EFFECTIVE INTERVIEWING AND INTERROGATION TECHNIQUES

FOURTH EDITION

NATHAN J. GORDON AND
WILLIAM L. FLEISHER

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Contents

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About the Authors

Nathan J. Gordon is the Director of the Academy for Scientific Investigative Training, where he developed the Forensic Assessment Interview and Integrated Interrogation Technique. He is an expert forensic psychophysiologist 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. Since 2010, he is the 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 of homicide. Mr. Gordon lives in Philadelphia, Pennsylvania, with his wife, three children, and two grandsons.

William L. Fleisher is the Director of Keystone Intelligence Network, Inc. He retired as Deputy Special Agent in Charge of the Philadelphia office of the US 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 US 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 co-founder and the 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 of 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.

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Foreword

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 the 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, hardwired 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 be 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 also work!

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

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Preface

Humans possess three basic social instincts: they are aggressive, territorial, and tribal. What this means is that nonsocialist 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 on territoriality and tribalism.

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 psychophysiological 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 psychophysiological 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 on, 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."

Nathan J. Gordon
William L. Fleisher

Acknowledgments

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, Stanley Abrams, James Matte, Avinoam Sapir, Milt Addison, Norm Ansley, Ron Decker, Ed Gelb, Murlene Mc Kinnon, 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 be remiss if they did not express their everlasting gratitude to their loyal wives, Kathy Gordon and Michele Fleisher, and their families, who have endured many lonely hours supporting their careers.

Over the years, the authors have had the distinct pleasure of working with top experts in the field, such as Essam Gamaleldin and Tuvia Shurany, as well as meeting and training some of the finest individuals from all over the world. These students have come from Brunei, Canada, Central and South America, Egypt, France, Israel, Mexico, Morocco, Nigeria, Pakistan, Philippines, Russia, Saudi Arabia, Serbia, Singapore, South Africa, South Korea, Switzerland, Taiwan, Turkey, Uganda, United Arab Emirates, the United Kingdom, and the United States, with one thing in common, a desire to make the world better through forensic science. *We thank you for your trust in us.*

Special thanks to their early editor, C. Donald Weinberg, dedicated office manager; Gloria Alvarado and her assistant Kim Norton who helped edit the latest edition, and early supporter, Jake Haber, formerly Director of Continuing Education, University of Delaware. They also would like to thank and recognize Philip M. Cochetti, Assistant Director of the Academy for Scientific Investigative Training from 1980 to 1988 for his insights into the early development of the Forensic Assessment Interview Technique and Integrated Interrogation Technique. They also thank those students and friends that modeled the scenes portrayed in this book.

And a "very special" thanks to Amy Gordon, who taught us all 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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CHAPTER

1

The Search for Truth

The need to detect deception is hardly a 20th-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? For those whom the lies are useful to work against solving the problem and they who 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 the 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 the fruit from the tree 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.

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The earliest form of lie detection probably was **trial by combat**, resolving an issue through the 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 the 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 that 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 on 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 the 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 US interviewers and interrogators was revealed.[6] More about torture is found in Chapter 14.

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, listen 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 19th-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 18 September 1820, concerning an instrument he constructed to

measure the strength of electrical currents. In honor of Galvani, Ampère named his instrument a "galvanometer."[7]

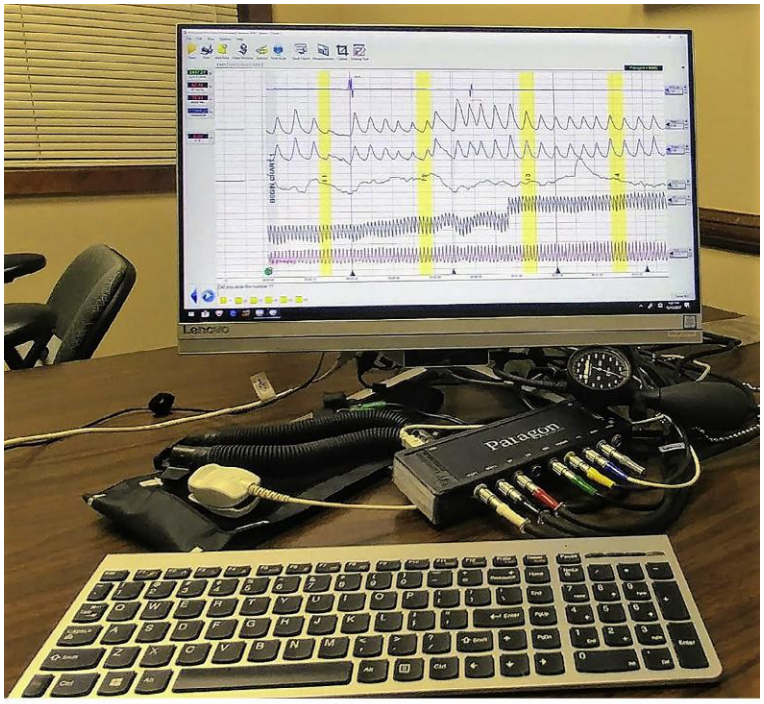
In 1897, Harold Sticker became the first person to suggest the application of the galvanometer for detecting deception.[2] Sticker, a psychologist, experimented on sweat gland secretion as a measure of psychological stress. In pursuit of his data, he was the first experimenter to apply Ampère's principle 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]

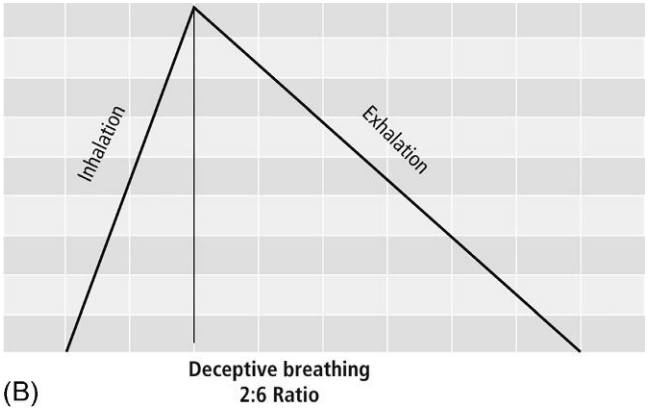
In 1907, S. Veraguth suggested the use of the GSR in conjunction with psychological word association tests.[2] He proposed that the GSR be used as a diagnostic tool in assessing psychological disorders. He also coined the term "psycho-galvanic reflex." Following Veraguth's suggestion, such prominent 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 Müsterberg in 1909. Müsterberg, a professor of psychology at Harvard University, was concerned that perjury was destroying the integrity of the judicial system. In "On the Witness Stand," Müsterberg 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 (Fig. 1.1).

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.



(A)



(B)

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

Meanwhile, other physiological research was proceeding. In 1917, a student of Müsterberg, 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% accuracy in detecting deception using this method.

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 (Fig. 1.2).

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

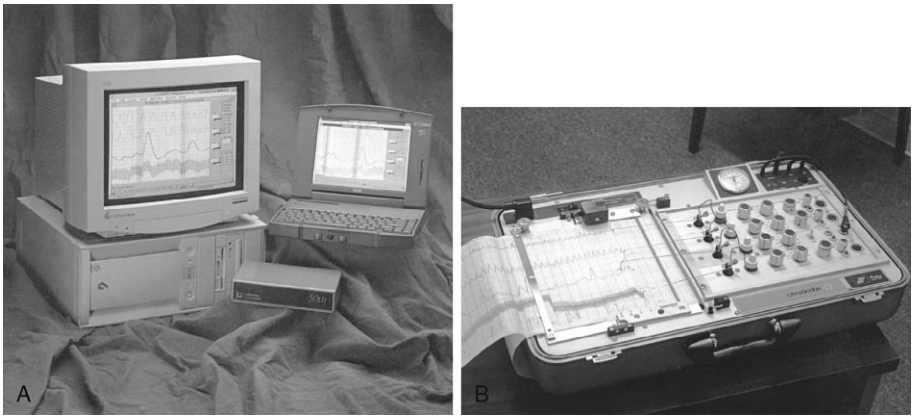


FIG. 1.2 (A) Computerized polygraph. (B) Analog polygraph. *Panel (A): Lafayette Instrument, Indiana, USA. Panel (B): Stoelting Instrument Co., Illinois, USA.*

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.

SUMMARY

- 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 the 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, pupillometrics, various forms of brain activity, and voice stress. Accuracy ranges from above 90% 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 for attachments to make accurate determinations of truth or deception.

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CHAPTER

2

Truth and Lies

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 "truth" is and, for that matter, what a "lie" is. 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.

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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 truth is 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 years, 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 an understanding of the nonverbal behavior and 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 (Fig. 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.

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

FIG. 2.1 Who would you believe is more competent?

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 at home. The tie should be conservative, and there should not be any visible tattoos, body piercings, earrings, or excessive jewelery. 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 jewelery. 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 be 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

- 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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CHAPTER

3

Psychophysiological Basis of the Forensic Assessment

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 understands 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 (ANS), 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, layng 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

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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 pre-threat 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 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 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 ANS, as previously discussed, controls those involuntary physiological functions of the body and has a considerable psychological impact as well. The ANS 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 ANS. Based on its functions, the ANS is divided into: the parasympathetic nervous system (PNS) and sympathetic nervous system.
     - **(i)** The PNS 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 attempts 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 a 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 PNS 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 (Fig. 3.1).

Thus, the PNS 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 adrenocorticotropic hormones (ACTHs). 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 the 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 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

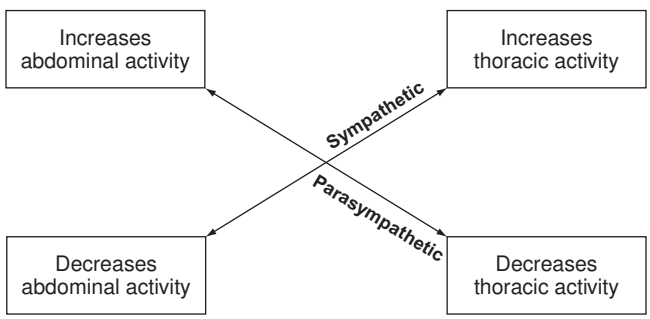

FIG. 3.1 Overview of parasympathetic/sympathetic controls of the body.

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 (Fig. 3.2).

The interaction of the two branches of the ANS is clearly seen and felt (Fig. 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.

FIG. 3.2 A feline in a piloerection defensive posture making his appearance to look larger and fiercer.

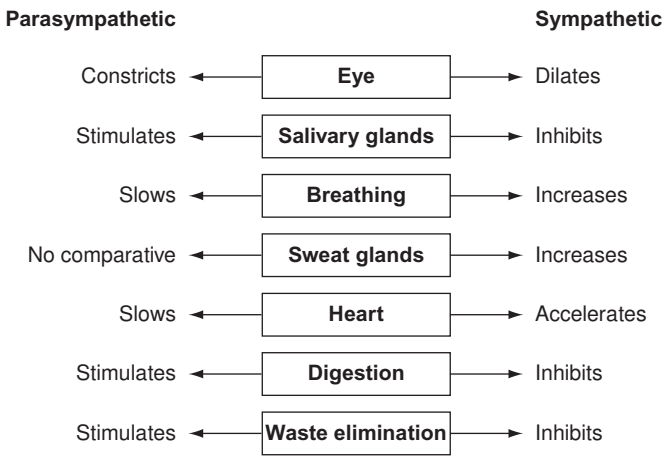

FIG. 3.3 The autonomic nervous system.

The PNS 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 "calm" the physiological seas, so to speak. If the PNS should overcompensate as it attempts to return the body to its pre-threat 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.[a]

[a] 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 are 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 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. Cannon actually coined the term fight or flight response, and he expanded on Claude Bernard's concept of homeostasis. He popularized his theories in his book *The Wisdom of the Body*, first published in 1932.

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 the 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 or response to occur without any

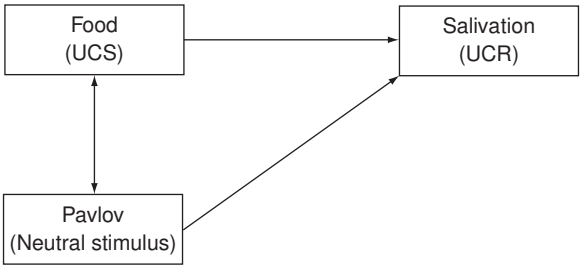

FIG. 3.4 Classical/Pavlovian conditioning.

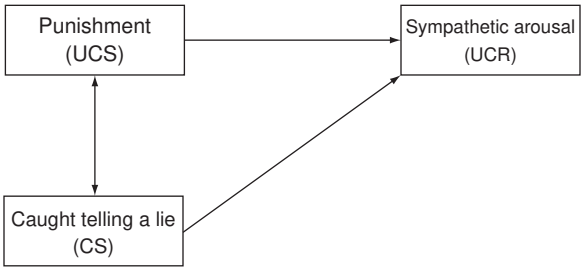

FIG. 3.5 Conditioned response to a lie.

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" (Fig. 3.4).

When a child is caught doing something "wrong" (the 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 CS, which can then cause a conditioned sympathetic arousal to occur (Fig. 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.

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[b] 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 (Fig. 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 question, 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.[c]

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

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

[c] 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.

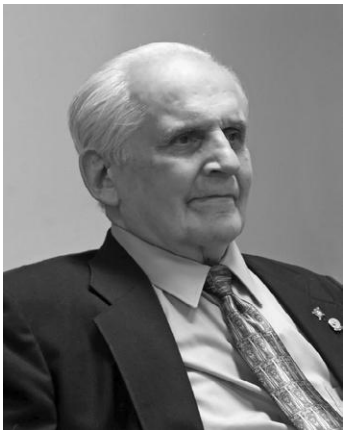

FIG. 3.6 Photo of Cleve Backster.

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

- 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.

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CHAPTER

4

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	Interrogation
Purpose is to gather information	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

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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	Interrogation
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	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 10-step procedure: "The Integrated Interrogation Technique." This procedure is proven to be highly effective in obtaining admissions and/or confessions from the guilty.

Interview	Interrogation
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Free flowing	Structured

The flow of communication between the interviewer and the suspect, versus the interrogator and the 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 6), 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	Interrogation
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Free flowing	Structured
Suspect speaks 95% of the time	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	Interrogation
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Free flowing	Structured
Suspect speaks 95% of the time	Suspect speaks 5% of the time
Varied locations	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 counterproductive. 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 a 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 the suspect, and that between the interrogator and the suspect. The distance between the interrogator and the suspect should be much closer than with the interviewer and the 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 in., 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 in. out to 4 ft. Dr. Hall calls the latter the "limit of physical domination." This is just outside the 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 ft. 4–7 ft is the distance where we conduct most of our informal transactions. 7–12 ft 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 ft or more. 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 the suspect should be at the outer limits of the personal zone, approximately 4 ft 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 3–4 ft, with a forward body lean, and slowly move into the suspect's intimate zone (18 in. to contact), each time he senses weakness in the suspect. Each movement forward should reduce the distance between the interrogator and the 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	**Interrogation**
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Suspect speaks 95% of the time	Suspect speaks 5% of the time
Free flowing	Structured
Varied locations	Interrogator has "home field" advantage
Conducted in a "Personal–Social Zone"	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	**Interrogation**
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Free flowing	Structured
Suspect speaks 95% of the time	Suspect speaks 5% of the time
Varied locations	Interrogator has "home field" advantage
Conducted in a "Personal–Social Zone"	Begins in "Personal," ends in "Intimate Zone"
Writing OK if consistent	No writing until after suspect confesses

As we lecture across the country, we ask the 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 the citizens against government, not against other citizens. "Miranda" only applies to governmental personnel, such as the 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) 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	**Interrogation**
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Free flowing	Structured
Suspect speaks 95% of the time	Suspect speaks 5% of the time
Varied locations	Interrogator has "home field" advantage
Conducted in a "Personal–Social Zone"	Begins in "Personal," ends in "Intimate Zone"
Writing OK if consistent	No writing until after suspect confesses
"Miranda" not legally required	"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	Interrogation
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Free flowing	Structured
Suspect speaks 95% of the time	Suspect speaks 5% of the time
Varied locations	Interrogator has "home field" advantage
Conducted in a "Personal–Social Zone"	Begins in "Personal," ends in "Intimate Zone"
Writing OK if consistent	No writing until after suspect confesses
"Miranda" not legally required	"Miranda" may be legally required
Interviewer demonstrates truthful nonverbal behavior in both situations	

In an assessment interview, the interviewer is using a structured question format. Thus, the average Forensic Assessment Interview takes approximately 20–30 min, 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."[a] The interrogator should take as long as necessary to get the confession. The 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	Interrogation
Purpose is to gather information	Purpose is to get a confession
Nonaccusatory	Accusatory
Free flowing	Structured
Suspect speaks 95% of the time	Suspect speaks 5% of the time
Varied locations	Interrogator has "home field" advantage

[a] Under the six-hour rule, statements obtained more than 6 h 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).

Interview	Interrogation
Conducted in a "Personal–Social Zone"	Begins in "Personal," ends in "Intimate Zone"
Writing OK if consistent	No writing until after suspect confesses
"Miranda" not legally required	"Miranda" may be legally required
Interviewer demonstrates truthful nonverbal behavior in both situations	
Takes approximately 30 min	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 ax 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

- 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

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CHAPTER

5

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 32 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 US 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,

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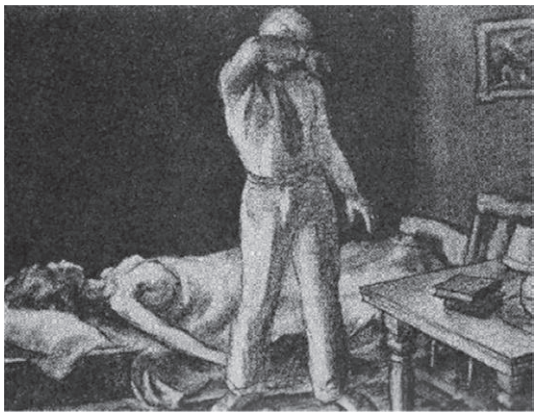
he went to work for Naval Criminal Investigative Service (NCIS) and taught criminal interviewing to law enforcement officers in the United States and in several foreign countries. He retired from NCIS in 2005 and remains active in law enforcement training.

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 girl. In the interview and administration of the TAT sketches to the father of the sexually abused 4-year-old child, 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 (see Fig. 5.1A).



(A)

FIG. 5.1A

The TAT 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