

# Detecting Validity and Deception in Interviews and Statements

Deception is a mechanism of self-protection and often indistinguishable from essential editing. Deception and sincerity are evident in two forms - physiologically and in language.

## *The OPTICS Principle*

To detect sincere and deceptive non-verbal behaviour we need to compare the subjects with themselves. OPTICS is an acronym for Observation, Perceived risk, Time, Interaction, Context and Skill. Detection relies on a combination of these factors.

### **Observation**

Emotional content is integral to nearly all our experiences, most of which we subtly mask. From simple expressions of nebulous anxiety about an audit to complex combinations of anger, fear and contempt toward an investigator's probing questions, emotional content needs to be articulated and managed before making judgments that translate emotion into evidence of guilt, intent to deceive, or intent to do harm. We are not detecting the mask of deception; we are detecting, articulating, and managing the emotion behind the mask. This calls for emotional intelligence, the ability to perceive, identify and manage emotional undercurrents interpersonally and intra-personally.

Emotions are subdued most of the time in the interest of self-management, social-ability and productivity. Cloaking our emotions is part of our effort to exercise autonomy. The mask of deception is our social skin. Subtle expressions are challenging to identify and interpret. Most of these expressions are benign and beyond self-conscious awareness. Emotion in everyday life is masked whether it is benign or sinister. Very few of these masked expressions *are* associated with guilt or villainous intent. The problem is we have no way of distinguishing anxiety about being confined in a plane from anxiety about being caught smuggling drugs. The way of approximating the meaning of emotional leaks is by measuring non-verbal responses to specific stimuli such as selected pictures, sounds, questions, or embedded suggestions in conversations. The best way to interpret the meaning of non-verbal behaviour then is by relevant

associations. The simplest way to interpret the meaning of expression is to know what the associated thought is and the best way to know that, if the subject is not going to tell you, is to put the thought in the subject's head.

Interviewing is not a mechanical process. Everything is imbued with emotion, no matter how stoic, courteous, and distant we seem. The dynamic interaction of two people engaged in communication is fluid and fraught with creative interpretations driven by emotionally charged motives. Experiences are interpreted emotionally as well as intellectually and the ebb and flow and indeed, the outcomes of interviews are predominantly determined by the emotional resonance. In order to understand what a subject experiences we attended to what the experience means to the subject. Although emotional content obscures fact-finding emotional content cannot be ignored. One of the first objectives of the interviewer is to interpret and manage the emotional components of recall and ascertain motives, while respecting the integrity of the witness. Where emotion there is trauma or post-traumatic stress the challenge is to manage the stress while regenerating to-be-remembered-events, (TBR). This can be a daunting task.

Let's look at the ways we detect emotional content to be managed. Non-verbal clues to validity and deception can be articulated under three general categories, ***macro-behavioral, micro-behavioral, and technically assisted.***

### ***Macro-behaviours***

Experiments looking at macro-behavioral *clues* such as gaze aversion, crossed arms and feet, frequent arm and hand movements, (illustrators), could not find any of these actions to be reliable indicators of deception despite forensic training programs which promote such beliefs. Indeed deceivers tend to move less, particularly during questioning about critical issues. (One experiment found that extroverts move less and introverts move more when being deceptive). Deception is a stoic mask we all wear. The more we try to conceal the more rigid our face and body expression becomes.

As well there is a phenomenon called interactional synchrony where the interviewer contaminates the subject's behavior with agitated animation, (such as arm/hand illustrators), that the subject mirrors. In other words the interviewee involuntarily mimics the interviewer's actions (indicators of rapport and/or submission). The interviewer then views the mimicked behavior as suspicious.

Individual idiosyncrasies, (unique behaviours in response to stress), are far more important to calibrate during the familiarizing phase of the interview than confirming expected generalized behaviors. Time, combined with intense observation generates intimate knowledge of idiosyncratic macro-behaviours, allowing for recognition of significant changes in expressions unique to the subject in response to critical issues.

***Micro-behaviours***

Comparison of micro-behaviors during different phases of the interview including the rapport-building phase is essential to detection of underlying stress, like depth perception is dependant on bifocal calibration.

*Micro-behaviors*, such as skin color, muscle tension, pulse, breathing and voice, are more reliable indicators of stress than macro-behaviors because of the involuntariness of the autonomic nervous system. Stress does not always mean deception. But deception almost always produces varying degrees of stress. If deception is combined with significant risk stress is manifest.

Accessing Cues	Relaxed	Stress (fear)
Breathing	From the abdomen	Top of the chest Shallow / rapid jerky / sighing
Facial	Jowls sag / cheeks relax/ color is even and more robust	Raised or furrowed eyebrows / cheeks tighten / less color – blanched / flared nostrils
Mouth	Lips fuller / deeper color	Lips narrow / tight / whitish-purple / swallowing / licking / clicking tongue
Skin moisture	Smooth / dry	Cold / moist / clammy, itchy
Pulse	Slow / deep / even	Rapid / shallow

Body posture	Relaxed / open	Closed / rigid
Voice	Varying pitch / soft / even tone and rate	Weak or loud / high pitch / rapid / strained / throat clearing / stuttering

Differing emotions generate varied expressions. Although anger and fear are both stressful experiences anger will be expressed with furrowed brows, possible redness, and a loud voice, while fear will be visible with raised eyebrows, blanched skin, thin lips and weaker rapid speech. Conditions such as erythrophobia, (blushing), and hyperhidrosis, (profuse sweating), are idiosyncratic anomalies. Muscular rigidity, a slower voice, with higher pitch, low volume, hesitation and stuttering can be due to cognitive overload. Cognitive overload occurs when a deceptive person needs to concentrate to maintain consistency and self control but can also be intense concentration without deceptive editing. (Nose, ear touching and head scratching are included in the autonomic microbehavioural category since the actions are in response to involuntary “itchy” skin reactions to stress.

### Technically Assisted

Technology has widened our perceptual lens revolutionizing the fields of law enforcement and security. Surveillance cameras project the watchful eye through solid objects, over unlimited distances. Transmitters allow us to see and hear in the most remote unattended locations. Lie detectors amplify our sense of touch, translating minute calibrations of skin response into visual graphs. We have come to rely heavily on technology. At times, it appears, the instruments that extend our sensory channels are more valuable than the users themselves. The relative costs of these devices, compared to the costs of personnel, make the hardware seem much more attractive. Instruments are easier to control and replace and are, arguably, more reliable. Certainly, instruments of detection can be more vigilant. They do not get hungry, bored, or daydream. And technological devices have become so user-friendly that most professionals would feel incapacitated without them. In terms of recording activity technical devices have proven to be accurate witnesses.

In terms of detecting deception, instruments such as lie detectors, voice analyzers, ultraviolet, infrared and laser detectors as well as face readers are far

less accurate. The problem with technically assisted detection is not the data. It is with the interpretation of the data. An infra-red heat sensor may detect increased heat in neck associated with stress but the human agent still needs to interpret the meaning of the sudden “flushed” response. Even fingerprint ID requires subjective evaluation; though highly accurate it is not infallible. Less accurate is polygraph. In a test of skilled polygraph examiners in New York where they were predisposed to believe one of five innocent subjects they were asked to test was guilty, they all identified the confederate as failing the test. More troublesome are MRI brain scanners, laser heat sensors and face readers, where arousal will likely be misinterpreted on the basis of deception-bias and systemic bias.

The human agent has limitations. The eye uses a narrow band of the light spectrum; the ear deciphers only between 20 and 20,000 Hz. And when we try to reproduce what we have witnessed, our internal representations fall far short of the graphic detailed recordings of cameras and audio devices. Witness memory research has clearly demonstrated the fallibility of our acquisition by deletion, distortion and generalization, the stewing affect of retention, and the linguistic limitations of recollection.

Despite these shortcomings the human agent still possesses the most sophisticated computer. The brain processes a remarkable amount of information, simultaneously filtering through a mental library of previous experience while making calculated responses at both conscious and unconscious “intuitive” levels. Our visual channel might not be able to detect infrared or x-ray but the human eye can detect 7,500,000 shades of color and, more importantly, can discriminate about which changes in shade or hue might be significant in a process or event. Being alert to change, able to interpret the meaning of change, and to respond with appropriate action make the human agent still the most vital component in the system.

Technology may enhance our detecting capabilities but the human agent will still need to interpret the data. The question is who is doing the interpreting, for what purposes, with what biases, and how quickly are they being forced to make these judgments?

### **Perceived Risk**

Low stress can be due simply to ignorance. If the interviewee is unaware of the risk or consequences there will be little to no stress. As risk increases detectable stress will increase, the greater the risk, the more robust the expression of stress. The subjective perception of the deceiver will also influence the

robustness of expression based on their confidence in their deceptions. Confidence affects the intensity of displayed stress. If you are interviewing a person who may be increasing risk for the sake of expediency at a jobsite or in a production process but thinks they have little to lose you may be misperceiving their low stress level as an indicator of innocence or ignorance of the problem.

Or the individual who is confident their story is “air tight”, thinks there is no evidence, or sees in the interviewer’s questions they are incompetent or in the responses they are believed. Stress is a subjective experience that manifests when internal conflict is drawn to the surface. The strength of these manifestations is directly proportional to the degree of perceived risk, that is, as perceived by the subject. If confidence in the deception is high then expressions of fear or guilt will be low.

Whether the deception is a lie or not will also influence levels of anxiety. If the deceiver is asked a bipolar question, “Did you do it?” s/he can lie or, tell a truth while still being deceptive. Answers such as “Not possible!” “I’m not that kind of a person!” may be true but also do not answer the question. Stress will vary even answering yes or no to a bipolar question by how the subject cognitively rationalizes their answer internally. Taking this one step further when the deceiver is given the opportunity to provide creative open-ended answers they are far more likely to be artfully evasive than to outright lie. The significance of this distinction is that if the deceiver does not have to lie their *anxiety* will likely be significantly lower which in turn will mean detection of internal conflict will be more difficult. The existence of the art of evasive language is a testament to its success. Confidence diminishes fear and invites contempt.

## Time

While working as a Probation Officer a young offender was pleading his case in my office. He argued his meeting with another youth with whom he was not associate with was by chance and there was no intent to violate the order. He was very convincing. Everything about his behavior was congruent and I was persuaded to believe his story when his mother leaned toward me and stated confidently, “He’s lying.” The interviewer needs time to calibrate the idiosyncrasies of the subject’s behavior and language. This can take anywhere from a few minutes to hours. The objective of an effective interviewer is to establish familiarity, to accelerate toward a form of intimacy, often with a complete stranger. Familiarity can only be achieved if the interviewer has the opportunity to compare the

subject's expressions of different internal emotional states at different times and is comfortable being this focused and sensitive to the subject. If a subject is expressing a uniform level of stress at the outset the observer cannot properly distinguish expression in a brief interview. This is why we are easily fooled in brief encounters. Time to vary stress and calibrate is essential.

Success is also dependant on a baseline of honest responses. If the deceiver begins with deception a truth-bias detector will be seduced into believing the deception to be a baseline of credibility and error in subsequent judgments.

To effectively communicate with the emotions of another you need time to distinguish the meanings of expressions and delay confronting people with critical issue questions. If you force the subject to be evasive at the beginning of an interview by asking them key question(s) too soon you will have less reliable baseline behaviors to make a non-verbal assessment.

## Interaction

Every interview is a combination of unique individuals and circumstances. There is improvising on both sides of the equation. There are many complexities in the interactive process, including non-verbal dynamics that work beyond awareness and beyond control. No matter how well you prepare for an interview the process never follows the script. No matter how well the subject rehearses their story they will not anticipate all the questions.

Interaction does not always work to the advantage of the interviewer. The truth-biased interviewer is vulnerable during the initial phase of the interview. Research suggests observers are more accurate at predicting deception than observer/interviewers. Apparently, at least during the initial phase of the interview, when a subject responds to the interviewer's probing questions they are given more credibility than if the interviewer simply observed and listened.

There are four reasons why the interviewer is foiled at the outset.

- 1) There has had insufficient time to calibrate non-verbal behavior. In the first five minutes of an interview interviewers are fooled by the subject's appearance, (however less so by the sound of the voice).
- 2) If the subject lacks confidence or is overly confident in the beginning of the interview. If they lack confidence they will display nervousness that is read as an indication of guilt. More confident subjects will be seen as credible.
- 3) Subjects who are quick with plausible explanations are seen as credible.

4) Interviewers need to make sense of a subject's explanations or make their explanations conform to preconceptions based on interviewer preparations. This focus on meshing information disposes the interviewer to ignore behaviour.

### Context

Methods and strategies of interviewing are quite different in varied contexts; audit investigations are different than incident investigations. Interviewing a witness about how a technical system operates is significantly different than interviewing a witness to a fatal accident on a job site. With the latter, a distraught witness' expression is often robust and clear calling more for emotional management skills than detecting skills. Emotional content is far more likely to obscure reconstruction in the immediate because of the distorting and deleting affects of trauma and in the longer term because of deteriorating memory and surfacing motives, (self-preservation, revenge). In an auditing interview detection of anxiety and responding is less immediate and more challenging since the witness is controlled, confident, premeditated, and expressions more subtle.

Increased familiarity does not necessarily mean better detecting skills. It depends on what the detector's investment is in the relationship. An engineer may not want to know their partner is lying to them, (self-deception), but feel responsible for detecting the deception of facility operators. Same person, different context, displays a different skill level.

During training sessions I have encountered the questions, "By comparison how successful am I?" and "How successful should I be?" and "How successful can I be?" Contexts are too dissimilar to draw comparisons, and renders statistics about the general population meaningless. As we have seen there are a number of variables that influence both your success detecting deceit and your ability to elicit the truth. A stock exchange investigator expressed his frustration at being unable to elicit anxiety in stock promoters let alone complete one successful prosecution in 10 years! The promoters, who, because of flimsy regulations and lack of consequences displayed confidence because they realistically *perceived the risks* as low in spite of conducting outright fraud. When investigators boast of success look closely at the context. If a polygraph examiner tells you they have an 80% success rate remember the subject has been screened by prior investigation. As well there is no way of knowing success rate since finding results of polygraph testing "inconclusive" or "passed" doesn't mean the person didn't do it.

## Skill

Which leads us to another contextual issue. How sophisticated is your subject? And how sophisticated are you? Reading a target population that is naïve, or intellectually feeble is much different than detecting deception in an articulate, quick and confident subject. The more sophisticated deceiver will be well prepared, original, quick thinking, have a good memory, and artfully mask emotion. They are often congenial or, contemptuous and indignant. The more sophisticated the subject the less reliable are nonverbal indicators and the more the interviewer needs to attend to consistency, detail, omissions, and logic.

A person who has crossed the ethical line has a distinct advantage in the interview, regardless of their intellectual powers. They have a greater investment in successfully deceiving because the outcome has greater consequences for them than for the interviewer. Therefore they are more alert, and if need be stretch ethical boundaries to survive. Crossing ethical boundaries, they will assume a wider latitude in thinking and think at higher logical levels. For the interviewer it is just a job. For the subject it is about survival.

Skilled interviewers absorb information well, are synchronically adept, (can concentrate on what is being said, how it is being described and what the subject looks and sounds like all at the same time), have good memories, cross-reference and make logical connections, and are skilled statement analysts. They employ a broad range of skills and are flexible enough to change strategies according to the subject's degree of sophistication.

Reasons you may not detect or misread non-verbal expression of emotion:

- Your preparation predisposes you to focus on consistency of information with what you already know.
- You don't want to know because it is inconsistent with your expectations or will generate more work/stress for you.
- There is no typical deceptive behaviour.
- Differences between deceptive and truthful behaviour is unclear, (omissions).
- Intense scrutiny is rude or you are uncomfortable with that degree of intimacy with a stranger.
- Truth/deceptive bias – confidence/nervousness is misread.

## Detecting Deception in Language

With non-verbal behaviour we are trying to detect emotional content behind the deception, with statements the language contains the deception. To detect

deception/sincerity in the statement we need to compare the statement with itself and with other evidence.

All statements are edited versions of fragments of experience. The interviewer feels compelled to “connect the dots”, and make the story work. This compulsion for closure drives the interviewer to semantically rescue the subject, adding, deleting and distorting details or simply not hearing how illogical explanations are. Interviewees sense interviewer’s semantic rescuing, which builds confidence and reduces anxiety. We are hard wired to make sense out of a string of symbols – To mentally trace words and make a phrase, a sentence, a paragraph, a story comprehensible but in so doing we often make statements conform to our needs at the expense of accuracy. Our mental construction techniques also lead us to direct the recall based on our needs, (chronologically) interrupting the thread of thoughts the subject wishes to recall in.

In hindsight architects, engineers, construction teams and managers, often recognize aspects they would improve upon had they had the opportunity to do it over again. Second-guessing often generates anxiety about another’s discovery of flaws in their design/construction/process/procedures. This unconsciously propels the interviewee to initiate their account or spend more time rationalizing sensitive areas within the process, (or focusing on non-sensitive areas), rather than describing the process from beginning to end uniformly. Allowing the interviewee to begin anywhere often gives clues where to focus concerns.

During the initial calibration phase ask minimal non-critical issue closed questions at the outset such as, “What is your name?” and “How long have you been with this company?” then ask for an account, “What happened?” Listen and observe as the subject tells their story without interruption. Interrupting and asking for clarification will also diminish your ability to do statement analysis. This is not to suggest you shouldn’t probe, indeed asking for clarification and repetition increases the likelihood a deceiver will reveal inconsistency but probing should wait until the subject has had a chance to tell their story and display baseline behaviors. Be flexible and open to the person behind the mask even if they challenge your systemic biases.

Ask of the statement:

1)“Does this story tell you when, where, who, what, how, and why without prompting?” You should red flag any account that does not answer these questions spontaneously.

- 2)“What has not been said?” The most significant information of deceptive statements is omissions.
- 3)“What do the words say?” Using a word that does not seem quite right may be exactly right – you just haven’t recognized the underlying message.
- 4)“Does the story make sense?” Are you making the story work for the interviewee? Get them to reconstruct time, space and actions.

## Other contributing factors to successful detection of deception?

- 1) In the situation where you have significant critical issue information you will look for consistency with content and perhaps ignore non-verbal information. Be open to learning new information from an interviewee both verbally and non-verbally.
- 2) Time works to the advantage of the interviewer/detector. Be patient. The longer the interaction, the better able you are to establish reliable baseline behaviors and recognize sensitive areas of focus.
- 3) Observe intensely without staring. Learn to divide your attention between, non-verbal behavior, what is said and how it is worded4) Perceived Risk. Does the deceiver have anything to lose or gain? Do they know their risk? Do they care? Do you have anything to lose or gain? Do you care? If there is nothing to lose the deception will likely succeed because there is little to no stress to mask.
- 5) Do not tell the interviewee where to begin. Listen to an account without interrupting. Have the person document their account in their own words.
- 6) Interaction allows the deceiver the opportunity to be convincing. Maintain polite skepticism. Do not rescue or condemn the subject. Stay in control of your emotions and the direction of the interview. If you have the option, are you the best person to do the interview or should you be the observer?
- 7) Learn to be confident recognizing and managing interviewee emotions.
- 8) Apply logic to statements. Trust your intuition, (perception and logic working subconsciously). Articulate consciously intuitive “hunches”.
- 7) Consider training a part of the investigator’s profession and set learning objectives. Choose to focus on one aspect of an interaction before the encounter, much the way a musician would concentrate on one hand at a time during practice sessions. Apply skills that are appropriate to the context. Skepticism is healthy. Cynicism is not. Trust your judgment and be skeptical of expert opinions.

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