got into the wrong bed? (*Possible "How and Why"*)

S: My wife's why I'm here.

I: You see, John, something had to happen. (*Firm statement of guilt*) What's going to happen if they decide to do other tests? (*Undermine suspect's self confidence*) What's going to happen?

S: What other kinds of tests?

I: I'm sure there are going to be medical tests, forensic tests.

S: What do you mean? A medical doctor? For what?

I: Well, to see if her complaint is true or not, whether something has been placed in her vagina.

S: She's just a kid.

I: And, that's exactly why they'll be able to see if anything's been put up there. Now, what's going to happen if that does verify something was placed up there? What's going to happen then? Where is that going to leave you? (*Undermine suspect's self confidence*)

S: Well, she falls down, things like that. She's just a young kid.

I: John, something had to happen. A young child, 4 years old, does not make up a story like that. (*Firm statement of guilt*) Now . . .

S: What story? No one's told me the story. Tell me the story! (*Suspect yelling: attempt to gain control or escape situation by causing an argument*)

I: (*Shows palm like police officer stopping traffic*) John, wait a minute, am I raising my voice at you? (*Regains control*)

S: No, I'm sorry, but I just want to get this resolved.

I: That's why we are here, and I hope we can get it resolved today. Now, something had to have happened last weekend. You went to your wife's house, got into Marianne's bed, and stuck something into

her vagina. (*Firm statement of guilt*) Now, what could you have stuck in her vagina? Did you stick your penis in her? (*Lead question*)

S: I didn't stick anything in her.

I: Or did you just touch her? (*Milder alternative*)

S: Well, I touch my daughter, but I don't go around touching her, ah, ah, private parts.

I: John, did you deliberately get into bed with your daughter, or . . .

S: I'm not a pervert, man.

I: . . . did you come home after you had too much to drink? (*Alternatives*) I don't think you are a pervert. (*Deals with fear of label*) But something happened. (*Firm statement of guilt*) Did you deliberately get in bed with her, or was it an accident? (*How/Why alternative*)

S: I didn't deliberately do anything man, that's what I'm trying to tell you.

I: (*Interrogator ignores denial*) I don't think you are a pervert. That's why we've got to get this resolved. We don't need people running around saying you're a pervert, if in fact you're not. (*Argument to tell truth*) Now . . .

S: Wait a second. Is this going to be in the paper?

I: I hope not. Not if we can get it resolved, but what's going to happen if we can't get it resolved? (*Alleviate fear/turns fear to motivate suspect in proper direction*)

S: Well, I know people that will say, well you know, that . . .

I: John, I don't care what people will say, I know what people are saying, and we've got to get this resolved. Now, if you did go home after you were out drinking that night, and did get in bed with her, that's something else. It may not be right, but it's something else. (*Possibility of How/Why*)

S: I drink sometimes before I go there, but how do you know it was me? Maybe it was my wife, or one of her boyfriends.

I: John, your daughter says it was "Daddy." Does she call your wife "Daddy?" (*Deals with objection*) Now something happened. (*Firm statement of guilt*) Was it deliberate? (*Leading question*)

S: I didn't deliberately do anything.

I: That's what I think. I don't think you're some kind of pervert.

S: My daughter has a big imagination. She probably made the whole thing up. She's a lot older than what she looks, and . . .

I: And, that's my point. She is a lot older than what she looks. And maybe you did go home after you were drinking, and wasn't thinking, and had a weak moment, and . . . (*Possibility of How/Why*)

S: I'm not going to say . . . I'm not going to say to you . . . I didn't do anything deliberately.

I: John, was it an accident? (*Leading question*)

S: Just laying down in bed with my daughter? Sure, that could happen. I'll admit one thing, that I could've laid down next to her, because I love my daughter, and . . .

I: Did you come home drinking one day last week and get in bed with your daughter and . . . ?

S: I can't remember if I was drinking, but I could have got in bed with her. I'll admit one thing.

I: Then what happened? John, you were drinking, came home, got in bed with your daughter, realized how old she looked, had a weak moment, and inserted something into her vagina. (*Firm statement of guilt*) Couldn't that have happened? (*Leading question*)

S: Anything could've happened when I'm drinking. I'm a member of AA. I'm sure you checked that out, but I did what they said to do, and you're sitting here making accusations, and . . .

I: John, something happened. Now, either you deliberately sexually molested your daughter, or you went home after you had been drinking and had a weak moment. (*Strong vs. mild alternative*) Is that what happened, John? Did you have a weak moment? (*Leading question*)

S: This is a nightmare! This is a nightmare!

I: Well, I'm here to help you wake up and put that nightmare to rest! (*Deal with objection*) Now, either it happened deliberately, or accidentally. (*Alternative*)

S: Nothing happened deliberately. (*Suspect shows interest in alternative*)

I: Then it was an accident? (*Leading question*)

S: Do you hold your daughter?

I: John, did you do it once, or has it happened before? (*Alternative*)

S: I can't remember.

I: You can remember.

S: You're asking me to remember when I'm drinking.

I: I don't think you remember everything, detail for detail, but, I think you remember what happened. I think you feel bad about what happened. (*Argument to tell truth*)

S: I feel bad. I . . .

I: Since this has happened I bet you feel like you have a rock sitting right in the middle of your chest. Now is the time to get that rock off your chest. Something happened. I've accepted it, and you have to accept it. Now is the time. (*Argument to tell truth*)

S: I feel bad. I feel real bad, and . . .

I: Now is the time you can feel better. You can get that rock off your chest. (*Argument to tell truth*) Was it deliberate, or was it accidental? (*Alternative*)

S: Was what deliberate?

I: I'm going to explain something to you John. You're an intelligent young man. You're an intelligent young man. I can tell that just by talking to you. (*Compliment*)

S: That's why I came here.

I: I believe that is why you came here. You are an intelligent young man, and you want this to be resolved. That's why you came here. You're intelligent enough to recognize that when a person does something wrong, and they're intelligent enough to admit to it, then you can say, okay, this person had a weak moment, and he is sorry for it, and it probably won't happen again. On the other hand, if you have someone that did something wrong, and won't admit to it, won't say they're sorry for it, then they'll probably do it again, and that's the kind of person that has to be severely punished. That's the kind of person . . . (*Argument to tell truth*)

S: What happens to someone who's done something like this? (*Buy sign*)

I: Well, it depends on what happened.

S: But, I don't know what happened.

I: John, you do know what happened. You're the only one in this room that knows exactly what happened. I know you haven't told the truth, and so do you. (*Firm statement of guilt*) But only you know if you stuck your penis in her, or if it was just your finger. Only you know if it happened more than once, or just once, only you. (*Alternatives*)

S: I touched her a couple of times, but not sexually.

I: John, was this the first time? (*Leading question*)

S: You listened to her story, now listen to mine.

I: I don't want to hear your story. I want to hear the truth! (*Shut down denial*) Was it the first time? (*Leading question*)

S: Oh God! Oh God!

I: God doesn't want to hear your story. God has his own problems. God helps those who help themselves. (*Argument to tell truth*)

S: I am helping myself. I do help myself.

I: Help yourself now. Tell the truth. Something happened. (*Firm statement of guilt*) Was it the first time? (*Leading question*)

S: I touched her. It wasn't sexual. I may have laid down next to her and put my arm around her, but . . .

I: (*Interrupts to shut down denial*) John, Marianne said you put something in her vagina, and I believe her. (*Firm statement of guilt*) Was it your penis or your finger? (*Alternative*)

S: She exaggerates. She's a lot older than 4 years old . . .

I: I don't think it was your penis . . .

S: I'm glad you believe me.

I: But, I know something happened. John, could you have come home drinking, got in bed with Marianne, thinking it was your wife, had a weak moment, and then come to your senses? (*How/Why*) Couldn't that have happened? (*Leading question*)

S: Maybe she's trying to side with my wife and gang up on me!

I: John, would your 4 year old daughter gang up on you? (*Interrogator denies suspect's argument*)

S: No.

I: She loves you, and you love her. Don't you?

S: Yeah.

I: That's why I don't understand why you would make her go through what she'll have to go through if you don't tell the truth. What's going to happen if your daughter has to testify? Has to take the stand

and testify to what she perceives happened? What's going to happen then? Do you want your daughter to have to go through that? (*Argument to tell truth*) Something happened, John. (*Firm statement of guilt*) Did you stick your penis in her, or was it your finger? (*Alternative*) Was it the first time? (*Leading question*) Get it over with. You don't need a rock on your chest. It doesn't have to go any further. (*Argument to tell truth*) Was it your penis or finger? (*Alternative*) Were you drinking that night? Is that what happened? (*Leading question*)

(Note: Increase of interrogator's uninterrupted dialogue indicates the suspect is listening and thereby showing a "Buy" sign.)

S: I'm not saying it was intentional.  
 I: Was it the first time? (*Leading question*)  
 S: If it happened it was an accident. What's going to happen to me? (*Buy sign*)  
 I: It depends on what happened. Were you drinking that night? (*Leading question*)  
 S: Yeah. What's going to happen to me? (*Buy sign*)  
 I: Did you put your penis in her or was it your finger? (*Alternative*)  
 S: It was my finger. I don't want you to think it was my penis. What's going to happen?  
 I: Did this happen more than ten times, or more than five?  
 S: I don't know. It couldn't have been more than ten.  
 I: I want to shake the hand of an honest man. (*Shakes hand and seals deal*) Now, tell me what happened.  
 S: (*Now suspect tells in detail what happened*)

Previously, we shared the FAINT interviews with you of four suspects in a case involving arson. After the interviews, suspect 4 was fingerprinted, asked to go wash his hands, and then returned. As he walked back into the interview room, the detective held a magnifying glass as he made comparisons between the suspect's fingerprints and a partial print found on the match used to ignite the fire. The detective at this time had very little experience conducting interrogations, though he had just completed a 3-day seminar on FAINT and the Integrated Interrogation Technique. The following is the actual interrogation of the suspect with our critique, which is meant to identify the strong and weak points of the interrogator's presentation.

After the suspect sat down and watched the detective making the comparison of fingerprints, the detective suddenly turned to the suspect and began:

I: John, do you want to tell me why?  
 S: It wasn't me, sir.

Comment: While this statement does make a strong insinuation that the fingerprints match, and therefore the detective knows the suspect started the fire, it is not a hook that allows the suspect to just nod "Yes" and it's over. Instead, for the suspect to confess he would have to tell the detective the entire event. This is too much to ask so early in the interview.

I: John, why?  
 S: (*No response*)

Comment: The fact that the suspect is silent to a direct accusation tells the detective he can be pretty sure he has the perpetrator, however, again it does not allow for the suspect to nod "Yes" to confess.

I: Do you know how a fire kills people? In just a few seconds that fire could have put out enough deadly gases to have killed everyone in the store. Did you know that?

S: *(No response)*

Comment: The role of the interrogator is to reduce fear of punishment and increase the desire to confess. By talking about “killing” people the interrogator has done the opposite. He could, however, make this work for him if he uses it as a strong alternative with a weaker one: “John, did you set that fire to kill people, or am I right, did you just set a little fire to show the manager you are a good employee?”

This is the second time the detective has made a strong assertion and the suspect has not made a denial, again confirming the suspect is deceptive. The detective failed to invade space in both cases where the suspect showed weakness.

I: John, I can go back and scientifically prove that fire was not as old as you would like us to believe. The fire load. John, I’m an arson investigator with the city police department. I’m a state certified police officer and a state certified fire fighter. I do this for a living. I see fires all the time. I’ve been a fire fighter for the past 8 or 9 years. I’m not someone who just fell out of the apple tree yesterday. Have you ever seen someone burned in a fire? Have you ever seen a charred body?

S: No, sir.

Comment: The detective increases his credibility by telling the suspect of his background and experience. However, he goes back to his strong concepts of death.

I: Do you know what happens first? It’s not the fire that kills people most times, it’s the toxic gases. This chair I’m sitting on of foam rubber puts out enough hydrogen cyanide to kill us both that quick *(snaps fingers)*. John, I think . . . I know that last night you and the manager had an argument.

S: It wasn’t an argument, he just corrected me.

I: Okay, he corrected you, and you thought, well, he’s kind of down on me right now and I’ll show him I can do something good.

Comment: The detective begins to develop his first “how and why.”

S: That’s why . . .

I: *(Holds up hand like traffic cop)* No, no, so anyway you just said to yourself I’ll set a little fire here so he can see I am good, I am worthwhile; his confidence will be restored in me.

Comment: The detective shuts down denial and continues his “how and why.”

S: *(No response)*

I: John, nobody means to hurt anybody, and I think you’re like that.

Comment: This would have been much more effective as, “John, some people do things like this to hurt people, but I don’t think you are that kind of person, are you?”

S: *(No response)*

I: You . . . apparently you must have a really lucky girl for a girlfriend. You’re wearing her ring around your neck, right?

Comment: Attempts to compliment the suspect.



S: Yes, sir.

I: And ...

S: Soon to be 1 year.

I: And that's a lot going for you. That's something to be proud of. Now ... I'm glad for you. Now, just think what would have happened if the fire had gotten out of control. You know what?

S: The whole store could have been lost and dead people.

I: Yeah, and did you know the sprinkler systems were turned off last night?

S: No, sir, I didn't know that.

I: Yeah, so those sprinkler heads directly over the fire, they wouldn't have done any good. ... Just think if you had not got hold of the manager, just at the right time ... then what? What would have happened if you had not got a hold of him?

S: The fire would have spread more and I would have had to fight it myself.

I: Yeah, but how would you have been able to fight it?

S: With a fire extinguisher they got in the store.

I: But John ... the thing is, fires are very unpredictable. I don't think you wanted to hurt anybody. You didn't want to hurt anybody, did you?

Comment: Excellent lead question.

S: I don't want to hurt people. I ain't that kind of a guy.

Comment: There is a good chance that had the detective now said, "And I think I am right, that you didn't want to hurt anyone yesterday. That you just set a small fire to show the manager you were a good employee. That's what it was, right?" the suspect would have nodded "Yes" and the interrogation would have been over.

I: Yeah, and I don't think you're that kind a person. I think, yeah, that you're the kind of guy that wants to do a good job and everything. And all of us, every now and then has a bad day. I have a bad day, Mr. Gordon has a bad day.

Comment: Detective begins to introduce a new "how and why."

S: *(Touches nose)*

Comment: Suspect touches his nose, nonverbally telling the detective he does not like this concept; however, the signal goes unnoticed and meets resistance.

I: And it just so happens that yesterday was a bad day for you, right?

S: Yesterday wasn't a bad day for me.

I: Yeah, well, yesterday was a bad day for you because the manager, as you put it, had to correct you. And up until then you had a spotless work record, right?

S: Yes, sir.

I: You never had to be talked about ... talked to about anything, right?

S: No, sir.

I: And yesterday, getting talked to, it probably upset you, right?

S: Yesterday, it ... I'm used to getting corrected by teachers, so ...

I: Well, *(puts up hand like traffic cop)* this isn't school John, this is work! And yesterday you got corrected by the manager. And the thing is John, the fire, why?

S: *(No response)*

Comment: Suspect again shows weakness; however, there is no invasion of space.

I: Why? Why'd you do it?

S: *(No response)*

Comment: Suspect again shows weakness; however, there is no invasion of space.

I: John, I think you're really a truthful person. I don't think you really wanted to hurt anybody. I think what you really just wanted to do was show the manager, hey, I can live up to just what you think I am. You wanted the manager to think you're a good person, a hard worker, and that you think a lot of the company. And yesterday, last night, when he corrected you as you put it, you were upset, weren't you?

Comment: Goes back to original "how and why" but adds concept of "upset."

S: No, sir.

I: You weren't?

S: No, sir.

I: First time he's ever corrected you about anything, wasn't it?

S: Yeah, but I didn't get upset.

I: But John, you think about it, a lot of times if someone corrects you, people are going to resent it to a certain degree, right?

S: Yes, sir.

I: And did you not resent it some?

S: No, sir.

I: They don't work you too much here?

S: No, sir, just when we're real busy.

I: And yesterday, were you real busy?

S: No, sir.

I: Well then, you thought you'd be able to coast a little bit, what, cleaning up the restroom and what else?

S: The restrooms.

I: And what, you just plain didn't hear the page, did you?

S: I heard it, I heard it twice, but then when I looked another employee was coming to help.

I: Yeah, but those first two times you heard, what, you thought you had enough time to finish up and then go up and help, didn't you?

S: Yes, sir.

I: And then you realized another employee had already taken care of it for you?

S: Yes, sir.

I: And the manager, he expected you to just drop everything you were doing, right then and there, didn't he?

Comment: Projects blame to manager.

S: That's what you're supposed to do.

I: But, you're probably like a lot of people, you want to finish a job and . . .

S: Yes, sir.

I: . . . and you figured this job, this job will only take another couple moments, and you didn't realize the time went by that fast, did you?

S: The time flew by.

I: Yeah, and anyway, the time flying by you didn't realize it had been as long as it had, did you?

S: No, sir.

I: So, anyway, the manager talked to you . . .

S: Yes, sir.

I: . . . and you wanted to prove to him, hey, I'm worthy of what you think of me, you think I'm a good worker.

Comment: Original "how and why."

S: That's why I was walking the store for loose items.

I: Yeah, but John, tell me, the fire, why?

S: (*Eyes down and to his right no response*)

Comment: Suspect again shows weakness; however, there is no invasion of space.

I: That's all. The truth is all I'm after. The truth. Who was it that said, "The truth will set you free"?

Comment: Reasons to tell the truth.

S: The Bible says that.

I: Yeah, that's all. I believe you want to tell me the truth. I believe the fire . . . you didn't want it to grow as big as it did. You thought it'd only take care of one or two small bags. Before you realized it . . . by the time you got the manager and got back it was probably bigger than you thought it'd be, wasn't it?

Comment: Excellent lead question/hook.

S: Yes, sir.

Comment: Detective should have shaken hands and sealed the deal, and it would have been over.

I: And what, you set it to show the manager you could be all that he thought?

S: (*No response looks down and to his right*)

I: (*Moves his chair closer and leans in*) What?

S: What will happen if I confess?

Comment: The detective now has a "buy sign" indicating the suspect has taken back his initial confession and wants to confess again, but wants to know the agreement of sale. The easiest way to deal with this is to go back to alternatives: "It depends; were you trying to kill everyone, or am I right, you just set a little fire to show the manager you were a good employee? Tell the truth. That's what it was, wasn't it?" Instead, the detective starts "dancing."

I: What we'll do John is, first of all, I think you'll feel better for it, I think since this has happened you feel like you got a big rock sitting on your chest, and you know how good it feels to tell the truth. And, what's going to happen? I'm going to have to tell the general manager, and I'm going to have to do my reports, and what we can do, you know, I'll have to check and find out. Double check to make sure, cause I don't want to tell you a lie. You want me be truthful with you, right?

S: Yes, sir.

I: And that's what I'm going to try and do. And you'd rather, you'd rather if I don't know something, to tell you up front, wouldn't you?

S: Yes, sir, but I'm afraid if I confess I'll get put in jail as a major arsonist.

Comment: The detective should just tell him he already confessed, what he has to do now is explain why, give him the alternatives, throw a hook, and shake his hand.

I: No John, (*touches suspect's arm*) all arson is is when you burn a structure. When say I charred this desk, or charred that wall, that is arson. If I set a match to it and it was charred, just like on the end of this match. Now, God was with you last night. The fact that no one got hurt, the fact that you were able to (*snaps fingers*) find the manager that quick, right?

S: Yes, sir.

I: And then what, the fact that the fire didn't get big enough because the sprinkler system wasn't turned on.

S: Well, the manager says that if a fire gets hot enough they will turn on.

I: Yeah, but they probably weren't turned on. Anyway, is that why you set the fire, to live up to what the manager thinks of you, that you are a super good worker?

Comment: Back to original "how and why" and ends with a leading question (hook).

S: Yes, sir.

I: Now, let me shake your hand. (*Shakes suspect's hand*) You're an honest person. Don't you feel better?

Comment: Seals the deal.

S: Yes, sir (*smiles*).

I: You're smiling. It makes you feel good down deep, doesn't it?

S: Yes, sir.

I: Now, what I'd like you to do is basically tell me everything you did from the time you came on yes terday, until the manager corrected you, and then until you went into the stockroom and set the fire.

On a cool winter afternoon in 1990, one of the authors, William L. Fleisher, and two of his friends, Frank Bender, an artist famous for his reconstruction of faces on the skulls of decomposed bodies, and Richard Walter, a forensic psychologist, met for lunch in Day by Day, a Philadelphia restaurant.

They had met to just have lunch and for Bender to introduce Fleisher to Richard Walter. Soon, the conversation turned to a famous cold-case homicide from decades earlier. The three discussed the possibilities of solving this case in light of new technology and understanding of victimology and the relatively new art of psychological profiling. After the passing of several hours, Fleisher expressed how much he enjoyed their intellectually stimulating conversation and suggested that they form a like-minded forensic experts to meet over a good meal and try to solve cold-case homicides. Thus, began the internationally renowned Vidocq Society. Fleisher brought together twenty-six other forensic experts, including his co-author Nathan J. Gordon, who became a charter member and board member. The experts named the Society after the famous eighteenth-century French criminal turned detective, Eugene François Vidocq, who started the first law enforcement agency dedicated strictly to criminal investigation, the French Sûreté. When first organized, the Society would meet four times a year to discuss cold-case homicides while enjoying a fine meal in a collegial atmosphere.

Eventually, the group received some notoriety in law enforcement circles and was contacted on a regular basis by these agencies, as well as victims' families, and asked to assist

in attempting to bring the cases to resolution.\* One of these cases was the vicious 14-year-old murder of a young woman who was the manager of a fast food restaurant in a northern suburb of Philadelphia. The victim appeared to have been robbed and killed as she was closing up the store by herself, which was contrary to company policy.

The case was presented by Falls Township Police Department Detective Sergeant Wynn Cloud, who had been asked by his new chief of police to look at some cold cases. Sergeant Cloud presented the case before the assembled members of the Vidocq Society. One of the suggestions to the police made at the luncheon was for the detectives to reinterview everyone involved in the case.\*\* When the dead woman's mother was reinterviewed, she told the investigators that she had always believed her daughter's boyfriend had killed her. The investigator told her that the boyfriend, John Johnson,† could not have done it; he was not in the state when it happened. The mother replied, "John? John was not her boyfriend; she broke up with him several months before this happened. Her boyfriend was Donald Grady!" With that simple reinterview, the police now had a new suspect. And furthermore, no Donald Grady had been interviewed by the police.

Criminal records and driver's records failed to turn up a Donald Grady. At the suggestion of former Philadelphia Police Department Major Crime Detective Edward J. Gaughan, a Vidocq member, the guest sign-in book at the funeral service was checked. Amazingly, a "B. Donald O'Grady" had signed the book. Criminal records revealed that O'Grady had several prior drug arrests and still lived in the area. A surveillance was set up at his residence, and cigarette butts from his trash were recovered that had DNA matching DNA from the crime scene.

The police decided to pick up O'Grady after work and bring him into the police station for a DNA test to ensure that the DNA recovered in his trash was his, not that of his brother, who lived with him and his mother. The authors and Mr. Gaughan were asked by the police to be there where they brought in O'Grady to conduct a FAINT interview and polygraph examination on him. After failing the polygraph examination, the suspect was immediately removed to a conference room where he was to be interrogated by three members of the police department.

In the state of Pennsylvania, at the time, there was a "6 hour" rule. This means the police had only 6 hours to either charge the suspect or release him. As the clock was ticking down, one of the authors asked permission to enter the conference room. He observed a very large conference table. The suspect and one officer were seated in the center of the table next to each other, the second officer was seated across from the suspect on the other side of the table, and the third officer was sitting on the table near the corner.

The officer next to the suspect was paging through crime scene pictures, making weak statements such as, "I don't think you have been truthful about your involvement in this," as the suspect nonchalantly listened and smoked a cigarette.

\*The Vidocq Society is listed by the U.S. Department of Justice as a recommended resource for cold case homicide investigators.

\*\*According to Green River Killer profiler and investigator Robert D. Keppel, in more than 95% of cold cases, the police would have spoken to the killer within 72 hours of the crime.

†Names of the boyfriends have been changed for privacy reasons.

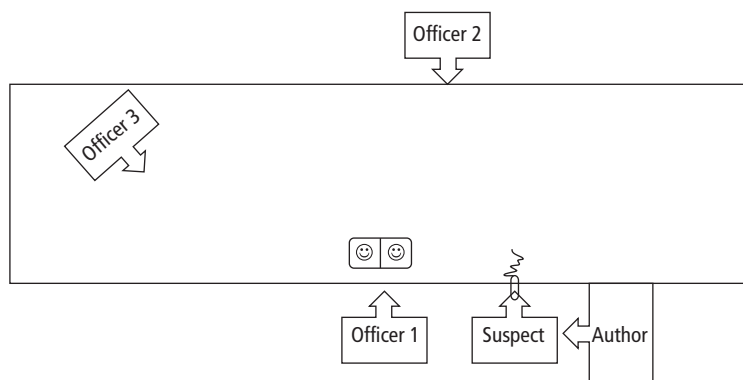


FIGURE 18.6

The room setup was poor, as was the interrogation process.<sup>‡</sup> The author pulled a chair up facing the suspect. Time was running out. He immediately made a forceful assertion: “I gave you a polygraph test, so you can tell these officers anything you like, but you and I know you did this, didn’t you?” (*hook*). As the suspect started to make a denial, he was shut down as the author offered two “hows and whys” as alternatives: “What I need to know is, did you kill her for drug money, or did you get into a lover’s spat and she came at you with a knife and you defended yourself?” Bear in mind that the woman had been beaten, her throat sliced, suffocated with a plastic bag that had been placed over her head, and stabbed numerous times. “Was it drugs? Or did she come at you first?” The suspect again began to deny, and because time was almost up, the author used a reverse close: “I can see this is a waste of time. Had it been self-defense, you would have told me. You obviously are a cold-hearted killer!” The author left the room.

The authors and Mr. Gaughan sent a police lieutenant back into the room with the admonition to O’Grady that he had 5 minutes to tell his side of the story, as the interview was over, and after that time he would not have a chance to set the record straight. The lieutenant left the room. Literally, within seconds of him closing the door, one of the officers came out and said the suspect just confessed. It was “self-defense.”

The authors instructed the officers to go back in the room. Take away the cigarettes, turn the suspect’s chair sideways and face him, and tell him that the scene showed it could not have been self-defense. The wounds inflicted were too numerous, and the safe had been robbed. Ask him if he is sorry for what he did.

Within minutes an officer came back out and said that as soon as one of them sat face to face with him and made the statements suggested, his chin went down to his chest, and he confessed that he killed her for the money.

Interestingly, after he confessed, O’Grady he said that ever since he had killed her, he had waited every day over the past 14 years for the police to knock on his door! The officers then had the suspect write a confession, and when he had finished, the authors

<sup>‡</sup>Please note, this is not meant to be critical of the investigators, as they were working in a borrowed room at a police department in a neighboring county because that is where the suspect worked and had to be taken.

instructed the officers to have the suspect write the following: "I have written this statement in my own hand, without any threats or promises from anyone, knowing it will be used against me in a court of law, because . . ." and then instruct the suspect to write why he decided to confess. As you will learn in the next chapter, this made the confession credible.<sup>§</sup>

In conducting the interrogation, remember that it is no longer an interview designed to collect information. It is not just a process of asking questions and receiving answers. It is the repeated use of the ten key aspects and in many cases the reiteration of the same ideas. However, the interrogator constantly changes the content of the alternative and lead questions as he searches for a "how and why" scenario the suspect will accept.

As you interrogate, keep these ten common truths identified by television's Dr. Phil in mind [1]:

1. The number one fear of all people is rejection.
2. The number one need of all people is acceptance/approval.
3. To manage people effectively, you must do it in a way that protects or enhances their self-esteem.
4. Everybody approaches every situation with at least some concern about "what's in it for me" – the favorite radio station WII-FM.
5. Everybody prefers to talk about things that are important to them personally.
6. People hear and incorporate only what they understand.
7. People like, trust, and believe those who are like themselves.
8. People often do things for other than apparent reasons.
9. Even people of quality can be, and often are, petty and small.
10. Everybody wears a social mask. You must look beyond the mask to see the person.

Ten percent of the deceptive population will confess immediately after the interrogator firmly states he knows the suspect is guilty and throws them a hook (leading question). With the remaining 90%, the interrogator must commit himself to using the ten key aspects repeatedly until a confession is obtained.

With truthful suspects, the interrogation never gets off the ground. Truthful suspects will object and resist every step of the way. The interrogator will find it impossible to offer "how and why" solutions because it is of no interest to the truthful suspect. He doesn't want to hear face-saving solutions because he did not commit the crime!

"How and why" solutions allow the guilty suspect to admit to a lesser act and blame the victim, minimizing the crime and motivations for the crime. The interrogator moves the suspect from his initial position of "Nothing happened" toward the final goal. Upon getting a minor admission, the interrogator should take a statement (unless state law does not allow for continued interrogation after a statement is taken) of the suspect's new position, and then start again with the ten key aspects. In other words, if you can't obtain an immediate full confession, accept a partial or minor admission and use that as

<sup>§</sup>O'Grady was convicted and received life imprisonment without the possibility of parole. Interestingly, while speaking to a county criminal bar association, one of the authors was congratulated by a man who identified himself as O'Grady's attorney for doing a "great job" in that case.

a new starting point for further interrogation. Interrogators counsel truth. Being a good counselor, the interrogator needs to convince the suspect that it is in the suspect's best interest to tell the truth. Remember, the interrogator must make the subject aware that telling the truth does something for him, not for the interrogator. People behave based on their own self-interest. Therefore, it's incumbent on the interrogator to come from a supportive position in making the case for telling the truth.

The following are some arguments for telling the truth:

1. "John, they didn't pick your name out of a hat. You have to recognize the evidence piling up against you and that the best resolution is to immediately put this behind you by telling the truth. Don't fight the inevitable. Fight for the best possible outcome for you. That's where your energy belongs!"
2. "There isn't anything you can say that will shock me. The worst things that humans do are understandable. The most disappointing thing you can do in this room is lie to me. So, if you have any intent to lie to me, I'd rather you say nothing at all."
3. "John, only a coward hides behind a lie. I think you're a man. Please let me help you by proving to me I'm right. Be man enough to tell the truth."
4. "You know, John, what you are telling me is like being a little bit pregnant. What you've told me so far makes you pregnant, so why don't you tell me the whole truth right now?"
5. "I don't want to know if you did it or not. I already know that. I just want to know why you did it so I can help you explain this."
6. "Right now John, your life is like a new pair of shoes you're wearing, and you just stepped in some dog crap. Now there are two things you can do. You can throw your new shoes away, or you can wipe off all the crap and start out fresh again. It may be a little messy, but the outcome is much better. John, do you want to throw your life away, or clean it up and start out new?"
7. "John, nobody thinks you're Jeffrey Dahmer. You are a human being like the rest of us, full of strengths and weaknesses. We all have done things we are not proud of, things we wouldn't want our families to know about. So what! Tell me the truth now and let me help you. It's how you live the rest of your life that's important."
8. "John, you're just a person who made a mistake. I bet if you could turn the clock back and not have done this, you would turn it back right now, wouldn't you? But nobody can do that, so let's help rectify the mistakes and help yourself the best way you can by telling me the truth."
9. "John, I know a good person like you must have been under a great deal of pressure to make you do something like this. We have all been under this type of pressure, and I can understand it was due to pressure that you did this, wasn't it?"
10. "John, right now you are at the crossroads of your life. You are the only one who can decide whether you are going to take the road of a criminal, or the road of a person who just made a mistake and wants to correct it. Tell the truth and start over again with another chance. John which road do you want to take?"
11. "If I showed you a picture of your mother, John, and told you it wasn't your mother, you wouldn't believe me, would you? No matter how long or hard I talked to you, I wouldn't be able to convince you it wasn't a picture of your mother, would I? You



know why? Because you know what your mother looks like, don't you? Well, I have a picture here. A picture composed of facts and evidence. A picture of your lie. And I know what that picture looks like because I've been doing this many years and have a lot of experience and training. I've seen the picture before. No matter what you say to me, you'll never be able to convince me that you didn't do this. So, why not tell me the truth and let me help you explain to others why it happened?"

12. "You want to leave? Let me tell you something, John, that door knob turns both ways, and if you don't stop fooling around and start telling me the truth, I'm going to leave and let you handle this mess yourself."
13. "Tell me why you're afraid to tell the truth. Are you afraid of being punished? Do you remember when you were a kid, and you did something wrong? When you told the truth, you were punished, and when your parents found out about it themselves, you were punished. Weren't you punished much worse when you lied than when you told the truth?"
14. "John, you can lie to me, you can lie to your family, you can lie to your friends, but you can't lie to yourself, and you can never lie to Him." (*Points up toward heaven*)
15. "John, do you think you're the first person in the world who ever made a mistake? Well, you're not. But, you have a choice now to correct that mistake and start over, or compound it. The choice is yours. Do you want to tell me the truth?"
16. "Your lying is only delaying the inevitable. John, the truth is going to come out, and if it comes out later it's going to hurt you. Don't you think it would be much better for you to tell the truth now and let me help you?"
17. "John, if you were my own brother I'd give you the same advice I'm giving you now. Tell the truth and get it off your chest, because it's the right thing to do."
18. "Now is the time to cooperate. You are lucky. Tonight I need your help, but tomorrow I won't. You only get one bite of the apple. So, take a minute to think about it, then tell me what really happened, because it's your last chance to cooperate."
19. "John, since this has happened you probably feel like you have a rock on your chest. Every time you see a police car your heart starts pounding, because you think it's for you. Now is the time to put those fears to rest. Now is the time to get that rock off your chest. Now is the time to tell the truth."
20. "John, we live in a psychological society, not a legalistic one. You have two people who do the same crime. One goes before the judge, says he knows what he did was wrong, that he's sorry and it won't happen again. The other looks the judge in the eyes, and says he doesn't know what he's talking about. One gets released on his recognizance, and one goes to jail. Which do you want to be? John: tell the truth."

A good interrogator must enjoy the challenge, the mental contest between himself and the suspect. He must be able to put everything else happening in his life on hold and focus only and entirely on the task at hand. Even if the interrogator is well intentioned, has a strong work ethic, truly believes in truth, and employs the ten key aspects, he will never get every guilty suspect to confess unless he believes that he can get the next guilty suspect he interrogates to confess. If he does not have this belief, then it is time for him to step aside and let someone else do the job!

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## SUMMARY

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### TEN KEY ASPECTS TO OBTAINING A CONFESSION:

1. Make a firm statement the person is guilty.
2. Do not allow the person to deny the act.
3. Offer possibilities of how and why this may have happened.
4. Undermine the person's self-confidence.
5. Offer persuasive arguments for telling the truth.
6. Offer solutions, if possible, to alleviate the person's fears.
7. Compliment the person.
8. Use leading and alternative type questions.
9. Watch for the "buy" signs.
10. Move in close and press for the confession.

### Reference

[1] P.C. McGraw, *Life Strategies*, Hyperion, New York, 1999.

## Statements, Recordings, and Videos

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An individual was viewing the videotape of an actual interrogation of a man accused by his 3-year-old daughter and 2-year-old son of sexually molesting them. She found the details of the sexual molestation sickening. She considered the crime horrendous. The Integrated Interrogation Technique was employed. The interrogator never raised his voice. He never cursed or threatened the suspect with physical harm. The videotape showed him sitting in the interrogation and calmly and persistently repeating the ten key steps in the process, until the suspect confessed.

The viewer shut the VCR off, turned and stated, "That confession was coerced! You mentally beat that poor guy up!"

That "poor guy" was the suspect who had just confessed to sexually forcing his daughter and son to have vaginal and anal intercourse with him! He was at liberty to end the interrogation at any time. He was free to ask for legal assistance at any time. He confessed out of his own volition and his own need.

Perhaps the viewer was just naïve. She thought a criminal interrogation consisted of just telling the "bad guy" you knew he did it, and the "bad guy" just saying, "Okay, you got me." Anything else, to her way of thinking, was coercion.

In another example, one of the authors had just given testimony at the criminal trial of a man who had beaten his fiancée's 6-year-old daughter to death. He had confessed to how he was watching the little girl for his fiancée and how she began to cry for her mother. When the child wouldn't stop crying, he sent her to her bedroom. She would not stay there and kept coming to the living room where he was watching television. He finally "back-fisted" her in the head. He could not understand why she cried even louder now. He picked her up and carried her to her bedroom and threw her down on the bed. She started to get up, so he punched her in the chest. She continued crying, so he grabbed her by her thighs and slammed her head into the baseboard on the wall. She started shaking uncontrollably, went into a coma, and later died.

The author had allowed a detective from the municipality to sit in on the interrogation. After the confession he left and allowed the detective to take the written statement. Later, at the confessor's judicial proceedings, the detective was testifying. The defendant's attorney asked him if the confession was tape-recorded. The author was surprised to hear the detective say that after the author had left the room a tape recorder had been used to take the

murderer's statement. The attorney requested the detective play the tape for the jury. Now the tape and its contents became the issue, not the crime and the suspect.

One of the most infamous cases involving the negative affects of videotaping was the Bernhard Goetz case. Goetz, if you remember, on December 22, 1984, gunned down four black youths on a New York City subway. He successfully fled the crime scene, but later turned himself in. During his police interview, he made some interesting statements as well as some conflicting ones. The authors understand that the four shot individuals were not "saints." The question asked is not whether these four men deserved to be shot, but whether if you were the detective interviewing and interrogating Goetz, could you have testified to the following and successfully convicted him?

Your testimony is that Goetz said:

1. He had gotten on the subway to go to meet friends for a drink.
2. He contradicted that statement by saying he was doing a work project, got tired, and decided to go downtown for a drink.
3. He noticed an empty subway car. He did not know why it was empty, so he got on.
4. Later, he contradicted this by saying that all New Yorkers know that an empty subway car means bad asses are on it and emptied the car. "New Yorkers are not stupid!"
5. Upon entering the car, he observed four black youths. One approached him and asked him if he had five dollars.
6. Goetz said he had been in situations like this before, when pulling his unlicensed gun was enough, but this time he snapped because he could tell by the youth's smile and gleam in his eyes he thought it was funny and intended to play with him (Goetz). He said he knew the youths were unarmed. He said, "This time I just snapped."
7. Two of the youths were on each side of him. He had practiced combat shooting before. He knew he was going to fire from right to left, aiming for center mass.
8. He asked the youth to repeat what he said. After that, he said to the youth, "I'll give you five dollars," and opened fire on them. He said he intended to kill them all, and if they were still alive, it was God's decision, not his. After shooting them all, he looked down at one of the wounded youth and said, "You look like you're doing all right," and shot him again. He then fled.

If you were the investigator and testified to this, would Goetz have been convicted? We think he would have. However, after the jury watched the videotape of Goetz's confession, as you may know, they found him not guilty! According to posttrial interviews of the jurors, it was the videotape, which the prosecution thought was the "jewel" of their case, that led to his acquittal. What the jurors saw in the video was a poor, tired, somewhat angry man who was just trying to tell the truth about his ordeal. The sympathy factor outweighed the contradictions in Goetz's statements and the facts of the case.

The question is often asked: "Should interviews and/or criminal interrogations be videotaped or tape-recorded?" Understanding that the pendulum is swinging toward videotaping all interviews, the authors, however, believe they should not be recorded. The interview and interrogation are only two parts of a very long and complex investigative process. To concentrate on the interview alone is to isolate critical parts of the process and examine them out of context of the full investigation and the entire body of evidence.

The authors agree that suspects should enjoy all the guarantees provided by the Constitution and applicable legislation. Given that, the process of obtaining the confession should not become the issue; rather, the confession itself should be evaluated as part of the evidence.

Moreover, to record the interview but not the interrogation, or vice versa, would raise the question of what was done to a suspect in one of the processes outside of the taping. The knowledge that the public could view all interviews and the interrogation would put the investigator in an untenable situation. On one hand, anyone interviewed would know that his privacy might be violated or that he might unwittingly have violated his own Fifth Amendment rights, because there would be no degree of confidentiality or ability to remain off the record in unrelated matters. On the other hand, recording would afford some deviant sociopathic individuals the opportunity to “perform” for the tape in anticipation of the trial. Under those circumstances, few would allow themselves to be interviewed or interrogated except those who wanted to manipulate the process. Some people, if being taped, would be reluctant to cooperate by naming names from fear of being known as a “rat.” Given that, taping of any kind seems to attack the truth-gathering process rather than help it.

In a self-report questionnaire completed by 631 police investigators on their beliefs and practices concerning interrogation, 81% believed the process should be recorded [1]. In another study of 112 investigators, it was reported that when these recordings were done with hidden cameras, the confession rate was twice as high as when the cameras were always visible [2]. In this latter study, 85% of the investigators reported they supported electronic recordings or felt that the recordings did not have a negative effect on their job. They further believed that electronic recordings generally decreased the length of a trial, and that the recordings did not serve to benefit the defense.

After the oral confession is made, to assure the suspect that his admissions are accurately recorded and to offer him the greatest protection, he should be instructed to put his confession in writing. The investigator can instruct the suspect to begin the confession by writing, “My name is \_\_\_\_\_, I am \_\_\_\_\_ years old, I live at \_\_\_\_\_, I went to the \_\_\_\_\_ nth grade in school and read and write the English language.”

The body of the confession should then follow. At the conclusion the interrogator should instruct the suspect to write, “This (number of pages)-page statement is true and correct, and I wrote it myself without any threats, rewards or promises from anyone, knowing it can and will be used against me in a court of law because. . . .” At this point the interrogator should ask the suspect why he decided to tell the truth. Regardless of how the suspect answers (“I felt like there was a rock on my chest,” or “I wanted my feelings known,” etc.), he should be instructed to add his answer to the statement. This additional insight into the suspect’s motivation for giving the confession will further validate the process, because the biggest question in the minds of others is, “Why would a person confess?”

If the suspect asks how to spell a word during the initial draft of the confession, the interrogator should have the suspect spell it for himself and then correct it later and have the suspect initial it.

The statement should be timed, dated, and signed. The interrogator should then take the statement and pen from the suspect. The pen should be put away, and the interrogator

should then read the statement to the suspect out loud. At every mistake or spelling error in the statement the suspect must make the correction and initial it with a pen of a *different color ink* from the one used in the original draft.

At the conclusion of the statement, the suspect should be instructed to write, "I have reread my (number of pages)-page statement, initialed all of my corrections, and find the statement to be true and correct." The suspect should again time, date, and sign the same statement in the new color of ink.

The interrogator should have a typist type the statement. If the typist is extremely efficient, instruct him or her to make sure there are a couple of typographical errors in it so the suspect can again initial and correct them before dating, timing, and signing his statement for a third time.

By now, the suspect will have read the confession three times and will have had every opportunity to correct any errors or omissions. There will now exist, as part of the record, documentation of three readings with three signatures in two different colors of ink, indicating that the suspect understood, corrected, and voluntarily signed his confession.

If the suspect cannot read or write legibly, it is permissible for the interrogator to write the confession for him. Then, the interrogator should tape-record the reading of it to the suspect and have the suspect agree on tape that it is a true and correct statement. This will clearly demonstrate that the statement was voluntary and he understood what was written. This is the only exception to the nontaping rule because it eliminates the possibility of the suspect later denying he understood what he was signing. This also serves to explain why only one portion of the interview/interrogation process was recorded.

## SUMMARY

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- Recording interviews and interrogations has to be consistent; record both processes or neither process. If required by state law, an informed consent form should be signed by the interviewee indicating that he is aware that he is being tape-recorded and gives his consent to it.
- Recording interrogations is a two-edged sword. While it serves to ensure that the rights of the suspect were not violated, it also may serve to allow the suspect to "perform" or may even interfere with the suspect's desire to be truthful.
- Having the suspect include in his confession why he decided to confess will enhance the value and believability of the process and confession.
- Having the suspect reread his statement and make and initial corrections in a different color of ink, as well as re-sign and time the confession, will also make it more valid.

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## Understanding Aggressive Behavior and Dealing with Angry People

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Imagine yourself walking down a dark street in a less than desirable neighborhood. It is very late at night, and you are by yourself. Suddenly, out of the shadows of an alley, a man appears. Your senses immediately heighten. Your pupils dilate to allow more light to enter and give you better far vision. Your ears tingle as your sense of hearing is enhanced. Your cardiac output increases, as does your breathing rate. Blood is redirected from your stomach and digestive organs to your brain and to the big muscles of your arms and legs. This redirected blood will better enable you to think, fight, or run as the circumstances allow. Energy that is stored in your liver as the sugar glycogen empties into your bloodstream, and adrenaline is quickly released into your bloodstream as well, as a chemical backup system to prepare your body for an emergency. Your face blanches as vasoconstriction causes your blood to move to the deeper vessels in your body, helping you to survive lacerations by minimizing blood loss from the superficial parts of the body. The hairs on your body stand up (piloerection), as the base of the hair follicles become erect, helping you to cool down through evaporation of perspiration, and perhaps in a more primitive time to make you appear bigger and fiercer to your opponent. As this man approaches from the alley, you get an intuitive feeling that he is no threat to you; possibly you can see he is a policeman or even a harmless vagrant. As you pass each other, you give an audible sigh of relief as you each continue on your separate ways.

We are certain that you have experienced something very similar to this scenario many times in your life – both the internal changes described and the intuitive response as to another person's possible threat to you. By now, you should recognize the psychophysiological changes we described as being an integral part of your evolutionary survival mechanism, defined earlier in the book as *sympathetic arousal*. Interestingly, in an actual attack, these changes will occur in both the aggressor and the victim. More importantly, they cause clearly observable behavioral changes that can warn you of an impending attack. As an interviewer and interrogator, understanding these signs and understanding how to deal with angry people are very important skills for you to know.

With a scientific understanding of aggressive nonverbal behavior, you will have the ability and the advantage to understand and recognize behaviors that a potential attacker may





FIGURE 20.1

exhibit. This knowledge will serve to forewarn you of a physical attack which is about to happen. By being capable of observing and understanding these warning signs, you will be afforded the opportunity to attempt to prevent the physical attack.

To reinforce your understanding of what happens when the brain perceives a physical threat, let us reiterate that when such a situation presents itself, your body and mind will be physiologically prepared to do one of three things: fight, flee, or freeze. All three of these outcomes are accompanied by sympathetic arousal (“fight/flight”). If you perceive that you can outrun your opponent, your first choice may be flight. If you perceive that the circumstances require battle, you then fight. And, if you perceive you cannot outfight or outrun your opponent, your brain may direct you to freeze, which is defined by some as a state of “holding and hoping.” We often see “holding and hoping” demonstrated by smaller animals. For example, think of what happens initially if you walk up on a rabbit. It freezes, holding perfectly still and hoping you will pass by without seeing it. We all know what an opossum does when threatened. And, as described earlier in this book, we also see this “freeze” phenomenon with children, as they hide under their covers from the “boogie man,” and unfortunately are often found tragically burned to death in fires, because they attempted to “hide” in the closet or under the bed from the smoke and flames of a burning house.

In *Karate – the Art of Empty Self*, Terrence Webster-Doyle writes about this phenomenon:

We may find that when we are challenged or threatened from without, we go into what psychologists call a “fight or flight” reaction. This means that we react to the situation by recoiling into a defensive



position or running away, or by attacking. This reaction to external threat is sometimes necessary for survival, as when we need to avoid a car coming at us or defend ourselves from assault. But this reaction is inappropriate when we react to supposed threats from within, and the fight or flight reaction is triggered when we feel endangered psychologically.

Understanding how our brain and body react to an attack is not enough. In dealing with a potential attacker, it is also important for us to have an understanding of exactly what “aggression” is, and why it occurs. The simplest definition of aggression is any behavior that intimidates, hurts, or could hurt someone else in the process of asserting one’s will. The best part of this definition is that it is the “behavior” that determines whether it is or isn’t aggression. Unfortunately, it does not take into consideration the actual intention of the “actor.” If a person tries to hurt someone, but fails, he or she is still being aggressive. Conversely, someone could do something that hurts another person without being aggressive. Therefore, in our view, the best definition of aggression, which encompasses all of these aspects, would be: **any assertive action that is designed to psychologically or physically hurt\* others.**

To understand why people are aggressive, we must look closely at why and what causes people to have aggressive feelings, and why and what causes them to perform aggressive acts. In attempting to comprehend this we will consider four factors: pseudo-aggression, instinct, frustration, and attack.

Pseudo-aggression is defined as fake or exaggerated anger. This is sometimes the strategy of deceptive suspects. By acting angry, they hope to create a situation that will lead to an argument and allow them an excuse to escape the situation. In the investigation of the beating and drowning death of a 9-year-old boy, his 16-year-old uncle soon became the prime suspect. After the suspect was interviewed, an interrogation ensued. A firm statement of guilt was made: “There is no question you have not been truthful about your nephew’s death. You did this, didn’t you?” The young man immediately lashed back, “You mother\*\*\*\*\*! Are you calling me a f\*\*\*ing liar?”

One of the basic teachings in the martial arts deals with the concept of Um-Yang (Korean), more popularly referred to as “Yin-Yang.” This concept states that there are opposite but complementary forces in the Universe that actually give balance to one another. If a person uses a straight attack, the defender should use a circular counter-attack. Faced with the pseudo-anger attack of the suspect just described, using power against power would have been a mistake, allowing the suspect to suddenly escape the confrontation. Instead, softness was used: “Jimmy, I have not raised my voice to you. I have not cursed you. I am here to try and help you. I do not know if you deliberately did this to your nephew, or if you acted in self-defense (*alternatives*). What I do know is you did this (*firm statement*), didn’t you (*hook*)?” This led to a full confession, which probably would not have been the outcome had power been met with power.

Many of the famous early psychologists believed that aggression was an innate quality of humans. That is, we are born with a drive to assert our primacy, just as we are born with

\**Hurt* can be a very subjective word. In our use, it means to inflict injury psychologically, that is, “You are ugly. I never wanted to give birth to you,” or physically, with a punch to the stomach, a scratch, and so forth.

a drive to have sex or to eat. Freud believed there were only two basic drives in man: (1) Libido, which constituted man's constructive drives, such as sexual energy, and (2) Thanatos, which made up his aggressive and destructive energy. Recent research indicates that instinct does not appear to offer a complete explanation of aggressive behaviors in higher-level animals such as humans. Psychologists believe that frustration creates aggressive feelings. *Frustration* is generally defined as an emotion we experience when something stands between us and achieving a goal we desire.

If you wanted to do or get something, or had a desire to fulfill a need, and someone or something prevented you from accomplishing this, you would become frustrated. The level of frustration you experience, and the likelihood that aggressive behavior will follow, depends on your intellectual ability to comprehend the motive of the person causing you this frustration. Consider an individual who belongs to a minority, running late for an airplane flight, who is highly motivated to get to the airport quickly. If he or she sees a taxi cab coming and waves for it, but the driver just passes by, that person will immediately experience frustration. The level of frustration can differ dramatically depending on whether or not the taxi was empty: whether the person trying to hail it perceived that its driver drove by and did not stop because of prejudice, rather than recognizing that the taxi already had a fare. Here, the frustration is subjective.

*Circumstances where aggressive behavior is not the result of frustration occur when the individual is exposed to pseudo-aggressors or is actually attacked by another individual.* One of the authors recalls driving to a store in Philadelphia one day. He had just come off Interstate 95 onto Front Street and was about to make a left turn onto Oregon Avenue heading west. As his light was changing from green to yellow, a driver heading east on Oregon Avenue, which had been stopped at the red light, suddenly accelerated, blowing his horn, and just as suddenly hit his brakes. It was a scary situation! As the author turned to look at the other driver, he noticed that he had a can of beer in his hand and was laughing. This other driver actually was not blocking the way. He did not, in fact, try to prevent the author from reaching his goal, getting to the store. He had challenged the author with what in his perverse way he perceived as a "funny," pseudo-vehicular attack. The author, however, seriously considered resorting to physical violence. To put it bluntly, the author's desire for aggression had been aroused! It is clear to anyone who has experienced such a situation that frustration, pseudo-aggressors, or attack all can ignite aggressive emotions. This aggressive emotion is the major ingredient in acting out aggressively.

When we experience aggressive feelings, we do not and/or cannot always act them out. Maybe the person who has caused the feelings of aggression to arise within us is too powerful for us to retaliate against. Maybe he or she is not even present when the feelings arise. Who has not received an important letter or erroneous bill on a Friday afternoon when you cannot reach the appropriate persons because of the weekend?

Often, the person experiencing the aggressive feelings will find another way to vent their hostility. This is known as *displacement of aggression*. Imagine you are 12 years old, and your father tells you that you are not allowed to go to the movies with your friends. You try your best to change his mind, but he is adamant that his decision is final. You experience frustration and feelings of aggression. Your father is too powerful for you to act out your

aggression on him; moreover, acting out against him may even make the chance to go to the movies with your friend less likely in the future.

Frustrated and angry, you look around your environment for some other convenient target to attack. Acting out your aggression on something else is a possible source of displacement. If your father is not an option, you may have your mother, your older brother, your older sister, your younger sister, or even the boy next door. The closer the individual chosen to take your anger out on is to the actual source of frustration, the more psychological relief you will achieve. Therefore, your mother would be the ideal substitute, but she may also still be perceived as too powerful. Naturally, you go through the other choices: your older brother – still too powerful; the boy next door – right sex, but tough; your younger sister – just right!

When you cannot act out your aggression directly with the person responsible for your frustration and anger because they are not available – that is, if the only reason you did not retaliate against your father is that he was out of town – then the choice of aggression will be the next highest/closest choice, in this case, your mother. What is happening is that you are choosing a surrogate for the object of your aggression.

There may be times when there is no clear target to act out against. Perhaps you are driving in your brand-new car and hit a pothole, causing a great deal of damage to the vehicle. You have to put out a lot of money for repairs, which you cannot spare. Your hardship leads to frustration and aggressive feelings. You may have the need to find someone to act out against. This is called *scapegoating*.

Your choice of whom to use as a scapegoat is determined by a number of things. Most likely, you will choose someone who is weaker and who will not be able to retaliate. Your choice of scapegoat will probably be influenced by your prejudices. As you grew up, you probably learned that certain targets were more “socially acceptable” than others. If you were raised in a middle-class family in the South 40 or 50 years ago, your favorite target might be an African American or Jew. If you came from the same background, but were raised in Texas, you might choose a Mexican or other Hispanic.\*\* You may select your choice of scapegoat from what you learned from your parents or peers. The easier it is to identify the scapegoat, the more likely it is to be the choice. This territorial and tribal thinking is what makes people of a different race or nationality such easy targets.

In 1968, Stanford University researchers J. L. Freedman and A. N. Doob confirmed this scapegoating theory in an interesting experiment. They had six individual subjects complete a personality test. They told the subjects that the personality test would give a clear and accurate indication of their personalities. After all of the subjects completed the tests, they were scored. Each of the subjects was given feedback about how they themselves scored, as well as how each of the other five subjects involved in the experiment scored.

\*\*As this chapter was being written, the state of Arizona passed a highly controversial law allowing law enforcement to demand proof of citizenship from anyone they suspect is an illegal alien. If proof is not forthcoming, they will arrest the offending person for a criminal offense. Although this law does not specify the ethnicity of suspects, it is obvious that it will affect mostly Hispanics.

This feedback was given specifically to identify who within the group was “alike,” and who was “different.” Then the members of the experimental group were told that there would be a second part to the experiment that would involve possible electric shocks. They were directed to list which of the other participants they thought should be the person to participate in the shock experiment by ranking everyone in the group. Almost all of the subjects chose someone who was identified as being “different” from themselves.

Another method to deal with aggressive feelings one cannot act out is to find some more socially acceptable way to vent anger, such as playing football. The repressed aggressor may find some relief watching someone else vent anger: in person, in the newspaper, on television, or, as in ancient Greece, at the theater. The final method would be to redirect anger toward a constructive behavior. Perhaps the repressed aggressor might use the energy to get work done, or develop his mind and body in the martial arts. Any of these behaviors that allow the individual to reduce his aggressive feelings in an acceptable manner is called *catharsis*. Catharsis may be an explanation for the vicarious pleasure so many people take in spectator sports. Watching two pugilists beat each other into bloody pulps is a socially accepted catharsis for aggression.

Animals within a species occasionally fight; however, unlike humans, they rarely kill each other. Most aggressive behavior in animals consists only of displays of threats. By these threat displays, animals are able to maintain a territorial boundary, and they also hold their social positions in the hierarchy of power and dominance. Usually, the threatening behavior is enough to reestablish order and control. For example, dominant behavior for a monkey includes penetrating the personal space of the other by leaning in, a jutted head or jaw, and direct eye contact. If this does not work, the next level of threat behavior would include displaying or baring the teeth, and/or making biting movements in the air.

There do appear to be specific stimuli that will automatically trigger certain animals to react aggressively. These aggressive behaviors appear to be evolutionary or genetic in

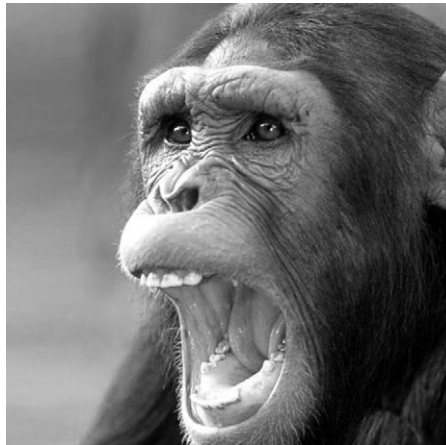


FIGURE 20.2

nature. One researcher, naturalist Konrad Lorenz, discovered this while studying blackbirds. He reported that based on his observations of this species, the birds appeared to be very peaceful, calm, and playful by nature. He actually kept several as pets. Over time they got to know him and normally reacted toward him in a friendly manner. One day he entered the room carrying a black rag. The birds immediately attacked him. They flew at him, pecking at his hand and head, swarming around him. After experimenting for a while, Lorenz discovered that the attack was inspired by the black rag he had been carrying. He found that the birds would attack anyone carrying any small black object. Obviously, there was no evident frustration, annoyance, or attack here. In fact, Lorenz concluded that any small black object took on the appearance of a baby blackbird to the adult birds. Their instincts were to attack whoever was taking a baby away from the flock.

It does not appear that humankind has these types of instincts that cause us to just automatically attack. We are sure that parents would fight a kidnapper to save their child, but we do not think they would automatically attack someone based on any abstract similar stimulus, such as a doll-shaped object.

There does appear to be a relationship between aggressive behavior in our species and other stimuli or external cues present at the time. In one experiment, shocks were given to volunteers while researchers observed differences in patterns of aggression based on whether a tennis racquet or gun was lying on a table in the room. They found that there did seem to be more aggressive behavior in the volunteers when the gun was present. It does not appear that these stimuli work the same on humans as the example given of stimuli that genetically cause aggression in lower animals. It is more likely that with humans, these external cues may alter behavior by giving the impression that aggressive behavior is more justifiable. A stranger approaching you on the street asking for money may be an annoyance, but probably would not threaten you enough to make you become aggressive. If the stranger had a stick in his hand, that external implied threat might cause you to believe that aggressive behavior was necessary and justifiable.

As you can see, aggressive behavior in humans does appear to be affected more by the social and physical environment than by genetics. This is probably due to *operant* or *instrumental conditioning*. This is also known as the "law of effect" and was first postulated by Thorndike in 1898. As stated in the earlier chapter on psychophysiology, with operant conditioning you must first do something. Whether that behavior is rewarded or punished will affect similar behavior of this nature in the future. Behavior that is rewarded is much more likely to be repeated.

If as we grow up and experience frustration, which leads us to behave aggressively, and we are consistently rewarded for this aggressive behavior, then we are more likely to act aggressively throughout our lives. However, society cannot and would not allow individuals to continuously act out aggressively to achieve their goals. We call people who behave in this manner sociopaths, and usually put them behind bars.

At the opposite end of the behavior spectrum, you can imagine what type of life a person who never acted aggressively would have. As the Buddha declared, in life, as with aggression, we must take the "middle way." Most of us have learned this wisdom through the socialization process, through operant conditioning and by imitating just when, where,

and with whom aggressive behavior is acceptable. Imitation, or *modeling*, occurs throughout our lives. Obviously, as we grow older our own set of values allows each of us to better discern what behaviors we want to imitate. The most important models we have in our lives for this are our own parents. How our parents behave and discipline us will have a remarkable effect on us as adults. It is not unusual for a child to grow up displaying a parent's worst behavioral characteristic. We even have sayings that recognize this, such as "The apple doesn't fall far from the tree," or "We become our parents."

Patricia Jakubowski and Arthur Lange write in *The Assertive Option: Your Rights and Your Responsibilities* that there are helpful keys to recognizing the response style of other people and determining whether they are nonassertive, assertive, or aggressive.

First they suggest that you evaluate the type of emotion they are experiencing. Non-assertive people tend to internalize their feelings and to experience emotions such as fear, anxiety, guilt, depression, fatigue, or nervousness. They generally do not express their feelings verbally. With aggression, the tension being experienced is turned outward. They may still be experiencing fear, anxiety, or guilt, but they mask it in a secondary emotion, such as anger. This person's "emotional temperature" will be above normal and expressed by anger, rage, hate, or misplaced hostility. They have a tendency to become loud and explosive. An individual who is merely being assertive is aware of his feelings and does not deny his feelings, or yours, but keeps his emotional level normal and his behavior constructive.

The nonverbal style of a nonassertive person is characterized by attempting to move away from or avoid the situation. Such a person may display downcast eyes, a slumped body, wringing of the hands, whining, chin on chest, or a giggly/nervous tone of voice. These people are nonconfrontational.

The aggressive individual, on the other hand, will use nonverbal behavior that moves against the situation. He may display glaring eyes, an exaggerated forward body lean, a raised or pointing finger, and a sneering or haughty tone of voice. Such people are often confrontational.

The assertive individual will generally establish good eye contact and stand in a settled and comfortable way, with his hands loosely at his sides or used as illustrators, and talk in a strong, steady tone of voice. Such people are confident but not necessarily confrontational in their behavior.

The verbal language of the nonassertive person will include equivocating qualifiers, such as, "maybe," "I guess," "I wonder if you could," "only," "just," "I can't," and "don't you think." Such people will use context fillers, such as "maybe," "uh," "well," and "you know." They will use negation verbiage that may include "don't bother," "it's not really important," or "whatever."

Assertive people will use "I" statements, such as "I think," "I feel," and "I want." They use "cooperative" language: "let's," and "how can we resolve this?" They also make empathic statements of interest such as "What do you think?" or "How do you see it?"

The aggressive individual will make threats – "you'd better," "if you don't watch out" – or will use put-downs or challenges such as "come on," "you must be kidding," or "you really don't believe that?" or even make sexist, racist, or other derogatory remarks.



When assessing nonverbal behavior to detect aggression, you may notice a *tense body posture* due to the aroused state and *exaggerated breathing* as the body's demand for oxygenation during an emergency increases. Sometimes the aroused state will also be accompanied by piloerection (hair erection/goose bumps). Because of all of the physiological and metabolic activity occurring within the body, there is an actual buildup of heat. Hair erection caused by piloerection aids in allowing air to pass over the body more efficiently and cool the body down through the evaporation of perspiration. This phenomenon occurs in many other mammals as well. Psychologically, in primitive times when we were more hairy, it probably made us appear larger and a more powerful foe to our opponent. The ability to appear larger is common among small fish that travel in schools to deceptively ward off larger opponents. Think of an aroused cat, hair standing on end, and how much more ferocious it looks.

The following nonverbal gestures are warning signs of aggression.

### INTENTION MOVEMENTS OF ATTACK

These are actions that begin, but are not completed. Perhaps the most familiar of these is the raised arm threat, where the potential attacker raises his arm as if to strike out but stops the action in mid-air. He may swing his hand out sideways, as if he is back slapping his victim, and then drop it harmlessly to his side. Often, he holds the attack in check by moving his hand to the back of his neck to avoid striking the object of his aggression. Another intention movement gesture is where the arms are bent and the fingers are like claws, curled up, and about to strike the victim. All of these nonverbal behaviors indicate hostility.

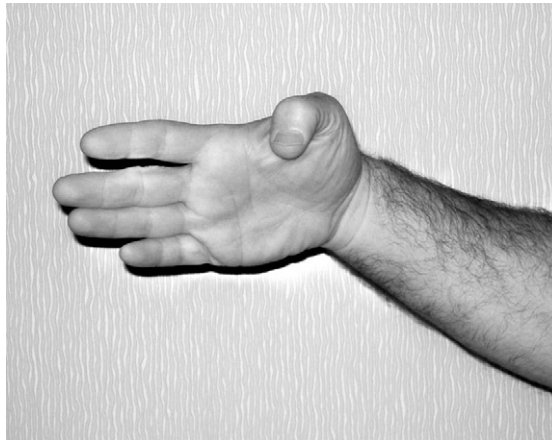


FIGURE 20.3



FIGURE 20.4

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### VACUUM GESTURES

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These gestures represent actions that are completed, but make no contact with the victim. They include a shaking fist, hand chopping, neck wringing, imaginary choking, and a wagging “pointer” finger that actually serves as a miniature club as the aggressor symbolically beats his victim over the head.

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### REDIRECTION GESTURES

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These are nonverbal attacks where contact is made with something other than the victim, such as another surface or the attacker’s own body. Examples of these gestures include the attacker punching his own palm with his fist, slicing his own throat with a finger, grabbing



FIGURE 20.5



his own throat in a strangling manner, and biting his own finger or hand. There are some interesting cultural gestures that fit in this latter category. Among Spaniards, one fist grinds into the palm of the other hand. Italians hook the thumbnail under their tooth and flick at the victim. In some Arab cultures, they “flatten” their own nose. In Saudi Arabia, they bite their own lip as they violently shake their head from side to side like an animal tearing at meat.

What can we do as interviewers or investigators to deal with aggressive people? The Crisis Prevention Institute, Inc., of Brookfield, Wisconsin, suggests “Seven Principles for Effective Verbal Intervention”:

1. **Remain Calm.** Remember, the verbally escalating person is beginning to lose control. If the person also perceives that you are losing control, the situation will get worse. Try to keep your cool, even when challenged, insulted or threatened.
2. **Remove the Audience.** Onlookers, especially those who are peers of the verbally escalating person, tend to fuel the fire. They often become cheerleaders, encouraging the individual. Isolate the person that is losing control, and you will be much more effective one-on-one.
3. **Keep It Simple.** Be clear and direct in your message. Avoid jargon and complex opinions.
4. **Watch Your Body Language.** Be aware of your space, posture and gestures. Make sure your nonverbal behavior is consistent with your verbal message. We would also suggest that you use your hands to illustrate, keeping your palms open and hands up. While this conveys a nonverbal message of truthfulness and nonaggression, it deceptively allows you to place your hands almost in a fighting position, allowing you to defend or attack quickly if need be.
5. **Use Silence.** Ironically, silence is one of the most effective verbal techniques available. Silence on your part allows the individual to clarify and restate his or her position. This often leads to a clearer understanding of the true source of the individual’s conflict.
6. **Use Reflective Questioning.** Paraphrase and restate comments. By repeating or reflecting the person’s statement in the form of a question, you’ll help the individual gain valuable insight, as well as let the person know you are paying attention to what they are saying.
7. **Watch Your Paralinguistics.** Any two identical statements can have completely opposite meanings, depending on how the tone, volume and cadence of your voice are altered. Make sure the words you are using are consistent with your voice inflection to avoid double meanings.

So, why do people get angry? Here are some reasons:

1. Misunderstanding
2. Feel they are not being heard
3. Being fatigued or hungry
4. Feeling like they are getting a runaround
5. Baggage (bad prior experience)
6. Having suffered a loss
7. Bad hair day
8. Feeling they are not being treated fairly
9. Lack of feeling empowered

What are the steps and warning signs that lead up to physical violence?

1. Suspect becomes anxious.
2. Suspect starts acting nervous, or demonstrating a lot of displacement activity. (When you see these early signs that may lead up to violence, you need to be supportive and continue to offer help to the person.)
3. Face blanches or pales.
4. Speech becomes incoherent.
5. Suspect becomes defensive.
6. Suspect begins to act irrational or belligerent, or challenges you. (When you receive these signs, you must now give the suspect clear choices and offer advantages and consequences for their behavior.)

Years ago, one of the authors attended a seminar for dealing with angry people where they used the acronym "SOFTEN" as a protocol for deescalating someone's anger. We offer it to the reader as an excellent tool in these potentially dangerous situations:

- Smile with discretion – nonverbally let the suspect know you care about them and that you are not becoming angry.
- Open body positioning – demonstrates that you are being truthful with the suspect and open with them.
- Forward body lean – shows you are interested in what they are saying.
- Territory – do not forget the rules of proxemics.<sup>†</sup>
- Eye Contact – proper eye contact is a sign of truthfulness.
- Nod Attentively – to show the suspect you are paying attention.

To further demonstrate that you are interested and paying attention to the suspect, ask questions and restate his concerns. Speak softly; do not try to meet power with power. Use phrases that begin with, "I want to help you," preceded or followed by the suspect's name. Continue to use alternatives and hooks.

## PREATTACK WARNING SIGNS

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- Tense body
- Eyebrows pulled down and in (anger)
- Eyebrows lowered and pulled together (aggression)
- Tense eyelids
- Narrowing of eye opening
- Dilating pupils
- San pak ku
- Suddenly and markedly blanched face<sup>‡</sup>
- Protruding tongue/pursed lips
- Jutted jaw
- Tucked chin

<sup>†</sup>Proxemics is the understanding and use of interpersonal body distances.

<sup>‡</sup>In very dark skinned people, this may manifest itself as a sudden "graying" or pallid look. Please note that "red faced" individuals are less likely to attack, because they are actually in a parasympathetic, or relief, mode, whereas the blanched faced individual is in the sympathetic, or fight/flight, mode.

- Thinning lips
- Baring of teeth, or snarling
- Fighting stance
- Sudden shift of weight
- Intention movement gestures
- Vacuum gestures
- Redirection gestures
- Raised tones
- Quicker speech tempo
- Invasion of space

## SUMMARY

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- Aggression is often born out of frustration.
- There are times when a guilty suspect will fake aggression in an attempt to create an argument and escape the interview room.
- Interviewers should be able to recognize genuine aggressive intent on the part of the subject through understanding its psychophysiological and social roots.
- The reader will be able to identify key nonverbal indicators of aggression. Humans tend to seek to be around persons who are “like” themselves and denigrate as scapegoats those who are perceived to be “different.”
- Interviewers can develop skills to diffuse aggression and prevent it from accelerating into assaultive behavior.

## The Instrumental Detection of Deception: Polygraph

The word *polygraph* is derived from Latin: *poly* meaning “many,” and *graph* meaning “writings.” Literally, then, *polygraph* means “many writings,” indicating that the polygraph monitors more than one physiological system. The evolution of the polygraph, as we know it today, began in 1921, when August Vollmer,\* Chief of Police of the Berkeley, California, Police Department, assigned one of his officers, John Larson (Figure 21.1), to investigate the feasibility of developing a “lie detector” to be used as an investigative tool. Larson’s first instrument simultaneously recorded respiration and cardiovascular activity.

One of the people trained by Larson in this new art was Leonarde Keeler, who became known as the “Father of the Modern Polygraph” (Figure 21.2). Keeler developed many improvements in both the instrumentation and the polygraph technique, to include the monitoring of a third physiological parameter of electrodermal activity: sweating of the fingertips.

The Berkeley, California, Police Department became the first law enforcement agency in the world to have this new investigative tool. However, the first use of an instrument in the detection of deception occurred many years before, in Italy, in 1895. Cesare Lombroso, considered to be the “Father of Modern Criminology,” conducted a test for an Italian law enforcement agency, during the investigation of the murder of a child. He placed the suspect’s hand into a device that monitored changes in blood volume as he showed the suspect pictures of children, one of which was the dead child. He theorized that if the suspect was innocent, there would be no unusual changes in the suspect’s blood volume as he viewed the pictures, because all of the pictures were of children he did not know. However, if the suspect was the murderer, seeing the child he murdered would cause a psychophysiological change, resulting in a discernible increase in blood volume.

\*August Vollmer is regarded by many as the foremost figure in modernizing American police agencies. He instituted many innovations in addition to the polygraph, such as radio communications and crime labs. Chief Vollmer was also the first president of the International Association of Chiefs of Police (IACP). In fact, each year the IACP presents the August Vollmer Award to an individual who has achieved a remarkable scientific innovation in police work.



FIGURE 21.1 Larson at the Berkeley, California, Police Department.



FIGURE 21.2 Leonarde Keeler "Father of the Modern Polygraph."

Today, polygraph techniques or formats can be divided into two categories: "recognition tests," and "truth verification" or "lie tests." The test format used by Lombrosso would be categorized as a "recognition test" in the form of a "known solution peak of tension test." This type of format consists of a "preparatory question," a "pre-fix question," a "key question," and several "buffer or padding questions."

Imagine in the case described earlier if Lombrosso had numbered the pictures of the children, and during the presentations he asked the following questions:

Preparatory:	Regarding that dead child,
Pre-fix:	Do you know if it was the child in:
Padding	Picture 1?
Padding	Picture 2?
Key	Picture 3? ( <i>Correct Answer</i> )
Padding	Picture 4?
Padding	Picture 5?
Padding	Picture 6?

By definition, a “known solution peak of tension test” is when a series of questions, usually five to nine, are asked in which there are several buffer or padding questions (incorrect items) and one key item (correct answer). Only the examiner and the actual perpetrator would know which was the correct answer. Questions in this format are reviewed with the suspect in order, so that if the suspect is the perpetrator, he himself knows when the “key,” or correct item, will be asked. The closer the key question gets, the greater the guilty person’s physiological tension, until the lie is told, and then that tension decreases in relief. Hence the name “peak of tension.” Usually, an examiner using this format will administer the questions two to three times before attempting to make a determination. There are several variations of this technique, including a “false key peak of tension,” “guilty knowledge test,” and “concealed information test.”

The “false key peak of tension” is credited to Richard O. Arther [1], an early pioneer in the field of polygraph testing. In this test the examiner would ask a question early in the pretest interview that would lead an innocent suspect to incorrectly deduce this inquiry item is germane to the crime and is the actual “key” for the guilty party. Thus, the innocent suspect’s psychological focus would be oriented onto the “false key,” which would result in greater psychophysiological reactions for the innocent person to this question than to the actual “key,” thus allowing the examiner to make a determination that the suspect was in fact innocent because his psychological set was on the false item.

For example, assume that there was a burglary at an office and a DVD player was stolen. During the interview before the polygraph examination, the examiner may ask the suspect if he ever took a typing course. The question formulation for the “False Key” Peak of Tension test might be as follows:

Preparatory:	Regarding that item taken from that office broken into last night,
Pre-fix:	do you know if it was a
Padding	Monitor?
<b>False Key</b>	<b>Typewriter?</b>
Padding	Copier?
<b>Key</b>	<b>DVD player? (<i>Correct Answer</i>)</b>
Padding	Computer?
Padding	Safe?
Padding	Shredder?

Because the examiner had questioned the innocent suspect about his use of typewriters early in the pretest interview, and he did not know the actual item stolen (key), his focus and greatest psychophysiological changes would most likely occur with the typewriter (false key). If the

suspect was the perpetrator, he would recognize the item he stole was the DVD player, and his focus and greatest psychophysiological reaction would be to the “key” question.

A variation of the “known solution peak of tension test” is the “guilty knowledge test” [2]. In this test the suspect is not made aware of the question order and never knows when the “key” question will be asked. The examiner, in fact, moves the position of the “key” question in each of the charts administered and observes the consistency of reactions to the “key” question to make a determination. For example, in the case just cited, the following questions would be reviewed out of order, and the examiner would change the question order in each chart administered:

Preparatory: Regarding that item taken from that office broken into last night,  
Pre-fix: do you know if it was a

CHART 1		CHART 2	
Padding	Monitor?	Padding	Shredder?
Padding	Copier?	Padding	Monitor?
<b>Key</b>	<b>DVD player? (Correct Answer)</b>	Padding	Computer?
Padding	Computer?	<b>Key:</b>	<b>DVD player? (Correct Answer)</b>
Padding	Safe?	Padding:	Copier?
Padding	Shredder?	Padding:	Safe?

A more recent derivative of this test is the “concealed information test” [3]. Again, this is a “known solution peak of tension test” where the examiner runs several charts; however, now each individual chart will deal with a different set of questions concerning a different aspect of the same crime. As in the “guilty knowledge test,” the suspect does not know the question order, and the position of the “key” question changes in each of the charts administered.

CHART 1:	
Preparatory:	Regarding that office broken into last night,
Prefix:	do you know if it was on
Padding:	Chestnut Street?
Padding:	Lombard Street?
Padding:	Market Street?
<b>Key:</b>	<b>Locust Street?</b>
Padding:?	Pine Street?
Padding:	Spruce Street?
Padding:	Walnut Street?
Padding:	Arch Street?
CHART 2:	
Preparatory:	Regarding that office broken into last night,
Prefix:	do you know if the office was on the
Padding:	1st floor?
Padding:	5th floor?
<b>Key:</b>	<b>2nd floor?</b>
Padding:	8th floor?

Padding:	3rd floor?
Padding:	6th floor?
Padding:	4th floor?

**CHART 3:**

Preparatory:	Regarding that item taken from that office broken into last night,
Pre-fix:	Do you know if it was a
Padding	Monitor?
Padding	Copier?
<b>Key</b>	<b>DVD player?</b>
Padding	Computer?
Padding	Safe?
Padding	Shredder?

The “searching peak of tension test” is where the examiner does not actually know the correct answer; only the guilty suspect does. As in the original peak of tension test, suspects are aware of question order, and the questions are the examiner’s most likely solutions to the crime. One of the most unusual applications of this test the authors are aware of occurred in Israel. Israeli intelligence had information that a suspect had planted a bomb along a heavily traveled road. The suspect was placed in a jeep and attached to a battery-operated polygraph instrument. The examiner monitored the psychophysiological reactions of the suspected terrorist as the jeep slowly was driven down the road. Only the suspect knew where he had planted the bomb, and as the jeep moved closer to that location, the suspect’s psychophysiological reactions gave the examiner the answer to the approximate location of the deadly device. This type of format has been used successfully to identify locations, accomplices, number of crimes, and so on. Because the examiner is not absolutely sure he has the correct item in the questions asked, the examination usually ends with an all-inclusive question – for example, “Do you know if that body is in a location I have not mentioned?”

The other major group of polygraph techniques in use today are categorized as “lie tests.” This group of tests falls into two categories: noncomparison question techniques and comparison question techniques. In the first category we have the *irrelevant-relevant technique* and the *relevant-relevant technique*. In the comparison question technique, there are two major groups, which have developed from the works of John E. Reid and Cleve Backster.

The irrelevant-relevant technique is credited to the work of Keeler and Larson. This format consists of a mixture of “irrelevant” and “relevant” questions. Basically, the irrelevant questions were used to establish a person’s normal or tonic level. If the reactions to the relevant questions did not deviate from this tonic level, the suspect was determined to be truthful. If the reactions to the relevant questions were significantly greater than those to the irrelevant questions, the suspect was determined to be deceptive.

This technique lacked questions to determine whether the suspect was capable of physiological reaction, and therefore sometimes gave false negative results: deceptive suspects were incorrectly determined to be truthful. On the other hand, when suspects failed the test,



it was hard to explain why this would be surprising, because even innocent suspects would perceive the relevant questions in the examination to be more threatening than irrelevant questions. For example, why wouldn't a suspect in a crime react more strongly to "Did you shoot that man?" than to "Is today Monday?" even if he was innocent? This technique is rarely used in criminal testing today; however, variations of it are still used for screening tests.

The relevant-irrelevant technique is mainly for screening type examinations. A screening examination is classified as a "multi-issue" examination. In these examinations the relevant questions deal with a variety of issues. For example: As an adult, have you committed a serious undetected crime? As an adult, have you had any involvement with illegal drugs? As an adult, have you been fired from a job? As an adult, in any one day, have you stolen more than \$50 from a place of employment? Because failing any of these questions could result in the applicant's disqualification, they all have the same emotional weight. Therefore, there would be no reason why one or more of these questions would result in consistently stronger physiological reactions than others, unless the examinee was withholding information concerning this area of inquiry.

John Reid was initially trained by Leonarde Keeler in the relevant-irrelevant technique. Around 1947, he published research on a new type of question he added to the technique he was taught, which he called the "comparative response question." Reid described this question as a question broad in scope, similar but less severe than the matter under investigation. Its frame of reference dealt with something everyone has probably done in their lifetime; however, because of the current situation and the examiner's method of introducing the question, most examinees would deny they had ever done this act. In doing so, they probably lied or were unsure of the veracity of their answer. Thus, for the innocent suspect this question posed greater concern and resulted in greater physiological reactions than did the relevant question.

The comparative response question solved both problems inherent in the relevant-irrelevant technique: it placed a question in the format that showed the examinee had the capability to physiologically react, even if he showed no reactions to the relevant questions. It also introduced a question of greater salience or threat to draw the focus from the relevant test questions for the innocent examinee.

Reid's technique is referred to as the Reid General Question technique. Today it is a four relevant question format, with two comparison questions:

- |                |   |
|----------------|---|
| 1. Irrelevant  | Is your first name William?   |
| 2. Irrelevant  | Is today Monday?  |
| 3. Relevant    | Did you remove that missing deposit from that safe?                           |
| 4. Irrelevant  | Were you born in August?  |
| 5. Relevant    | Did you take that missing deposit?  |
| 6. Comparison  | In your entire life, did you ever steal anything?                             |
| 7. Irrelevant  | Were you born in Philadelphia?  |
| 8. Relevant    | Were those your fingerprints on that safe?                                    |
| 9. Relevant    | Do you know for sure who took that missing deposit?                           |
| 10. Comparison | In your entire life did you ever do anything at a job you could be fired for? |

Other techniques that stemmed from Reid's were the Arther Known Lie Test, the Modified or Military General Question Technique (MGQT), and the Marcy Technique.

In the 1960s, Cleve Backster introduced the Tri-Zone Comparison Technique. This had some major differences from existing techniques. Backster's "Tri-Zone" referred to three zones he established within his test. Backster color coded these zones: relevant questions were coded red, comparison questions were coded green, and a new type of question, which he identified as a "symptomatic question," was color coded black. A polygraph examination according to Backster was a test that monitored the examinee's flow of psychological set. The "red zone" was there to draw the focus of the guilty examinee. The "green zone" was there to draw the focus of the innocent examinee. The "black zone" was there to show that the examinee trusted the examiner and was not worried about surprise questions. It showed that the examinee was capable of focusing on those questions in the test that held the greatest threat or salience.

Backster also recognized that it would be beneficial in reducing false positives (innocent examinees incorrectly diagnosed as deceptive) for the comparison questions to be asked before the relevant questions. He also introduced the concept of "spot analysis." It was his belief that comparison questions and relevant questions should be next to each other in the format, in the same time period of the test, to ensure that the examinee's ability to physiologically react to questions was not affected by habituation or any waning effects on physiology as the test went on. Based on Backster's theories and formatting ideas, research has shown that the zone techniques are the most accurate of the "lie tests."

Irrelevant	13. Is your first name Nathan?
Symptomatic	25. Do you believe me when I promise not to ask a question in this test I have not gone over word for word?
Sacrifice Relevant	39. Regarding whether you took that missing deposit, do you intend to answer each question truthfully about that?
Comparison	46. Between the ages of 25 and 32, did you ever steal anything?
Relevant	33. Did you take that missing deposit?
Comparison	47. During the first 25 years of your life, did you ever steal anything?
Relevant	35. Regarding that missing deposit, did you take it?
Comparison	48. During the first 32 years of your life, did you ever steal anything?
Optional Relevant	37. Were you the person that took that missing deposit?
Symptomatic	26. Even though I promised I would not, are you afraid I will ask you a question in this test I have not gone over word for word?

Backster innovated three variations of his zone technique. The foregoing example is the Backster "You Phase," which is a "single-issue" format – "Did you do it?" The "Backster S-K-Y" asks the questions: "Do you suspect anyone in particular of taking that missing deposit?" with "Do you know for sure who took that missing deposit?" with "Did you take that missing deposit?" This was primarily used when there were multiple suspects who knew each other, and allowed a question for innocent suspects to vent their suspicions, rather than react to relevant questions about knowledge. "Backster's Exploratory" is a multiple-issue technique that utilizes three relevant questions about different issues and is primarily used in pre-employment screening.

Several techniques were developed from Backster's zone: the Military Zone Comparison Technique (MZCT), Utah Zone Comparison Technique, Matte Quadra-Trak, Air Force General Question Technique (AFMGQT), and Integrated Zone Comparison Technique (IZCT).

The Matte Quadra-Trak introduced a new concept: the inside issue. Matte (Figure 21.3) believed a primary reason for false positives was the innocent examinee's fear of error. He replaced the last comparison-relevant set of questions in the Backster format (C48 and R37) with his inside issue questions. Comparison 48 became Comparison 23: "Are you afraid I will make an error in this test concerning whether you took that missing deposit?" Relevant question 37 became Relevant question 24: "Are you hoping I will make an error in this test concerning whether you took that missing deposit?" Matte theorized that every truthful suspect would focus on C23, because of their fear of error, and every deceptive suspect would react to R24, because they were hoping for an error. One advantage of this question set is that both the comparison and relevant questions contained the same words about the crime. In tests where relevant questions have very sensitive wording or deal with very emotional issues, this may be very important in minimizing false positives. In a case where a father is accused of having his 5-year-old daughter perform oral sex on him, you can imagine the emotionality involved in even an innocent examinee having to answer the question, "Did you stick your penis in your daughter's mouth?" In Matte's test C23 would be, "Are you afraid I will make an error in this test concerning whether or not you stuck your penis in your daughter's mouth?" R24 would be, "Are you hoping I will make an error in this test concerning whether or not you stuck your penis in your daughter's mouth?" As you can see, the sensitive wording is now in both the Comparison and Relevant questions, and any reactions due solely to the wording of the question should be negated.



FIGURE 21.3 James Allan Matte.

In the AFMQT, they have taken the four relevant questions from the Reid GQT and the military's MGQT and placed them into a better format: a zone. They eliminated the two symptomatic questions from Backster's zone to make room for a fourth "Comparison-Relevant" set.

Irrelevant	1. Is your first name Nathan?
Sacrifice	2. Regarding whether you took that missing deposit, do you intend to answer each question truthfully about that?
Relevant	
Comparison	3. During the first 25 years of your life, did you ever steal anything?
Relevant	4. Did you remove that deposit from that safe?
Comparison	5. In high school, did you ever cheat?
Relevant	6. Yesterday, did you take that missing deposit?
Comparison	7. Prior to 2006, did you ever steal from someone who trusted you?
Relevant	8. Were those your fingerprints on that safe?
Comparison	9. Prior to 2006, did you ever do anything you could be fired for?
Relevant	10. Do you know for sure who took that missing deposit?

The "Integrated Zone Comparison Technique" was developed at the Academy for Scientific Investigative Training in the 1980s. It was designed to give examiners the flexibility of doing a single-issue, multifaceted, or multi-issue test, while using the same question format.

A single-issue examination is where all relevant questions deal with exactly the same issue: "Did you shoot John?" "Regarding John, did you shoot him?" "Last night, were you the person who shot John?" A multifaceted test is where all of the relevant questions deal with the same crime, but with different aspects of it: "Did you conspire with anyone to shoot John?" "Did you shoot John?" "Were you present when John was shot?" A multi-issue test is where all of the relevant questions have no connection to each other: "As an adult, have you had any involvement with illegal drugs?" "As an adult, have you committed a serious undetected crime?" "As an adult, have you been fired from a job?"

Some changes were made in the Integrated Zone from the Backster Zone:

- One easily introduced symptomatic question: "Do you understand I will only ask the questions I reviewed?" The authors found the traditional wording of the symptomatic question too cumbersome. The authors also found that the introduction of two symptomatic questions sometimes actually created an outside issue for the examinee.
- A sacrifice relevant question that allows the examinee to self-direct to the zone, comparison or relevant, which holds the greatest threat: "Do you intend to deliberately lie to any test question?" The authors believe Backster was right when he theorized that formats that are comparison-relevant reduced the false positives that occurred when the format was relevant-comparison. The art of polygraph is getting truthful people to pass the test. Allowing the innocent person to hear his threat first actually reduces their ability to react to the relevant question that follows. By asking the sacrifice relevant question ("Regarding whether you took that missing deposit, do you intend to answer each question truthfully?") the authors believe you are actually running the chart as a relevant-comparison sequence in the mind and subsequent physiological responses of the examinee. True, the question is not used for determining truth or deception, however, whatever reactions it causes effect the examinee's ability to react to the next

question in the sequence, which is a comparison question. Also, the traditional sacrifice relevant question focuses the examinee only on the relevant questions. In the IZCT the sacrifice relevant question (“Do you intend to lie to any test question?”) allows the examinee to self-direct to the questions in the test that cause the greatest concerns. When used in the front of the test it is always followed by an irrelevant question, to reestablish normal physiology before the comparison and relevant questions are asked.

- Extra irrelevant questions are built in to be used to reestablish a norm, or check for countermeasures.
- A countermeasure question: “Did you deliberately do anything to try and beat this test?” This question was used to bring the examinee out of the test and to prevent physiological relief from occurring to the last relevant question. Although not used in the assessment of data to determine truth or deception, it became an important question for the examiner to support the belief that the examinee was attempting to deliberately distort the data.

The IZCT also differs in its actual application. First the examinee is informed of his rights and the voluntariness of the examination. A consent form is then signed. The examiner then asks background questions to find commonality with the examinee and gain rapport. Questions are then asked to ensure that the examinee is mentally and physically capable of undergoing the procedure. The examinee is then interviewed utilizing the FAINT form, pre-employment screening booklet, and so on.

At the completion of the interview, the examinee is asked how he prepared for the examination and what he knows about the polygraph and how it works. The examiner will then ask the examinee if he understands that to take a polygraph examination it requires his complete cooperation. “Obviously, if you are telling me the truth, you would want to cooperate. If you are lying, you would not. Therefore, if you deliberately do not cooperate, it will indicate that you are not truthful, and I will report you as deceptive.” The examinee is then given the following “Agreement for Cooperation” form to read and sign:

Keystone Intelligence Network, Inc.  
1704 Locust Street, Philadelphia, PA 19103 [www.keystoneintelligence.com](http://www.keystoneintelligence.com) 215 545 1111  
Agreement of Cooperation

- I understand and agree that the polygraph procedure requires my total cooperation.
- I agree that a truthful person would offer full cooperation to the procedure and that a person who is lying would be uncooperative.
- I further agree that as in any scientific procedure, deliberate attempts to defeat the purpose of the assessment are counterproductive and in itself a sign of deception.
- Therefore I accept that any lack of full cooperation on my part will be considered to be the behavior of a deceptive individual and the grounds for the examiner to report the results as same.

Signed by Examinee

Date

Witnessed by Examiner

Date

The examinee is then asked if he is aware that everyone cannot take a polygraph test. A small percentage of the population cannot be tested because when they lie, the

physiological changes that occur are not discernible to the polygraph. To ensure that the examinee is not in this category, he is told that he will be given a test to make sure that if he lies, the polygraph shows that he is deceptive, and just as important, when he tells the truth, the polygraph shows that he is truthful. A demonstration test, also known as an acquaintance test, is then administered, and the examinee is made aware of the fact that he is testable.

All of the test questions are then reviewed with the examinee. The examiner makes sure that the meaning of each question is shared by both the examiner and examinee by asking the examinee to explain what each question means. This reduces the possibility of an examinee rationalizing or personally coding an important question.

#### IZCT Single Issue

1. IRRELEVANT	Is today Sunday? (Incorrect day)	NO
2. SYMPTOMATIC	Do you understand I will only ask the questions I reviewed?	YES
3. SACRIFICE	Do you intend to deliberately lie to any test question?	NO
4. IRRELEVANT	Is today Monday? (Correct day)	YES
5. COMPARISON	During the 1st 24 years of your life, can you remember stealing anything?	NO
6. RELEVANT	Did you take that missing deposit?	NO
7. IRRELEVANT	Right now are you in the U.S.?	YES
8. COMPARISON	In your entire life, did you steal anything from a job?	NO
9. RELEVANT	Regarding that missing deposit, did you take it?	NO
10. IRRELEVANT	Right now are you in Switzerland?	NO
11. COMPARISON	During the 1st 24 years of your life, did you ever steal from someone who trusted you?	NO
12. RELEVANT	Were you the person that took that missing deposit?	NO
13. COUNTERMEASURE	Have you deliberately done anything to try to beat this test?	NO

A modification of the Backster S-K-Y using the IZCT-SKY is as follows:

#### IZCT Single Issue

1. IRRELEVANT	Is today Sunday? (Incorrect day)	NO
2. SYMPTOMATIC	Do you understand I will only ask the questions I reviewed?	YES
3. SACRIFICE	Do you intend to deliberately lie to any test question?	NO
4. IRRELEVANT	Is today Monday? (Correct day)	YES
5. COMPARISON (S)	Regarding that missing deposit, do you suspect anyone in particular of taking it?	NO
6. RELEVANT (K)	Regarding that missing deposit, do you know for sure who took it?	NO
7. IRRELEVANT	Right now are you in the U.S.?	YES
8. COMPARISON	In your entire life, did you steal anything from a job?	NO
9. RELEVANT (Y)	Did you take that missing deposit?	NO
10. IRRELEVANT	Right now are you in Switzerland?	NO

11. COMPARISON	During the 1st 24 years of your life, did you ever steal from someone who trusted you?	NO
12. RELEVANT	Did you leave the store with any of that missing money in your possession?	NO
13. COUNTERMEASURE	Have you deliberately done anything to try to beat this test?	NO

A modification of the Matte Quadra-Trak using the IZCT-2 is:

1. IRRELEVANT	Is today Sunday? (Incorrect day)	NO
2. SYMPTOMATIC	Do you understand I will only ask the questions I reviewed?	YES
3. SACRIFICE	Do you intend to deliberately lie to any test question?	NO
4. IRRELEVANT	Is today Monday? (Correct day)	YES
5. COMPARISON	During the 1st 54 years of your life, can you remember lying to get out of trouble?	NO
6. RELEVANT	Did you masturbate in front of your granddaughter?	NO
7. IRRELEVANT	Right now are you in the U.S.?	YES
8. COMPARISON	In your entire life, did you ever lie about a sexual matter?	NO
9. RELEVANT	Regarding your granddaughter, did you masturbate in front of her?	NO
10. IRRELEVANT	Right now are you in Switzerland?	NO
11. COMPARISON	Are you afraid I will make an error in this test, concerning whether you masturbated in front of your granddaughter?	NO
12. RELEVANT	Are you hoping I will make an error in this test, concerning whether you masturbated in front of your granddaughter?	NO
13. COUNTERMEASURE	Have you deliberately done anything to try to beat this test?	NO

The first chart of the IZCT involving the issue to be resolved is administered as a Silent Answer Test, with the examinee instructed to "listen to the questions, make sure you understand the questions, and most importantly at the end of this test you will have your last chance to make changes before your answers are recorded; if you remember anything you have not told me about, as soon as the test is over please tell me." The chart sequence is: 1, 2, 3, 4, C5, R6, C8, R9, C11, R12, 13 (irrelevant questions 7 and 10 are not used unless they are needed to reestablish a norm due to an artifact).

The second chart is administered with the relevant questions rotated in a clockwise manner, and question 3 is used near the end of the chart, reworded, "Did you deliberately lie to any test question?": 1, 2, C5, R12, C8, R6, C11, R9, 3, 13. Irrelevant questions 4, 7, and 10 are not used unless it is necessary to reestablish a norm after an artifact.

The third chart is administered by again rotating the relevant questions clockwise; however, the relevant questions are now asked before the comparison questions: 1, 2, 3, R9, C5, R12, C8, R6, C11, 13. By now the truthful examinee is very focused on the threat created by the comparison questions and can do well in this relevant-comparison sequence. The test



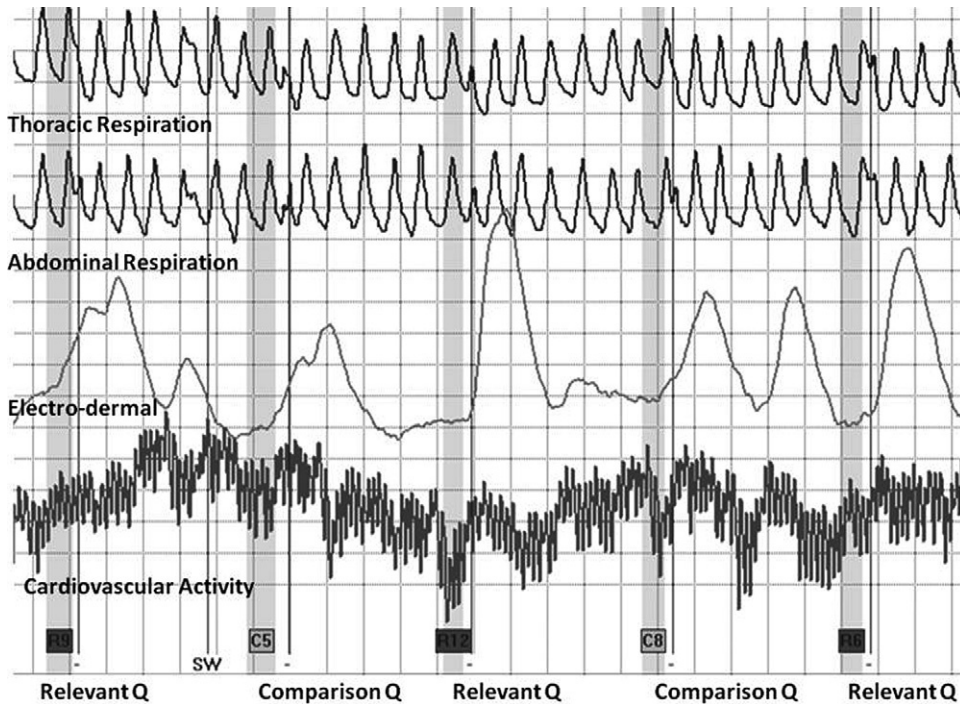


FIGURE 21.4 Polygraph chart showing strong reactions to relevant questions.

for the deceptive examinee generally creates very clear data. At the end of three charts, each of the relevant questions would have appeared next to each of the comparison questions once.

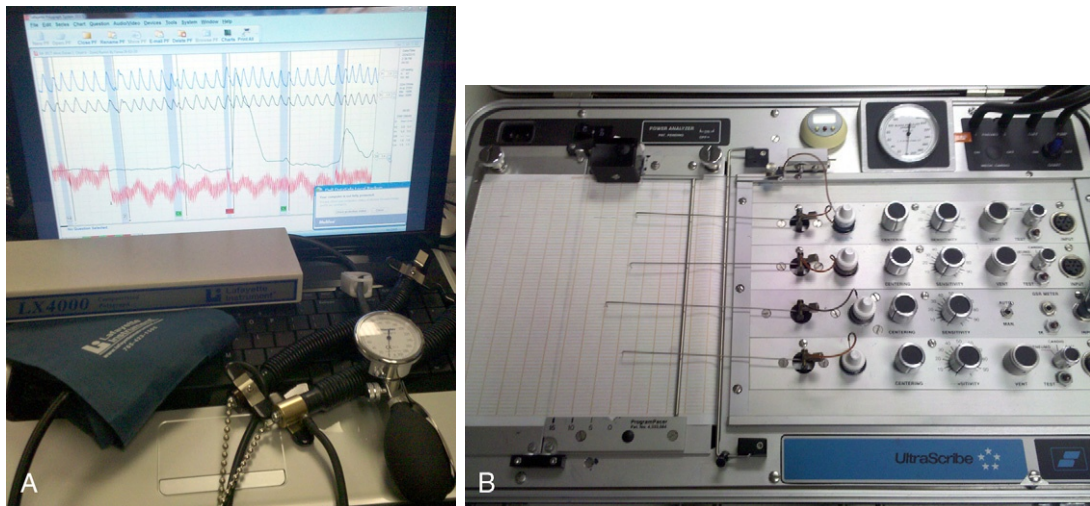
A fourth chart containing all test questions in order (1 to 13) is administered if the data does not seem to support a definite decision as to truth or deception, or if deliberate distortions are suspected. Most examinees using deliberate distortions fall into a naive category and will attempt to distort their truthful answers to irrelevant questions, in the hopes that their reactions to deceptive answers will then not look so bad. Therefore, in Chart 4, all four irrelevant questions are asked to allow for this deliberate attempt to defeat the test.

In a 2001 study performed for the Department of Defense Polygraph Institute, a limited review of literature published between January 1986 and May 2001 was conducted to evaluate studies reporting the accuracy and reliability of screening and diagnostic tests in polygraph, medicine, and psychology [3]. Data for 198 studies were collected from 145 articles. Accuracy estimates are the combined average of sensitivity and specificity across all studies found within a particular category (1.00 = 100% accuracy).

The reviewers found that for field diagnostic assessments, the accuracy of polygraph was .88, medical was .86, and psychological tools was .70. For field screening assessments, the accuracy of polygraph was .74, medical was .86, and psychological tools was .76.

The average accuracy reported for 37 diagnostic polygraph studies (specific issue) was similar to magnetic resonance imaging (17 studies), computed tomography (19 studies),





**FIGURE 21.5** (A) Lafayette LX 4000 Computerized Polygraph System. (B) Stoelting Ultra Scribe Analog Polygraph Instrument.

and ultrasound (38 studies). The Minnesota Multiphasic Personality Inventory (MMPI) had the lowest reported accuracy (17 studies).

The study concluded that the level of accuracy and agreement reported in the polygraph literature is consistent with the medical and psychological literature.

There are four major manufacturers of polygraph instruments in North America (Figure 21.5). Lafayette Instrument Company ([www.lafayetteinstrument.com](http://www.lafayetteinstrument.com)), Stoelting Instrument Company ([www.stoeltingco.com](http://www.stoeltingco.com)), and Axciton Instrument Company ([www.axciton.com](http://www.axciton.com)) are located in the United States, and Limestone Technologies ([www.limestoneotech.com](http://www.limestoneotech.com)) is located in Canada. All four provide computerized systems; only Lafayette and Stoelting still provide analog instruments. The major advantage of computerized systems is that they allow for quality control of the data collected via computerized algorithms.

There are numerous professional associations for polygraph examiners in the United States and around the world. The largest and most prestigious is the American Polygraph Association ([www.polygraph.org](http://www.polygraph.org)), followed by the American Association of Police Polygraphists ([www.policepolygraph.org](http://www.policepolygraph.org)).

The future of truth verification does not appear to make the polygraph extinct. Instead, the future looks like a search for what additional data can be ascertained and added to the polygraph to make it even more accurate, especially for truthful suspects.

## SUMMARY

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- The polygraph testing procedure remains the “gold standard” for truth verification.
- There are various types of tests and various types of technique formats.
- The most accurate procedure utilizes a “single-issue” examination and a Zone Comparison Technique format.

- The most prestigious and largest association of polygraph examiners is the American Polygraph Association.

## References

- [1] J.A. Matte, *Forensic Psychophysiology; Using the Polygraph*, JAM Publications, Williamsville, NY, 1996.
- [2] D. Krapohl, J. McCloughan, S. Senter, How to use the concealed information test, *Polygraph* 35 (3) (2006) 123-138.
- [3] P.E. Crewson, *A Comparative Analysis of Polygraph with Other Screening and Diagnostic Tools*, Department of Defense Polygraph Institute, Contract No. DABT60 01 P 3017, 2001.

## The Search for Truth: Future Instrumentation

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From the beginning of time, there has been a need to determine truth. In our earliest writings we see these attempts. When Adam was questioned in the Bible, he attempted to rationalize his bite of the apple by blaming Eve, who in turn blamed the snake. When Abel was asked where his brother was, he answered with the question, “Am I my brother’s keeper?” and showed the sensitivity of the question, as well as his culpability, by not answering.

Since the 1800s, humankind has searched for instrumentation to aid them in their attempts at truth verification. In this chapter we look at the instrumentation of today and the future, as well as attempt to give you some sense of the scientific validity of each instrument.

The polygraph is without question the gold standard of truth verification today. The American Polygraph Association has a compendium of research studies available on the validity and reliability of polygraph testing [1]. The 80 research projects listed, published since 1980, involved 6380 polygraph examinations or sets of charts from examinations. Researchers conducted 12 studies of the validity of field examinations, following 2174 field examinations, providing an average accuracy of 98%. Researchers conducted 11 studies involving the reliability of independent analyses of 1609 sets of charts from field examinations confirmed by independent evidence, providing an average accuracy of 92%. Researchers conducted 41 studies involving the accuracy of 1787 laboratory simulations of polygraph examinations, producing an average accuracy of 80%. Researchers conducted 16 studies involving the reliability of independent analyses of 810 sets of charts from laboratory simulations, producing an average accuracy of 81%.

Although overall accuracy of polygraph is very high, when errors do occur they tend to be false positives: truthful suspects determined to be deceptive. As mentioned earlier, this bias is exactly opposite that of the forensic interview, which tends to err in favor of deceptive suspects, resulting in false negatives.

Today most polygraph examiners are utilizing computerized polygraph systems. The minimum physiological data collected is thoracic and abdominal breathing, electrodermal activity, and cardiovascular changes, such as blood volume/pressure and pulse rate.

The major advantage of these computerized systems is that they allow for scoring algorithms to be utilized for quality control of the examiner’s interpretation of the data collected. (See Figures 22.1 and 22.2.)

Because of concern over countermeasures, in 2012 the American Polygraph Association will require instruments to also utilize a countermeasure device that will help the examiner identify artifacts and attempts at physical countermeasures.

Voice Stress was first introduced in the 1970s by a Virginia company, Dektor Counterintelligence. The company executives (Bell, McQuiston, and Ford) were retired military personnel who had been stopped from doing research into the covert possibilities of lie detection. Before their retirement they had looked at the feasibility of three methods for accomplishing their goal: laser beams that could monitor physiology without a person’s knowledge from a distance, changes in odor caused by fear, and changes in the voice. On retirement, they began manufacturing the Psychological Stress Evaluator (PSE), which they claimed could detect deception by changes in microtremors in the voice when a person lied.

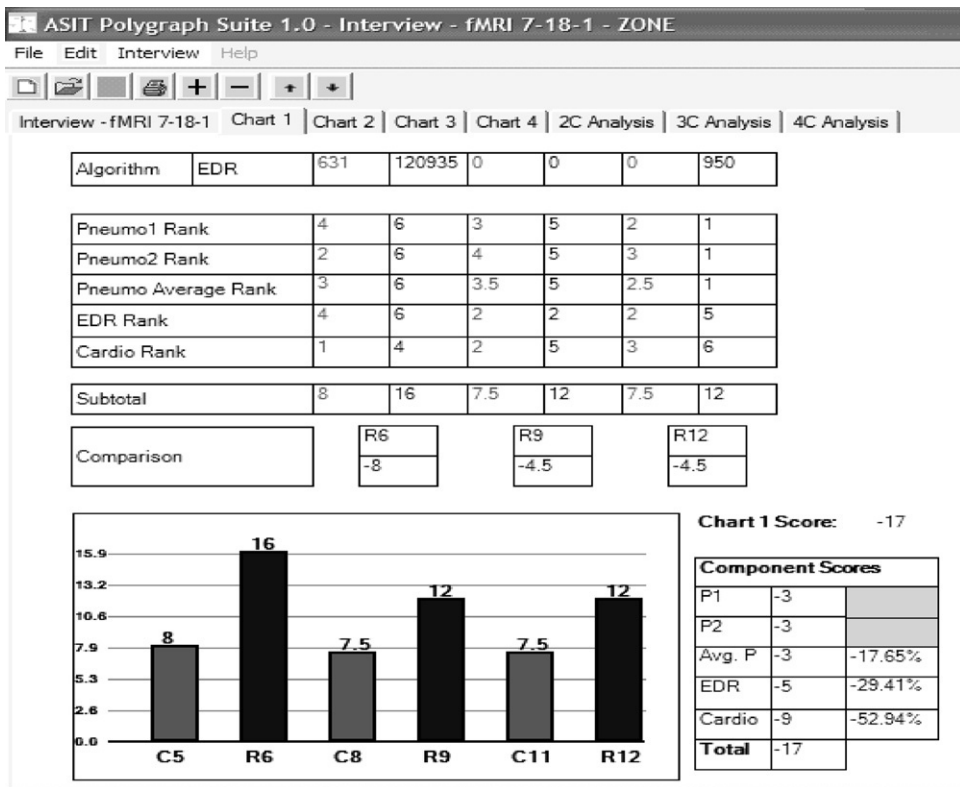


FIGURE 22.1 The Academy for Scientific Investigative Training’s “ASIT POLYSUITE” Scoring Algorithm.



FIGURE 22.2 Lafayette Instrument Company LX 4000 Computerized Polygraph System.

Since the introduction of the PSE, many other instruments have been offered, including a computerized voice stress analyzer first developed by McQuiston in Florida, as well as systems being offered out of Israel.

Since 9/11, we have been sure that the U.S. government would find a device that accurately detects deception and requires no attachments very useful. Unfortunately, scientific studies on the validity of voice stress have not been very promising. In 2006, Sujeeta Bhati and Susan E. Brandon submitted a paper, "Review of Voice Stress Based Technologies for the Detection of Deception," to the U.S. Department of Defense. They reviewed 24 empirical studies that had been conducted over a period of more than 30 years, and concluded that the studies failed to provide evidence for the validity or reliability of voice stress analysis-based technologies in the detection of deception. These studies utilized Layered Voice Stress Analysis (LVA), Computerized Voice Stress Analysis (CVSA), Psychological Stress Evaluation (PSE), Vericator, Diogenes, Mark II Voice Analyzer, and the Voice Stress Analyzer (VSA).

The following is a partial list of the studies conducted on voice stress in the detection of deception and their results:

P. Damphouse, M. Upchurch, Assessing the validity of voice stress analysis tools in a jail setting, Oklahoma Department of Mental Health and Substance Abuse, 2007. **Conclusion: LVA and CVSA have poor validity in detecting deception – base rate accuracy was 68%.**

H. Hollien, Voice stress analyzer instrumentation evaluation, University of Florida, 2006. **Conclusion: LVA and CVSA have poor validity in detecting deception. LVA accuracy was below chance; CVSA accuracy was a little better than chance.**

Cassidy, Assessing questioning protocols in detecting deception by voice analysis, 2006. **Conclusion: Accuracy of the CVSA is below chance.**

M.J. Janniro, V.L. Cestaro, Effectiveness of detection of deception examinations using the Computer Voice Stress Analyzer (DoDPI95-P-0016). Department of Defense Polygraph Institute, Fort McClellan, AL, 1996. DTIC AD Number A318986. **Conclusion: Chance-level detection of deception using the CVSA as a voice stress device.**

V.L. Cestaro, A comparison between decision accuracy rates obtained using the polygraph instrument and the Computer Voice Stress Analyzer (CVSA) in the absence of

jeopardy (DoDPI95-R-0002). Department of Defense Polygraph Institute, Fort McClellan, AL, 1995. **Conclusion: Accuracy was not significantly greater than chance for the CVSA.**

D. O'Hair, M.J. Cody, S. Wang, E.Y. Chao, Vocal stress and deception detection among Chinese, *Communication Quarterly* 38 (2) (Spring) (1990) 158ff. **Conclusion: Partial replication of preceding study. Vocal scores were not related to deception.**

H. Hollien, L. Geison, J.W. Hicks Jr., Voice stress analysis and lie detection, *J. Forensic Sci.* 32 (2) (1987) 405–418. **Conclusions: Chance-level detection of stress. Chance-level detection of lies.**

R.F. Waln, R.G. Downey, Voice stress analysis: use of telephone recordings, *J. Bus. Psychol.* 1 (4) (1987) 379–389. **Conclusion: Voice stress methodology did not show sufficient reliability to warrant its use as a selection procedure for employment.**

D. O'Hair, M.J. Cody, R.R. Behnke, Communication apprehension and vocal stress as indices of deception, *The Western Journal of Speech Communication* 49 (1985) 286–300. **Conclusions: Only one subgroup showed a detection rate significantly better than chance, and it did so by the thinnest of margins. Use of questionable statistical methods in this study suggests that the modest positive findings would not be replicated in other research. See next citation.**

B.F. Fuller, Reliability and validity of an interval measure of vocal stress, *Psychol. Med.* 14 (1) (1984) 159–166. **Conclusion: Validity of voice stress measures was poor.**

H.W. Timm, The efficacy of the psychological stress evaluator in detecting deception, *Journal of Police Science and Administration* 11 (1) (1983) 62–68. **Conclusion: Chance-level detection of deception.**

M. Brenner, H. Branscomb, G.E. Schwartz, Psychological stress evaluator: two tests of a vocal measure, *Psychophysiology* 16 (4) (1979) 351–357. **Conclusion: "Validity of the analysis for practical lie detection is questionable."**

DoDPI Research Division Staff, J.L. Meyerhoff, G.A. Saviolakis, M.L. Koenig, D.L. Yourick (In press). Physiological and biochemical measures of stress compared to voice stress analysis using the Computer Voice Stress Analyzer (CVSA) (DoDPI01-R-0001). Department of Defense Polygraph Institute. **Conclusion: Direct test of the CVSA against medical markers for stress (blood pressure, plasma ACTH, salivary cortisol) found that CVSA examiners could not detect known stress. This project was a collaborative effort with Walter Reed Army Institute of Research.**

F.S. Horvath, Effect of different motivational instructions on detection of deception with the psychological stress evaluator and the galvanic skin response, *J. Appl. Psychol.* 64 (3) (June) (1979) 323–330. **Conclusion: Voice stress did not detect deception greater than chance.**

B.E. Lynch, D.R. Henry, A validity study of the psychological stress evaluator, *Can. J. Behav. Sci.* 11 (1) (1979) 89–94. **Conclusion: Chance level detection of stress using the voice.**

F.S. Horvath, An experimental comparison of the psychological stress evaluator and the galvanic skin response in detection of deception, *J. Appl. Psychol.* 63 (3) (1978) 338–344. **Conclusion: Chance-level detection of deception.**

J.F. Kubis, Comparison of voice analysis and polygraph as lie detection procedures (Technical Report No. LWL-CR-03B70, Contract DAAD05-72-C-0217), U.S. Army Land Warfare Laboratory, Aberdeen Proving Ground, MD, 1973. **Conclusion: Chance-level detection of deception for voice analysis.**

A. Suzuki, S. Watanabe, Y. Takeno, T. Kosugi, T. Kasuya, Possibility of detecting deception by voice analysis, Reports of the National Research Institute of Police Science 26 (1) (February) (1973) 62–66. **Conclusion: Voice measures were not reliable or useful.**

Perhaps these outcomes were to be expected. Voice stress is a single-parameter instrument, whereas the polygraph is a three-parameter instrument. If we looked at any single component of the polygraph, we would find that its accuracy does not compare to the accuracy obtained through the synergy of the three parameters.

There are some law enforcement agencies that are employing voice stress as their mode for truth verification. Unfortunately, this is more likely a poor financial decision rather than an intelligent choice. To be trained in voice stress takes 5 days. To be trained in polygraph takes a minimum of 10 weeks. In addition, these agencies report that use of voice stress has resulted in an increase in information and confessions. We are sure that this claim is true. If that is the sole goal, however, we suggest they place wires from the suspect to a copy machine with a paper inside that has "It's a LIE!" written on it. The admissions and confessions resulting would be the same. This refers to the utility value of the test, not the accuracy. Charles Humble, president of the National Institute for Truth Verification, which manufactures the CVSA, was interviewed on the *Primetime* television show [2]. During the interview, Humble admitted that there was no scientific research showing the validity of the CVSA, only utility-value reports from law enforcement agencies using the device. He also stated that he received his Ph.D. in psychology after 6 hours of correspondence study in religion from a school located in the same office building as his company. Unfortunately, although there is a utility value in employing voice stress devices to gain information and confessions, if the future of a suspect or applicant is decided based on the accuracy of the voice stress data collected, it is a sham!

The physiological parameters measured by current and past instrumentation are the end result of what happens when a person lies. These physiological changes occur only after the brain perceives the threat and causes autonomic changes to occur to ensure survival. The search for truth in the future has already begun. It is the ultimate journey into the human mind.

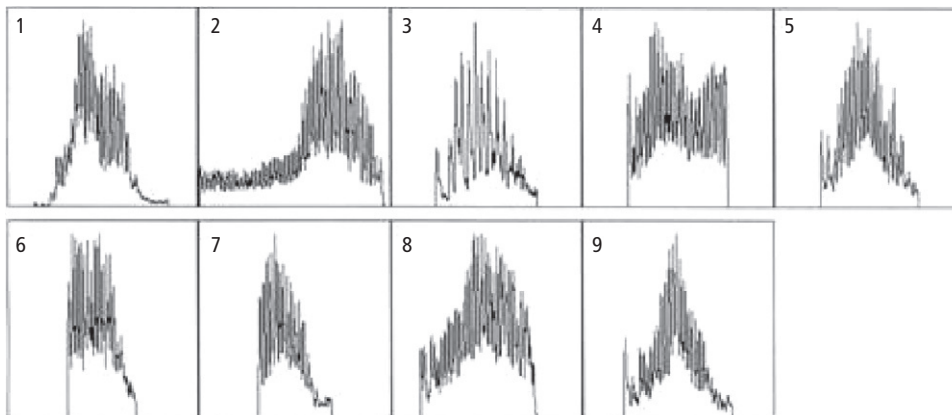


FIGURE 22.3 Voice stress patterns associated with distress and deception.



Searchers for truth have always maintained that deception requires much more cognitive energy than truth. To tell the truth is a simple process: you report what you believe to be the facts. Deception is much more difficult. You must first decide to lie, decide what to say, question whether the information will contradict anything you already said, question whether it is something that can be verified later as untruthful, and contemplate what happens to you if you are caught in your lie.

In recent research into the possible use of functional magnetic resonance imaging (fMRI) with which one of the authors is involved, a possible model for deception was hypothesized [3]. In [Figure 22.4](#), you will notice that for a truthful person, (1) a question is received; (2) it is interpreted; (5) verbal instructions are received; and (6) the truthful person answers the question (3a, 3b, and 4 are bypassed). Compare that to the activation sites involved for the deceiver: (1) A question is received; (2) it is interpreted; (3a) the deceiver must recall the event associated with the question; (4) judgment and planning is involved, including inhibition of the truthful answer; at the same time (3b) there are emotions associated with it; (5) verbal instructions are received; and (6) they answer the question; (3c) at the same

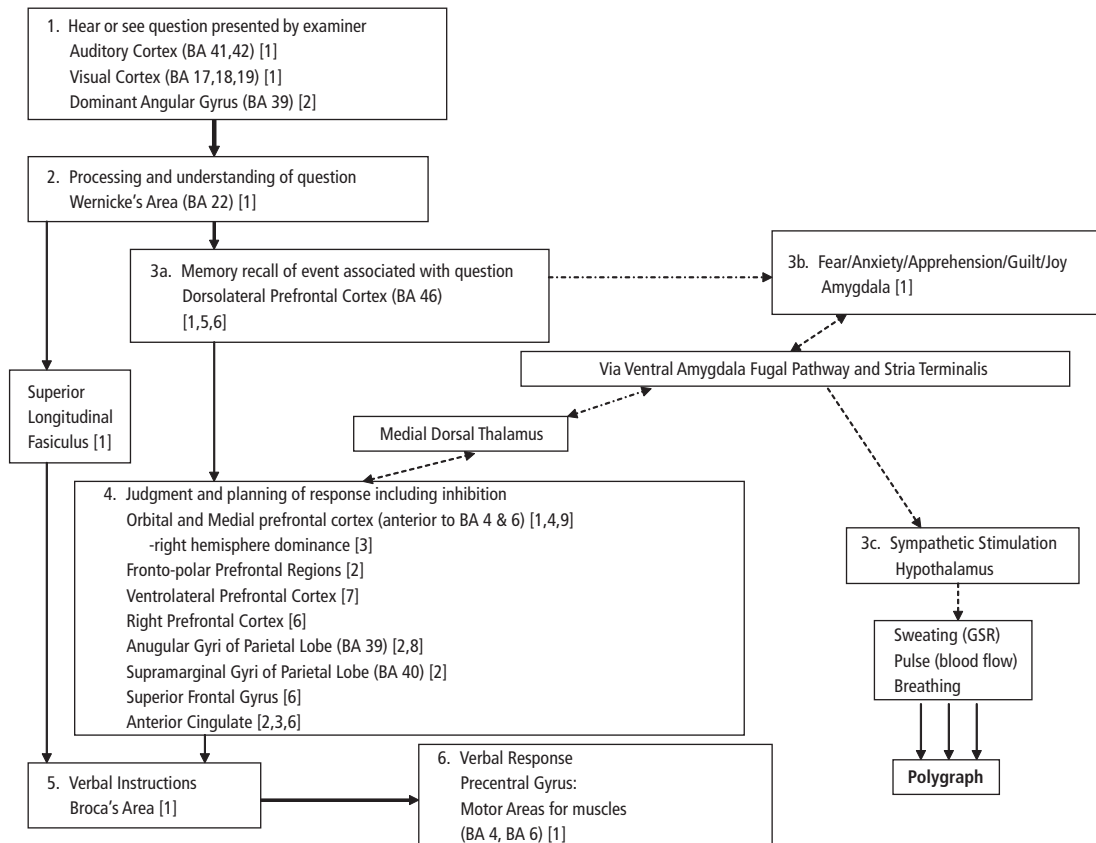


FIGURE 22.4



time sympathetic arousal occurs, finally ending with physiological changes that can be observed by the interviewer or recorded by the polygraph.

Three areas of exploration into the brain are of importance to this area of research: brain waves or brain fingerprinting, blood flow changes observable through ultraviolet rays, and brain activation as mentioned, seen through fMRI.

Dr. Farwell is the innovator of a process of monitoring electroencephalographic (EEG)/P300 brain waves he has called brain fingerprinting. His testing system determines whether or not specific information is stored in a person's memory. The test measures individual brain-wave responses to relevant words, pictures, or sounds presented by a computer. Farwell maintains that the fundamental difference between the perpetrator of a crime and an innocent person is that the perpetrator, having committed the crime, has the details of the crime stored in his memory, and the innocent suspect does not. Brain fingerprinting identifies whether the stimulus presented is stored in the suspect's memory (Figure 22.5). Farwell reports a high level of accuracy in determining this and has successfully had his test results entered into court proceedings.

One problem with the process is the very essence of how it works: it requires the innocent suspect to have no knowledge or memory of the event in question. This in itself limits its use. For example, if you are accused of raping a woman you claimed you never saw, in her house, where you claim you have never been, then brain fingerprinting, if it is indeed accurate, could be used because you should have no memory of what the victim or her house looks like. On the other hand, if you were accused of staying late at work and raping a coworker, then even if you were innocent, your memories would include the victim and crime scene, and consequently this testing could not be administered.

At the 2005 annual meeting of the American College of Gastroenterology, in Honolulu, researchers reported on a study where they measured changes in the stomach using an electrogastrogram (EGG) in sixteen healthy volunteers while they did nothing, told the truth, or told a lie. The study showed that both lying and telling the truth were associated with changes in heart rate and stomach activity. The act of lying was associated with a decrease in the amount of normal gastric "slow waves." "The addition of the EGG to standard polygraph methods has clear value in improving the accuracy of current lie detectors," stated researcher Pankaj Pasricha, MD, of the University of Texas Medical Branch.

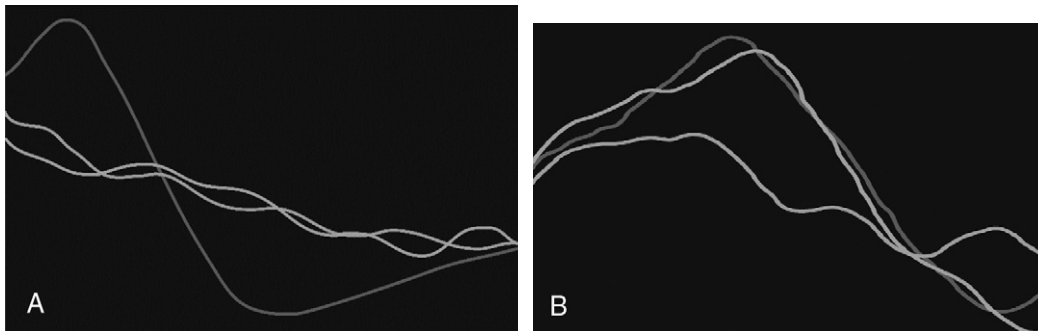


FIGURE 22.5 (A) Information "not present." (B) Information "present."

“The communication between the big brain and the little brain in the stomach can be complex and merits further study.”

Another new attempt at lie detection uses high definition thermal imaging cameras that can detect thermal pattern changes [4]. Thermal imaging cameras enable rapid analysis of changes in blood flow around the eyes. The camera is used to image a suspect’s face while he is being questioned (Figure 22.6).

A recent laboratory study using the device showed it to be 78% accurate, having a 5% false positive rate (truthful suspects erroneously determined deceptive) and a 17% false negative rate (deceptive suspects erroneously determined to be truthful).

Although this instrumentation can be employed covertly and is much less restrictive than the polygraph, accuracy rates are much lower. In addition, the authors believe that the intensity of being stopped and interviewed at an actual checkpoint would greatly increase the intensity of actual suspects, creating “real life” results with less deceptive suspects being erroneously classified as truthful, but more truthful suspects being erroneously classified as deceptive.

More recently, a study performed at Temple University in Philadelphia showed that when people lie, they use different parts of their brains than when they tell the truth. These changes were identified through the use of fMRI [3].

The researchers created a relevant situation for eleven normal volunteers. Six of the volunteers were asked to shoot a gun with blank bullets and then to lie about their participation. The five nonshooters were asked to tell the truth about the situation. The researchers examined the individuals with fMRI as well as administering a polygraph examination utilizing a computerized system measuring thoracic and abdominal respiration, blood pressure, and galvanic skin conductance.

The volunteers were asked questions that pertained to the situation, along with unrelated control questions. In all cases, the polygraph and fMRI accurately distinguished truthful responses from deceptive ones. The fMRI showed activation in several areas of the brain during the deception process (Figure 22.7). These areas were located in the frontal (medial inferior and precentral), temporal (hippocampus and middle temporal), and limbic (anterior and posterior cingulate) lobes. During a truthful response, the fMRI showed activation in the frontal lobe (inferior and medial), temporal lobe (inferior), and cingulate gyrus.

Overall, there were regional differences in activation between deceptive and truthful conditions. Furthermore, there were twice as many areas of the brain activated during the deception process compared to the truth-telling condition.

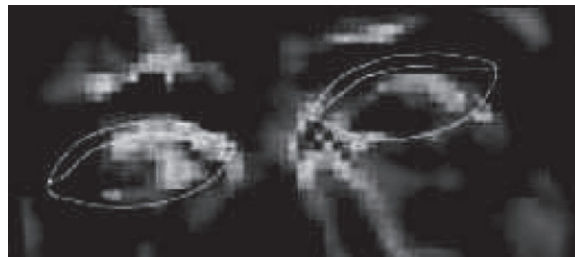


FIGURE 22.6

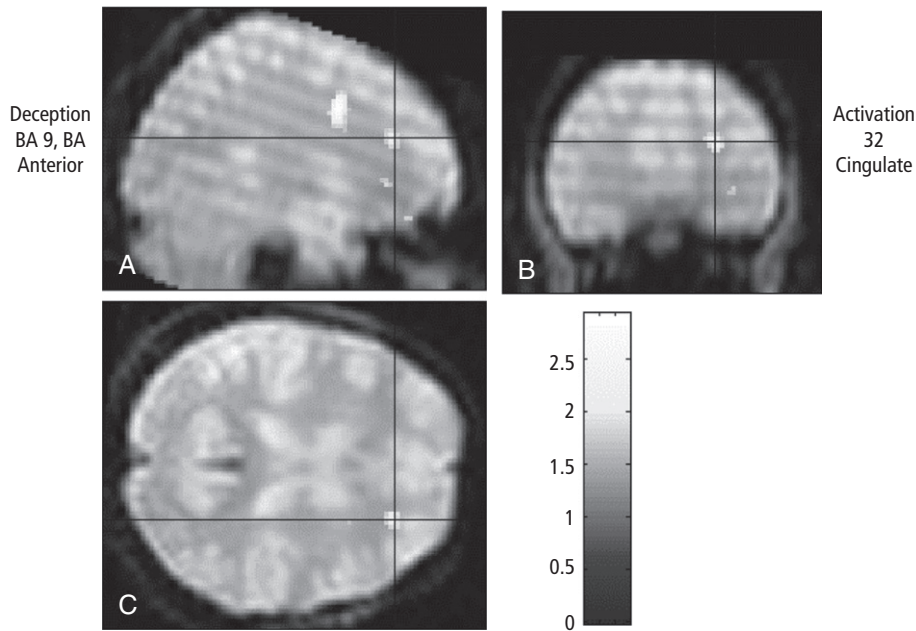


FIGURE 22.7

The fMRI may be developed as a stand-alone process, or combined with the polygraph to increase its overall accuracy. Further investigation is needed to determine if the fMRI may reduce the inconclusive results that occasionally occur in a traditional polygraph situation, and just as important, whether it can effectively assist in determinations where suspects have been trained to employ mental countermeasures in an attempt to escape detection in the traditional polygraph setting. These results are promising in that they suggest a consistency in brain patterns that might be beyond conscious control.

In 2009, the Defense Academy for Credibility Assessment (DACA) introduced a new device to be used in Afghanistan and Iraq for initial screening of suspects. The Preliminary Credibility Assessment Screening System (PCASS) is a handheld computer or personal digital assistant that attempts to measure stress to decide if a subject is telling the truth. PCASS uses external physiological information consisting of electrodermal activity and cardiovascular information from a photo-plethysmograph collected during an interview in an attempt to detect deception (Figure 22.8). These signals are interpreted by an algorithm, a computer program that displays the word “Green” if the person is thought to be telling the truth, “Red” for deceptive, and “Yellow” for an uncertain result.

The instrument was designed by the Lafayette Instrument Company, of Lafayette, Indiana, which also manufactures polygraph instruments. The algorithm – which interprets the physiological information – was designed at Johns Hopkins University by the Advanced Physics Laboratory, where the project was called “Truth Verifier.” They have also designed PolyScore, an algorithm for interpreting polygraph data.

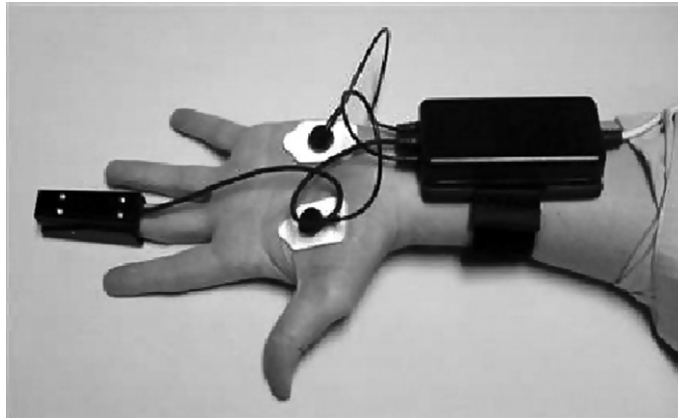


FIGURE 22.8

The PCASS will be used to narrow down large groups of suspects. Those failing the PCASS test will then be further interviewed or given the much more accurate polygraph examination. In Pentagon tests with basic trainees and civilians, the device was correct in 62%, 63%, and 79% of cases, when inconclusive results were viewed as errors.

Adding to the problem of accuracy is the fact that the instrument does not record respiration or physical movements, both of which could be employed in an effort to defeat the test. The government's position is that even with its faults, PCASS is still more accurate than the voice stress devices they were employing prior to the development of the PCASS test.

Pupil dilation has shown promise in the past as a possible physiological response that occurs in conjunction with deception. Like electrodermal activity, pupil dilation is controlled by the sympathetic nervous system. In her 2008 doctoral thesis at the University of Utah, "Effects of Motivation and Item Difficulty on Oculomotor and Behavioral Measures of Deception," Andrea Webb reported that guilty suspects showed greater pupil diameters, took longer to respond to questions, had more fixations, and took more time reading and rereading items to which they were deceptive than did innocent suspects. Four of the variables she studied correctly identified 84% of the guilty and 89% of the innocent suspects.

In the future, regardless of the instrumentation utilized, there will still be the need for professionals to interview suspects and psychologically prepare them for tests involving instrumental detection of deception, and obtain confessions from suspects determined to be deceptive. In that vein, we hope you find this text useful in your search for truth, and that all your mysteries are solved!

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## SUMMARY

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- The most accurate instrument currently used for truth verification is the polygraph.
- Future truth verification technology will focus on the brain.
- Regardless of the advances in instrumentation, there will always be a need for professional interviewers and interrogators.

## References

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- [2] ABC Primetime News, Innocent Until Proven Guilty, March 30 (2006).
- [3] F.B. Mohamed, S.H. Faro, N.J. Gordon, S.M. Platek, H. Ahmad, M.J. Williams, Brain mapping using functional MRI (fMRI) during truth telling and deception, Radiology (2005).
- [4] A. Boustany, S. Davis, S. Anderson, P. Pyle, B.A. Block, Nature 415 (2002) 35-36.

# A

## Forensic Assessment Interview

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**Keystone Intelligence Network, Inc.**

1704 Locust Street, Philadelphia, PA 19103 (215) 545-1111; Fax (215) 454-1773

Name: _____	File no.: _____
Address: _____ _____	Date of interview: _____
_____	Client: _____
Telephone no.: _____	Telephone no.: _____
Interviewee arrived: _____	Requested by: _____
Interview started: _____	Oral report to: _____
Interview ended: _____	Location of interview: _____
Interviewee left: _____	
Interviewer: _____	Investigator present? <input type="checkbox"/> Yes <input type="checkbox"/> No
Verified by: _____	Name: _____

**CONSENT FORM**

I, \_\_\_\_\_, have been advised, before submitting myself to a Forensic Assessment Interview, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that I cannot be forced to submit myself to take a Forensic Assessment Interview for any reason. Furthermore, I have the absolute right to refuse such interview. With full knowledge of these rights and without duress, coercion, force, intimidation, or promises of immunity or reward, I do hereby request a Forensic Assessment Interview be given to me by an Interviewer of Keystone Intelligence Network, Inc., for the mutual benefit of myself and \_\_\_\_\_.

I also authorize the Interviewer of Keystone Intelligence Network, Inc., to disclose both orally and/or in writing, all information, results, conclusions and/or opinions arising from said interview, to \_\_\_\_\_, for whatever uses they may determine. I further authorize Keystone Intelligence Network, Inc., to electronically record this interview for the purposes of review, reporting, research or training. I understand fully that I can terminate this

interview anytime I so desire. Intending to be legally bound, I remise, release, waive, and forever discharge all and each of the above corporations, firms, and/or individuals from any and all actions or causes of action, claims or demands, liability or legal action which I may have now or may ever have resulting directly or indirectly, or remotely both by my taking said interview and/or oral or written information, results, conclusions, and/or opinions, rendered because of said Forensic Assessment Interview.

In Witness Whereof, I have Hereunto Set My Hand and Seal

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(SEAL) Signature of interviewee

\_\_\_\_\_  
DATE

This interview was concluded at \_\_\_\_\_, on the above date. Having submitted myself freely to the interview, I hereby reaffirm my agreement as expressed above. I swear that during said interview, I was well treated and remained of my own free will, knowing that I could leave anytime I so desired. I also swear and certify there were no threats, and/or harm done to me, or any promises made to me during the entire time that I have been here, either in connection with the interview or the signing of this form.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(SEAL) Signature of interviewee

\_\_\_\_\_  
DATE

### PERSONAL DATA

Age: \_\_\_\_\_ DOB: \_\_\_\_\_ Married:  Single:  Separated:  Divorced:

Children: \_\_\_\_\_ Driver's license: \_\_\_\_\_ Ever arrested? YES  NO

If yes, explain: \_\_\_\_\_

When asked to do interview? \_\_\_\_\_ By whom? \_\_\_\_\_

How far did you go in school? 1 2 3 4 5 6 7 8 9 10 11 12

Did you graduate? YES  NO

College: \_\_\_\_\_ Years attended: \_\_\_\_\_ Degree: \_\_\_\_\_

Military service: \_\_\_\_\_ Years: \_\_\_\_\_ Type discharge: \_\_\_\_\_

### MEDICAL DATA

Have you been hospitalized in the last five years? YES  NO

If yes, explain: \_\_\_\_\_

Under the care of a physician at this time? YES  NO

If yes, explain: \_\_\_\_\_

Taking any medication at this time? YES  NO

If yes, explain: \_\_\_\_\_

Do you have any pain or discomfort at this time? YES  NO

If yes, explain: \_\_\_\_\_

Do you know of any reason you would have difficulty understanding my questions and answering them coherently? YES  NO  If yes, explain: \_\_\_\_\_

### MISCELLANEOUS

How many hours of sleep did you get last night? \_\_\_\_\_ Sleep soundly? YES  NO

If no, explain: \_\_\_\_\_

In the past 24 hours have you had any alcohol/used any illegal substances?

YES  NO

If yes, explain: \_\_\_\_\_

### POSTURE/DEMEANOR (+1 Truthful/0 Inconclusive/-1 Deceptive)

If using MITT, do it now and issue one overall score: Score: (+) (0) (-)

Score: (+) (0) (-)

### ELICITED VERBAL RESPONSES (+1 Truthful/0 Inconclusive/-1 Deceptive)

1a. Where do you work?

\_\_\_\_\_  
\_\_\_\_\_

1b. How long have you worked there/here?

\_\_\_\_\_  
\_\_\_\_\_

2. What do you do?

\_\_\_\_\_  
\_\_\_\_\_

3. How do you like working there/here?

\_\_\_\_\_  
\_\_\_\_\_

Score: (+) (0) (-)



4. What is this interview and investigation about?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
5. Why were you selected to be interviewed?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
6. How do you feel about being interviewed?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
7. Please write/tell me in detail what you know about this and how you would explain it.  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
8. If you were the investigator, how would you conduct the investigation?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
9. What are the five most important causes that would have created this situation?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
10. Did you ever think about doing something like this?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
11. (Comparison) During the first \_\_\_\_\_ years of your life did you ever \_\_\_\_\_?  
\_\_\_\_\_  
\_\_\_\_\_
12. Did you \_\_\_\_\_?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)

13. (Comparison) In your entire life did you ever\_\_\_\_\_?

---



---

14. Who would you suspect?

---



---

Score: (+) (0) (-)

15. Who would you vouch for?

---



---

Score: (+) (0) (-)

16. When the person who did this is caught, what do you think should happen to them?

---



---

Score: (+) (0) (-)

17. Would you give them a second chance?

---



---

Score: (+) (0) (-)

18. We will be doing a thorough investigation.

We will be interviewing everyone and doing forensic tests. How do you think the investigation will come out concerning you, and whether or not you did this?

---



---

Score: (+) (0) (-)

19. Would there be any reason evidence would come indicating you did this?

---



---

Score: (+) (0) (-)

20. Would you be willing to chip in to pay for \_\_\_\_\_ ?

---



---

Score: (+) (0) (-)

21. Did you tell anyone about what happened and that you had to be interviewed?

---



---

Score: (+) (0) (-)

22. Why do you think someone would do something like this?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
23. Do you think it was done deliberately, or could it have been accidental?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
24. Do you know for sure who did this?  
\_\_\_\_\_  
\_\_\_\_\_
25. In your entire life, did you ever tell a lie to get out of trouble?  
\_\_\_\_\_  
\_\_\_\_\_
26. Did you lie about whether or not you did this?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
27. If you had been the interviewer, and had three questions to ask to resolve this problem, what would you have asked?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)
28. If we need to speak with you again would you be willing to return?  
\_\_\_\_\_  
\_\_\_\_\_ Score: (+) (0) (-)

**After-interview Interview**

How do you feel now that the interview is over?

---

---

Should I believe your answers? (Note: Must answer  
"Yes" here to be considered for a +1)

---



---

If yes, give me one reason why.

---



---

What would you say if the investigation proves you  
did this?

---



---

What were your emotions during the interview?

---



---

Were you afraid?

---



---

If you were asked to pay, how much would you be  
willing to pay?

---



---

Score: (+) (0) (-)

NOTE: To receive a +1 interviewee must answer second question "Yes," and then say "I *did not* lie, I *told* the truth, I *did not* do the crime," as part of their answer to any other question.

**TOTAL SCORES FROM ALL PAGES:** \_\_\_\_\_

# B

## Weighted FAINT Form: Forensic Assessment Interview

---

Name: _____	File no.: _____
Address: _____	Date of interview: _____
_____	Client: _____
_____	Telephone no.: _____
Telephone no.: _____	Requested by: _____
Interviewee arrived: _____	Oral report to: _____
Interview started: _____	Location of interview: _____
Interview ended: _____	Interviewee left: _____
Interviewer: _____	Investigator present? <input type="checkbox"/> Yes <input type="checkbox"/> No
Verified by: _____	Name: _____

### CONSENT FORM

I, \_\_\_\_\_, have been advised, before submitting myself to a Forensic Assessment Interview, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that I cannot be forced to submit myself to take a Forensic Assessment Interview for any reason. Furthermore, I have the absolute right to refuse such interview. With full knowledge of these rights and without duress, coercion, force, intimidation, or promises of immunity or reward, I do hereby request a Forensic Assessment Interview be given to me by an Interviewer of Keystone Intelligence Network, Inc., for the mutual benefit of myself and \_\_\_\_\_.

I also authorize the Interviewer of Keystone Intelligence Network, Inc., to disclose both orally and/or in writing, all information, results, conclusions and/or opinions arising from said interview, to, for whatever uses they may determine. I further authorize Keystone Intelligence Network, Inc., to electronically record this interview for the purposes of review, reporting, research or training. I understand fully that I can terminate this interview any-time I so desire. Intending to be legally bound, I remise, release, waive, and forever

discharge all and each of the above corporations, firms, and/or individuals from any and all actions or causes of action, claims or demands, liability or legal action which I may have now or may ever have resulting directly or indirectly, or remotely both by my taking said interview and/or oral or written information, results, conclusions, and/or opinions, rendered because of said Forensic Assessment Interview.

In Witness Whereof, I have Hereunto Set My Hand and Seal

\_\_\_\_\_  
 WITNESS                      DATE                      (SEAL) Signature of interviewee                      DATE

This interview was concluded at \_\_\_\_\_, on the above date. Having submitted myself freely to the interview, I hereby reaffirm my agreement as expressed above. I swear that during said interview, I was well treated and remained of my own free will, knowing that I could leave anytime I so desired. I also swear and certify there were no threats, and/or harm done to me, or any promises made to me during the entire time that I have been here, either in connection with the interview or the signing of this form.

\_\_\_\_\_  
 WITNESS                      DATE                      (SEAL) Signature of interviewee                      DATE

#### PERSONAL DATA

Age: \_\_\_\_\_ DOB: \_\_\_\_\_ Married: \_\_\_\_\_ Single: \_\_\_\_\_ Separated: \_\_\_\_\_ Divorced: \_\_\_\_\_

Children: \_\_\_\_\_ Driver's license: \_\_\_\_\_ Ever arrested?  YES  NO

If yes, explain: \_\_\_\_\_

When asked to do interview? \_\_\_\_\_ By whom? \_\_\_\_\_

How far did you go in school? 1 2 3 4 5 6 7 8 9 10 11 12

Did you graduate? \_\_\_\_\_ YES \_\_\_\_\_ NO

College: \_\_\_\_\_ Years attended: \_\_\_\_\_ Degree \_\_\_\_\_

Military service: \_\_\_\_\_ Years: \_\_\_\_\_ Type discharge: \_\_\_\_\_

#### MEDICAL DATA

Have you been hospitalized in the last five years? \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, explain: \_\_\_\_\_

Under the care of a physician at this time? \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, explain: \_\_\_\_\_

Taking any medication at this time? \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, explain: \_\_\_\_\_

Do you have any pain or discomfort at this time? \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, explain: \_\_\_\_\_

Do you know of any reason you would have difficulty understanding my questions and answering them coherently? \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, explain: \_\_\_\_\_

### MISCELLANEOUS

How many hours of sleep did you get last night? \_\_\_\_\_ Sleep soundly? \_\_\_\_\_ YES \_\_\_\_\_ NO

If no, explain: \_\_\_\_\_

In the past 24 hours have you had any alcohol/used any illegal substances? \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, explain: \_\_\_\_\_

**POSTURE/DEMEANOR** (+1 Truthful / 0 Inconclusive / -1 Deceptive) Score: (+) (0) (-)

If using MITT do it now and issue one overall score: Score: (+) (0) (-)

**ELICITED VERBAL RESPONSES** (+1 Truthful / 0 Inconclusive / -1 Deceptive)

1a. Where do you work?

\_\_\_\_\_  
\_\_\_\_\_

1b. How long have you worked there/here?

\_\_\_\_\_  
\_\_\_\_\_

2. What do you do?

\_\_\_\_\_  
\_\_\_\_\_

3. How do you like working there/here?

\_\_\_\_\_  
\_\_\_\_\_

(Positive answer/no hesitation—adaptors—coding) Score: (+3) (0)

4. What is this interview and investigation about?

---

---

(Strong language: steal/theft/rape)

Score: (+2) (-2)

5. Why were you selected to be interviewed?

---

---

(Includes self as Suspect)

Score: (+1) (0)

6. How do you feel about being interviewed?

---

---

(Positive answer with no hesitation/no adaptors)

Score: (+2) (0)

7. Please write/tell me in detail what you know about this and how you would explain it.

---

---

(Explains crime with strong language/  
proper use of pronouns)

Score: (+1) (-2)

8. If you were the investigator, how would you conduct the investigation?

---

---

Score: (+1) (0) (-1)

9. What are the five most important causes that would have created this situation?

---

---

Score: (+1) (0) (-1)

10. Did you ever think about doing something like this?

---

---

(No hesitation—adaptors)

Score: (+1) (-1)



11. (Comparison) During the first \_\_\_\_\_ years of your life did you ever \_\_\_\_\_?

---



---

12. Did you \_\_\_\_\_?

---



---

Score: (+1) (0) (-1)

13. (Comparison) In your entire life did you ever \_\_\_\_\_?

---



---

14. Who would you suspect?

---



---

Score: (+3) (0)

15. Who would you vouch for?

---



---

Score: (+2) (0)

16. When the person who did this is caught, what do you think should happen to them?

---



---

(Strong punishment: fired/prosecution)

Score: (+2) (-1)

17. Would you give them a second chance?

---



---

("No" without any hesitation)

Score: (+2) (-1)

18. We will be doing a thorough investigation.  
We will interview everyone and conduct forensic tests.  
How do you think the investigation will come out concerning you, and whether or not you did this?

---



---

(Positive answer)

Score: (+2) (-1)

19. Would there be any reason evidence would turn up indicating you did this?

---



---

("No," without any hesitation—hedges)

Score: (+2) (-1)

20. Would you be willing to chip in to pay for \_\_\_\_\_?

---



---

Score: (+3) (-1)

21. Did you tell anyone about what happened and that you had to be interviewed?

---



---

22. Why do you think someone would do something like this?

---



---

(Negative/condescending/I don't know)

Score: (+1) (0)

23. Do you think it was done deliberately, or could it have been accidental?

---



---

Score: (+3) (0)

24. Do you know for sure who did this?

---



---

("No," with no hesitation or adaptors)

Score: (+2) (0)

25. In your entire life, did you ever tell a lie to get out of trouble?

---



---

26. Did you lie about whether or not you did this?

---



---

Score: (+) (0) (-)

27. If you had been the interviewer, and had three questions to ask to resolve this problem, what would you have asked?

---

---

(Asks a strong relevant question: "Did I do it?")

Score: (+1) (0)

28. If we need to speak with you again would you be willing to return?

---

---

### AFTER-INTERVIEW INTERVIEW

How do you feel now that the interview is over?

---

---

Should I believe your answers? (Note: Must answer "Yes" here to be considered for a +3)

---

---

If yes, give me one reason why.

---

---

What would you say if the investigation proves you did this?

---

---

What were your emotions during the interview?

---

---

Were you afraid?

---

---

If you were asked to pay, how much would you be willing to pay?

---

---

Score: (+3) (0)

NOTE: To receive a +3, interviewee must answer second question "Yes," and then say: "I did not lie," "I told the truth," or "I did not do the crime" as part of their answer to any other question.

**TOTAL SCORES FROM ALL PAGES: \_\_\_\_\_ DETERMINATION: NDI? DI**

C

Pre-employment Booklet (Keystone  
Intelligence Network, Inc.)

---

File No.:

APPLICANT'S NAME:

(First)

(Middle)

(Last)

Company/agency applying with:

Requested by:

Phone No.:

Location of interview:

Interviewer:

Oral report to:

Date:

Time in:

Time out:

Code: MA A LA UA

**CONFIDENTIAL**

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KEYSTONE INTELLIGENCE NETWORK, INC.  
 1704 Locust Street  
 Philadelphia, PA 19103  
 (215) 545-1111  
 Fax: (215) 545-1773

## INSTRUCTIONS

Please read and sign the "Consent/Release Form" on Page One (1) to allow our investigative agency to perform your background investigation.

This process is designed to identify one out of ten applicants who have engaged in serious unacceptable past behavior.

Nine out of ten applicants should do well, but only seven do!

Two of these nine applicants that should do well deliberately withhold, or lie, about information that is later uncovered during our investigation.

Usually this information would not have been serious enough to have affected their chance for employment; however, because they did not tell the truth, it shows either a lack of integrity or maturity on their part, and they are eliminated from consideration.

Therefore, it is extremely important that you answer every question truthfully. Your background investigation is only one component of the employment decision. We do not expect you to be a saint! We do expect you to be truthful!

Remember, this is an employment background form. Clarity and legibility are a reflection of you. Use only a pen. Do not make any corrections. Think before you write!

## CONTENTS

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Employment History 149	Completion Instructions 161
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Financial Information 153	Psychological Assessment 162
Driving Information 154	

**PRE-EMPLOYMENT CONSENT AND RELEASE FORM**

In connection with my application for employment with this potential employer:

I understand that investigative background inquiries are to be made on myself including, but not limited to, CONSUMER/CREDIT, CRIMINAL, DRIVING, EDUCATIONAL, EMPLOYMENT, AND OTHER INFORMATION. These reports will include information as to my character, work habits, performance and experience, along with reasons for terminations of past employment. Furthermore, I understand that you will be requesting information from various Federal, State, Local and other agencies which maintain records concerning my past activities relating to my driving, credit, criminal, civil and other experiences, as well as claims involving me in the files of insurance companies.

I authorize, without reserve, any party or agency contacted by KEYSTONE INTELLIGENCE NETWORK, INC., or by this potential employer, to furnish any and all information they have regarding me.

I further agree to allow an agent of KEYSTONE INTELLIGENCE NETWORK, INC., to perform a Pre-employment Security Assessment Interview with me. I understand that falsification of any information during this interview may result in my disqualification for the position for which I am applying for.

I hereby release, remise, waive, and forever discharge all and each of KEYSTONE INTELLIGENCE NETWORK, INC., this potential employer, and any agency, institution, or business releasing information, as well as their successors, assigns, agents, servants, officers, workmen and employees, from any and all actions which I have now, or may ever have resulting directly or indirectly, or remotely resulting from any information released, the Pre-employment Security Assessment Interview, any written attitude tests I take, or, from the written or oral opinions rendered in the course of this investigation.

PRINT FULL NAME:

APPLICANT'S SIGNATURE:

WITNESS:

DATE:

**BIOGRAPHICAL INFORMATION**

1. Home phone number: \_\_\_\_\_ Business phone number: \_\_\_\_\_
2. Are you a citizen of the U.S.? \_\_\_\_\_ If not, Alien registration #: \_\_\_\_\_
3. Have you ever used a name, or alias, that was not registered with the courts?  
 Yes          No          If yes, list them: \_\_\_\_\_

4. Social Security number:

State where it was issued:

RESIDENCY – List all of your addresses during the past ten (10) years. FAILURE TO LIST ALL OF THEM MAY BE GROUNDS FOR REJECTION. Start with your current address and work backwards.

Address	From-To	Buying or renting
Number and Street		
City, State, Zip Code		
Number and Street		
City, State, Zip Code		
Number and Street		
City, State, Zip Code		
Number and Street		
City, State, Zip Code		

5. Position applying for:

6. Full time                      Part time

7.

8. Have you ever worked for this organization before?                      YES                      NO

9. List any friends or relatives that you know are currently employed by this organization:

10. Is there anything you are now concealing about your biographical information, or about anything else you feel is important for us to know?                      YES                      NO

If yes, explain:

INTERVIEWER COMMENTS:



**EDUCATION**

<b>11. Name of school and location</b>	<b>Course</b>	<b>Diploma</b>	<b>GPA</b>	<b>#Credits</b>
--	---------------	----------------	------------	-----------------

High School

College

College

Trade School

Other

**12.** When your school records are checked, how many times will it show you were suspended or expelled?

Give details:

**13.** If High School was not completed, why

**14.** Are you planning any future educational endeavors?

If yes, explain:

**15.** List any school sports, clubs or honors:

**16.** Which subject did you like best in school?

**17.** Which subject did you like the least?

**18.** Is there anything you are now concealing about your education, or about anything else you feel is important for us to know?                      YES                      NO

If yes, explain:

INTERVIEWER COMMENTS:

**MEDICAL AND PHYSICAL DATA**

This information is protected under the "Americans With Disabilities Act," and questions concerning it are restricted until after an offer of employment is made.

In the event that an offer of employment is made:

**19.** Are you willing to take a physical examination for this position?                      YES                      NO

**20.** Are you willing to take a urinalysis drug screen test?                      YES                      NO

If yes, casual or experimental illegal drug use will show up for approximately thirty (30) days. How long would you like to wait before a urine sample is taken?

## INTERVIEWER COMMENTS:

**EMPLOYMENT HISTORY**

A SOCIAL SECURITY CHECK WILL LIST ALL EMPLOYERS.  
FAILURE BY YOU TO LIST A PLACE OF EMPLOYMENT  
MAY BE GROUNDS FOR REJECTION.

21. Are you currently employed?            YES            NO

22. In the last five (5) years how many:

Full time jobs have you had?

Part time jobs have you had?

23. When we check with all of your past employers, whether they are right or wrong, how many of them may say you were fired from a job?

List each job and explain what happened:

24. When we check your personnel files for the last twelve months you worked, how many times will it indicate you were:

Late:            Absent:            Disciplined:

25. How many times at a job have you:

- a. Been warned about being absent or late?
- b. Been asked to resign?
- c. Quit because you thought you would be fired?
- d. Had personality problems?
- e. Left because of personality problems?
- f. Been treated unfairly by an employer?

Explain any answers which have a number other than zero:

26. List all of your places of full time, part time, or temporary employment during the past ten years. BEGIN WITH YOUR CURRENT OR LAST JOB, AND WORK BACKWARD.

From: Mo.            Yr.            to Mo.            Yr.            Position:

Employer:

Address:

Type business:

Supervisor:

Final Earnings: \$

Per:

Salary:

Commission:

Other:

Part time:

Full time:

Liked most about job:

Liked least:

Why did you leave?

Can we contact?

From: Mo.            Yr.            to Mo.            Yr.            Position:

Employer:

Address:

Type business:

Supervisor:

Final Earnings: \$

Per:

Salary:

Commission:

Other:

Part time:

Full time:

Liked most about job:

Liked least:

Why did you leave?

Can we contact?

From: Mo.            Yr.            to Mo.            Yr.            Position:

Employer:

Address:

Type business:

Supervisor:

Final Earnings: \$

Per:

Salary:

Commission:

Other:

Part time:

Full time:

Liked most about job:

Liked least:

Why did you leave?

Can we contact?

From: Mo.            Yr.            to Mo.            Yr.            Position:

Employer:

Address:

Type business:

Supervisor:

Final Earnings: \$                      Per:                      Salary:                      Commission:

Other:                      Part time:                      Full time:

Liked most about job:                      Liked least:

Why did you leave?                      Can we contact?

From: Mo.                      Yr.                      to Mo.                      Yr.                      Position:

Employer:

Address:

Type business:                      Supervisor:

Final Earnings: \$                      Per:                      Salary:                      Commission:

Other:                      Part time:                      Full time:

Liked most about job:                      Liked least:

Why did you leave?                      Can we contact?

27. List any other companies you've placed applications with in the past six (6) months:

28. Explain why you desire the position you applied for:

29. If you are hired for this position do you intend it to be long or short term?  
Explain:

30. Is there anything you are now concealing about your employment history, or about anything else you feel is important for us to know? YES                      NO

If yes, explain:

INTERVIEWER COMMENTS:

### MILITARY HISTORY

31. Have you ever been in the United States Armed Forces? YES                      NO  
(If "No," go to next page)

32. Branch:                      Inducted:                      Discharged:

33. Rank at discharge:                      Type of job in military:

34. Other than unit citations, list any awards, medals or honors you received:
35. How many times did you:
- Receive disciplinary action? (Captain's Mast, Article 15, Summary Punishment)
  - Get taken into custody by military authorities?
  - Get court martialled?
  - Have your rank reduced?

Explain any answers with a number other than zero:

36. List any unauthorized service equipment you kept when discharged:

37. Is there anything you are now concealing about your military history? YES  
NO

If yes, explain:

INTERVIEWER COMMENTS:

### FINANCIAL INFORMATION

38. How much money would it take to pay off all of your outstanding debts? \$  
How much of this represents your: Mortgage \$                      Car(s) \$
39. How many charge cards do you now have with an outstanding balance?
40. When a credit check is performed, how many debts will it show you are currently behind on?
41. In the last seven (7) years, how many times have you:
- Defaulted on a loan or a bill?
  - Had deductions taken from your pay by the government/courts?
  - Declared bankruptcy?
  - Been threatened with a law suit due to a bad debt?
  - Had to appear in court due to a bad debt?
  - Been refused a loan or credit by a bank, store, credit card?
  - Had an overdraft on your checking account?

Explain any answers with a number other than zero:

42. Is there anything you are now concealing about your financial information?

YES                      NO

If yes, explain:

INTERVIEWER COMMENTS:

### DRIVING INFORMATION

43. Do you have a valid driver's license? YES              NO              #Yrs. driving?

44. State:                                      Any other states you are licensed in:

45. License Number:                                      Expiration:                                      Validation:

46. List any other states you were licensed in:

47. Approximately how many miles have you driven in the past twelve (12) months?

48. Do you own a motor vehicle? YES              NO              Are you insured? YES              NO

List vehicles owned, and insurance company:

49. When we check your driving record for the past seven ( 7) years:

a. How many moving violations will it show you have received?

b. How many parking tickets?

c. How many accidents?

d. How many times have you been denied auto insurance?

e. How many times has your license been suspended/revoked?

f. How many tickets do you currently have unpaid?

Explain any answers with a number other than zero:

Is there anything you are now concealing about your driving information?

YES                      NO

If yes, explain:

INTERVIEWER COMMENTS:

**GAMBLING**

50. Circle the types of gambling activities you have done in the past twelve (12) months.

BASEBALL    PINBALL    BASKETBALL    DICE    FOOTBALL  
 BILLIARDS    LOTTERY    ROULETTE    HOCKEY    HORSES  
 POOLS    SLOTS    CARDS    OTHER:

51. In the last twelve months:

What is the most money you have won gambling in any one day? \$

What is the largest single bet you have made at any one time? \$

What is the most money you lost gambling in any one day? \$

What is the grand total of money you have lost/won? \$

52. How many gambling debts do you owe right now?

53. Would you gamble more if you had more money?

54. Did you ever:

YES

NO

a. Use money you had set aside to pay a bill with to gamble?

b. Borrow money to gamble with?

c. Get cash from a credit card to gamble with?

d. Bet with bookies?

e. Book horses or numbers yourself?

f. Run a betting pool?

g. Work for a professional gambler/bookmaker?

Explain any "YES" answers:

55. Is there anything you are now concealing about your gambling? YES

NO

If yes, explain:

INTERVIEWER COMMENTS:

**SECURITY**

56. When we check your criminal record for the past seven (7) years, what will we find?

57. Explain any convictions:

VIOLATION	YEAR	PLACE	OUTCOME
-----------	------	-------	---------

58. In the last seven years, how many times were you:
- Served with a subpoena/summons in a criminal or civil case?
  - Questioned by police as a suspect?
  - The buyer of something you thought was stolen?
  - Been indicted for a violation of the law?
  - Sent to jail?
  - Picked up or stopped for shoplifting?

Explain any answers with a number other than zero:

59. In your entire life, what is the most serious crime you did that you were smart enough to get away with?

60. Is there anything you are concealing about your criminal history?

YES                      NO

If yes, explain:

INTERVIEWER COMMENTS:

### HONESTY

While no employer desires to hire an applicant that has a history of major thefts, they recognize that almost everyone has stolen something here or there over the course of their life. It is extremely important you answer each question truthfully.

61. If you had to pay for everything you have ever shoplifted would it be:  
Over \$100                      Under \$100.

Explain:

62. If you had to pay for everything you have ever shoplifted, what is the most you would owe?  
\$

63. When and what was the last thing?

64. If you had to pay for everything you have taken from all of your jobs would it be:  
Over \$100                      Under \$100

Explain:



65. If you had to repay cash you have stolen from all of your jobs, what would you owe in:  
 Past year: \$                      Past five years: \$                      Your lifetime: \$

66. What is the most cash you have ever taken from a job in any one day? \$

67. What is the most property (merchandise/food/supplies/equipment/etc.) you have ever stolen from a job in any one day? \$

68. If you had to pay for non-cash thefts taken from all of your jobs, what would you owe in:  
 Past year: \$                      Past five years: \$                      Your lifetime: \$

69.

a. What do you think should happen to an employee caught stealing?

b. Would you give them a second chance?

70. How much cash would an employee have to be caught stealing before you think they should be prosecuted?

\$1.      \$5.      \$10.      \$25.      \$50.      \$100.      \$500.

71. How much merchandise would an employee have to be caught stealing before you think they should be prosecuted?

\$1.      \$5.      \$10.      \$25.      \$50.      \$100.      \$500.

Explain your choices for questions 70 and 71:

72. Out of a hundred employees, how many do you think steal from their job?

73. How many times have you actually seen a co-worker stealing, or been told by a co-worker that they were stealing?

If you have, what did you do?

74. If you were to observe a co-worker stealing would you report them?

YES                      NO

75. How many times have you reported a co-worker for stealing?

76. How many times have you:

- a. Been questioned at a job about something missing?
- b. Been asked to leave a job because something was missing?
- c. Felt you had a good reason to steal from a job?
- d. Had another employee show you how you could steal from a job?
- e. Been falsely accused of a theft you did not commit?

77. Is there anything you are concealing about your honesty? YES NO  
 If yes, explain:

INTERVIEWER COMMENTS:

### CASUAL DRUG USE

78. Statistics show that close to ninety percent (90%) of the American population has experimented with some type of illegal drug during their lifetime. Circle every illegal drug you have ever experimented with or used casually, even if it was only one time, and indicate the last time you used it.

Marijuana	Hashish	Barbiturates
Tranquilizers	Opium	LSD
Heroin	Cocaine	Amphetamines
Crack	Peyote	PCP
Speed	Mescaline	Meth
Uppers	Downers	Mushrooms

List any illegal drugs not mentioned:

79. What was the largest quantity of illegal drugs you have ever purchased? What did you pay?

80. What and when was your last purchase of an illegal drug?

81. What were the most illegal drugs you have ever sold, and what did it sell for?

82. When was the last time you sold an illegal drug?

83. Are you currently using any illegal drugs while working? YES NO  
 If yes, explain:

84. Have you ever cultivated or manufactured any illegal drugs? YES NO  
 If yes, explain:

85. Is there anything you are concealing about your casual drug use?  
 YES NO

If yes, explain:

## INTERVIEWER COMMENTS:

I VERIFY THAT ALL OF THE INFORMATION PROVIDED BY ME IN THIS INTERVIEW/BOOKLET IS TRUTHFUL, AND FULLY UNDERSTAND THAT ANY DELIBERATE OMISSIONS OR MISINFORMATION MAY RESULT IN MY REJECTION FOR THIS POSITION.

Applicant Signature

Time

**UPON COMPLETION**

How do you feel now that you have finished answering the questions in this interview/booklet?

Should we believe all of your answers were truthful?

Give us one reason why we should believe your answers.

What would you say if the background investigation turns up evidence that proves you lied about critical information?

What were your emotions while completing this interview/booklet?

Were you afraid?

**Thank you for your cooperation.**

**Remember, you are one of several applicants being considered for this position. After the backgrounds of all applicants are verified your potential employer will select the most qualified candidate for the job.**

*If you filled out this booklet yourself, please turn it in now.*

**INTERVIEWER EVALUATION**

<b>PERSONAL GROOMING</b>	Unkempt, noticeable lack of neatness <b>1</b>	No special care in dress or appearance <b>2</b>	Neat and clean <b>3</b>	Pays special attention to personal details <b>4</b>	Immaculately dressed and groomed <b>5</b>
<b>FRIENDLINESS</b>	Appears very distant and aloof <b>1</b>	Approachable, fairly friendly <b>2</b>	Warm, friendly, sociable <b>3</b>	Very sociable and outgoing <b>4</b>	Extremely friendly and sociable <b>5</b>
<b>PHYSICAL APPEARANCE</b>	Unpleasant, unhealthy appearance <b>1</b>	Appears to lack energy, listless <b>2</b>	Good physical condition; nice <b>3</b>	Appears fit, alert, energetic <b>4</b>	Excellent appearance and energy level <b>5</b>
<b>POISE-STABILITY</b>	Nervous, embarrassed, compulsive mannerisms <b>1</b>	Stiff, uncomfortable, ill at ease <b>2</b>	No unusual tension, comfortable, at ease <b>3</b>	Appears alert, free of tension <b>4</b>	Unusually self-assured and composed <b>5</b>
<b>SELF-CONFIDENCE</b>	Shy, retiring, arrogant, "cocky" <b>1</b>	Submissive; argumentative <b>2</b>	Reasonably self-assured; forth-right <b>3</b>	Appears very confident <b>4</b>	Unusually self-assured, inspires confidence <b>5</b>
<b>EXPRESSION OF IDEAS</b>	Unclear, illogical, no thought <b>1</b>	Dwells on nonessentials, thoughts not well defined <b>2</b>	Talks well and "to the point" <b>3</b>	Convincing, logical thought development <b>4</b>	Unusual ability to express logically <b>5</b>
<b>MENTAL ALERTNESS</b>	Dull, slow to grasp ideas <b>1</b>	Rather slow; requires more than average explanation <b>2</b>	Fairly attentive, expresses own thoughts <b>3</b>	Quick witted, alert, asks intelligent questions <b>4</b>	Unusually quick thinker <b>5</b>

<b>MOTIVATION AND AMBITION</b>	No drive; ambition limited	Little interest in development; seems satisfied	Interest and ambition fair; reasonable desire to develop	Definite future goals, wants to succeed and grow	High ambition, future well planned
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>EXPERIENCE AND EDUCATION</b>	Education and experience unsuitable for job	Education and experience not directly applicable	Good educa- tional and work background	Education and experience fit job; above average qualification	Background especially well suited, continues to study
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>PERSONALITY AND MATURITY</b>	Immature, impulsive, indecisive,	Opinionated, difficulty accepting others' ideas	Reasonable stability and maturity	Stable, cooperative; accepts responsibility	Very mature, a self-starter; outstanding personality
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<hr/> <b>Unsatisfactory</b> (10–17)	<hr/> <b>Fair</b> (18–25)	<hr/> <b>Average</b> (26–34)	<hr/> <b>Very good</b> (35–42)	<hr/> <b>Outstanding</b> (43–50)	

# D

## Questionnaire

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### KEYSTONE INTELLIGENCE NETWORK

1704 Locust Street, Second Floor, Philadelphia, PA 19103 (215) 545-1111

### Instructions

We would like you to read the following instructions very carefully before you start answering the questions. We would like you to realize:

1. Every word is important, and each one may be checked later.
2. This is not a draft, and you only have one chance to write down the answers. So, before you write we would like you to think as to how you are going to phrase your answers.
3. Please write your answers in as detailed a way as you can to enable us to understand your case.
4. Use only a pen while writing (no pencils). No typing is allowed.
5. Use clear handwriting to enable reading.
6. You are not to make any corrections on the questionnaire. If you feel that you would like to change an answer, please do it in the space provided for that purpose, or encircle the mistaken sentence and continue on. Your correction will be taken into consideration.

We have reached the conclusion that \_\_\_\_\_.

Write in detail what you know about this and how you would explain it.

(Use Reverse Side if Necessary)

If you were going to conduct this investigation how would you do it?



List the five (5) most important causes that would have created this situation.

Write in detail what happened from the time you woke up, until you went to sleep, on \_\_\_\_.

It doesn't mean you are right, and whatever you say is confidential, but, if you had to suspect someone of doing this, who would you suspect and why?

Who would you least suspect and why?

What do you think should happen to the person who did this when they are caught?

Would you give them a second chance, and why?

Do you think it was deliberate (crime took place), or could it be lost (accidental)?

Do you know for sure who did this?

Did you do this?

How do you think the investigation will turn out concerning you, and whether or not you did this?

Would you like to change any of the answers you provided?

How do you feel now that you have completed this questionnaire?

Should we believe your answers about whether or not you did this?

If yes, give us one reason why we should believe you.

What would you say if the investigation proved beyond any doubt you did this?

What were your emotions while filling out the questionnaire? How did you feel?

Were you afraid?

If you were asked to pay for \_\_\_\_\_, how much would you be willing to pay?

Please write your name:

Address:

Phone Number:

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