

“DUDE DID IT”

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*His heart is pounding. His heart rate is getting increasingly faster. He is beginning to perspire and his palms are getting sweaty. His breathing becomes more rapid and his blood pressure increases. He is about to lie. How will you know? Although his physiological responses to lying may go unnoticed to the human eye, his words are about to betray him. Are you listening?*

### **INTRODUCTION**

*O, what a tangled web we weave;*

*When first we practice to deceive!*

*SIR WALTER SCOTT*

Determining if someone is being truthful or deceptive is often a pivotal point during any situation in law enforcement. Did this person steal \$400.00 from an employer? Is a family member hiding a fugitive when officers knock on the door to inquire about his whereabouts? Did this person commit murder? Is this victim fabricating a story of assault? Is a witness withholding pertinent information about a purported robbery? Unfortunately, there is no Pinocchio's nose or "pants on fire," as the old saying goes, to overtly alert investigators when someone is lying.

### **WHAT IS A LIE?**

*There are three kinds of lies: lies, damned lies, and statistics.*

*MARK TWAIN*

The lie has many different names. It is often called a fib, white lie, untruth, falsehood, or as Senator Hillary Clinton referred to it, "I misspoke." (Duke, 2008) To understand why people lie, we must understand what it means to lie. Most people think of a lie as an intentional false statement. Webster's dictionary defines a lie as, "To utter falsehood with an intention to

deceive; to say or do that which is intended to deceive another, when he has a right to know the truth, or when morality requires a just representation.” (Webster’s Dictionary, 1998) Suffice to say, most people have spoken an “untruth,” a white lie or even a fib. Some lies are obviously more damaging than others. Lying to your spouse about their clothing choice (i.e. Does this make my butt look big?) versus denying an extramarital affair has two different connotations. The bigger the lie, the more extreme the stress level associated with the lie will be. It is also important to note that the stronger the subject’s emotional response to lying, the greater the chance of detecting deception. The same holds true in the area of law enforcement.

Congruent with the general populace, most police officers are not born with a proclivity to be human lie detectors. As human beings, we are taught from the being of early childhood to look for the good in others. Nobody wants to believe that someone would intentionally tell them a lie. “Never lie” was also a caveat we learned about during childhood. As Mark McClish wrote in his book *I Know You Are Lying* (2001), most people do not want to lie. Most people will tell a lot of truthful statements but will conveniently leave out incriminating information.

For most people, knowingly telling a lie generates some degree of stress. This stress causes physiological changes to occur within the body. In most cases, a person’s heart rate, blood pressure, respiratory rate, and galvanic skin response, will be affected by the stress. (Langan, 1995) These elements, which are part of the autonomic nervous system, are typically measured during a polygraph examination and are not generally visible to the interviewer. This stress also surfaces through non-verbal body movements, which is referred to as “leakage.” (Ekman, 2003)

Too often, it is easy to get caught up in trying to read a person’s body language to determine truth or deception. There are endless non-verbal clues that can be used to detect when

someone is lying or withholding information. Unfortunately, these same clues can not only confuse the interviewer, they tend to distract from what the subject is actually saying. If attention is directed on body movement, then the interviewer is probably not listening to everything that is being said. Listening to the specific words a person is saying should be the priority regardless of whether the person is the victim, suspect, or witness. As was mentioned in the previous paragraph, police officers are not all born with an innate ability to detect deception. For most officers it is a learned skill.

In the profession of law enforcement, there is a high likelihood that we are going to encounter those who do not want to incriminate themselves. There are others who are not going to be forthcoming with information because they do not want to get involved in an investigation for a variety of reasons. During any encounter, a person being questioned has to make a conscientious choice to tell the truth or engage in deception. As noted in *Principles of Kinesic Interview and Interrogation, 2<sup>nd</sup> Edition*, Stan Walters indicates that “Deceptive subjects demonstrate more speech dysfunction than truthful subjects do.” Lying requires more thought process than telling the truth. This poses a dilemma for those being interviewed because in most cases the “editing or censoring process becomes too overwhelming, and the result is flawed speech.” (Walters 2003, page 57) Walters also writes that “when we are under stress due to conflict or anxiety, the normally quiet internal conversation we have with ourselves becomes strong and loud, and slips past our efforts at self-censorship.” (Walters, 2003, page 47) Success in recognizing the speech dysfunction depends on the ability to accurately decode the cues being broadcast.

Learning to recognize the verbal cues or “Red Flags” as they will be referred to throughout this paper, can greatly increase an officer’s ability to detect deception.

## CONVINCE VERSUS CONVEY

*“One great use of words is to hide our thoughts”~ Voltaire*

According to Don Rabon in *Investigative Discourse Analysis*, it is best to, first, establish if the person being interviewed is trying to convince or convey their story. These two words seem strongly related. However, they both are surprisingly different. To convey means to pass information from one person, or place, to another. Essentially, convey means that one person shares information with another so that both will have the information. In terms of a law enforcement interview, it will be: the who, what, when, where and how of the particular incident as it happened from the perspective of the interviewee. The interviewee will share the information with the interviewer typically with very little prodding. The information is freely relayed from one person to the other.

To convince, on the other hand, means to persuade. When someone is trying to convince, they are not always relaying necessary information. When someone is trying to convince, the focus is not about the information being set, but focuses more on explaining the position of the interviewee. Basically the interviewee is trying to “sell” their story more than “tell” their story.

Typically, when someone is trying to convey they are being truthful. If someone is trying to convince, they are more than likely being deceptive. (Rabon, 2005) A typical conveying denial will sound like this, “I didn’t do it,” while a convincing denial will sound more like this, “Honestly; I couldn’t have done something like this.”

The following is a list of “Red Flags” that will be discussed:

1. Answering a Question with a Question
2. Use of Words or Phrasing Designed to Emphasize Truthfulness

3. Use of Non-Conforming Statements
4. Lack of Detail and Lack of Conviction
5. Temporal Lacuna
6. What is the Person Not Telling

As we go through each red flag, a dramatic difference between a person conveying information and a person trying to convince will be prevalent.

### **RED FLAG #1**

#### ANSWERING THE QUESTION WITH A QUESTION

##### *Genesis 8-9*

*Now Cain said to his brother Abel, "Let's go out to the field." While they were in the field, Cain attacked his brother Abel and killed him. Then the LORD said to Cain, "Where is your brother Abel?" "I don't know," he replied. "Am I my brother's keeper?"*

When a person has been asked a question, the only response that should follow is the answer. When someone answers a question by asking a question, this is typically used as a stalling technique. As shown in the above excerpt from the Bible, when Cain was confronted by God about his brother's absence, he did not want to lie. As mentioned earlier, most people don't want to lie. So when a question has been asked that the person is not prepared to answer, they employ stalling mechanisms. Stalling mechanisms are often used to "buy time" until the person can decide if he wants to be truthful or deceptive. In the example below, the subject asks the question and then makes a denial. He is buying time to think about his answer. What the investigator should be asking is why this person needs to think about his answer.

Question: “Did you touch Alyssa on her vagina?”

Answer: “Did I touch Alyssa on her vagina? No”

The following is an example where a subject is being question about a theft at his place of employment:

Question: “We’ve established that approximately \$3300.00 is unaccounted for. Did you take the money?”

Answer: “Why would I take the money?”

The subject in this example cannot deny taking the money because it would be a lie. By answering with a question, he is hoping that his response will, at the very least, appear to be a truthful response. Other examples of the “question with a question” technique are demonstrated when the person asks you to repeat the question you just asked. Another common reason people answer a question with a question is to redirect the conversation (Dimitrius, 1998). It is also important to point out that by answering questions in this manner they are not conveying, “I didn’t do it.” These red flags are usually indicators that the subject is trying to convince.

## **RED FLAG #2**

### USE OF WORDS OR PHRASES DESIGNED TO EMPHASIZE TRUTHFULNESS

*“Any fool can tell the truth, but it requires a man of some sense to know how to lie well.”*

*~ Samuel Butler ~*

We've all heard the fishing stories about "the one that got away" or heard someone telling "war stories." Typically these tales contain a sliver of truth and a wealth of embellishment. These stories often begin with characteristic words and phrases intended to draw the listener's attention to what is about to be said and to convince the listener of the story's validity. These stories are usually prefaced by "you're not going to believe this but" as if to alert the listener, "you may not believe anything else I've told you, but it is important for you to believe this." (Walters, 2003, page 59) These phrases are found at the beginning and at the end of the statement and are used to add emphasis to a critical point in the subject's statement. Below is a list of some common phrases that are used:

- "Really, Mr. Walters. I couldn't do something like that."
- "Honestly, I did not do it"
- "I didn't forge the signature, believe me."
- "To tell you the truth, I didn't know he was there."
- "I'm being straight up with you"
- "I'm being as serious as a heart attack."

Another example of this type of red flag seen during critical areas of a deceptive person's interview is the exploitation of religion as a means to add credibility to the statement. The subject may say, "I swear to God" or "I'll swear on a stack of bibles." The subject may also say things like, "I swear on all that I love" or "I swear on the eyes of my children."

In an interview conducted by the Cincinnati Police Detective, a witness is being questioned about a murder. The witness provides an alibi for the suspect (A&E, 2009). At the end of his statement he adds this: "He did stop by that's the honest truth on my child." He later

recants his original story and tells investigators the truth. The question remains whether the entire story is negated by the use of these qualifiers or if only the part of the story where phrases are interjected.

These are statements constructed to convince not to convey. Some subjects may even bring religious materials like Bibles, crucifixes or prayer beads to emphasis credibility.

### **RED FLAG #3**

#### NON CONFIRMING STATEMENTS

*Never forget that a half truth is a whole lie.*

*Author Unknown*

Each person has an internal dictionary they rely on to transmit information. These words are chosen by the “speaker” and in essence, establish a pattern of behavior. A subject’s choice of words can not only speak volumes about the information being shared, it also provides a detailed look into the speaker. To analyze the content of the sentence we must first look at each word the subject uses to tell his story.

The use of nonconfirming statements alludes to an action, procedure, or activity without saying that they were actually performed. Words like “tried” or “started,” are two of the most commonly used verbs in deceptive statements. (Rabon, 2003) On August 17, 1998, President Bill Clinton appeared before a grand jury to answer questions about whether or not he had lied during his testimony in the Paul Jones litigation. President Clinton was asked if he understand that during his deposition he was under oath and obligated to tell the truth. He responded by saying, “I swore an oath to tell the truth, and I believed I was bound to be truthful and I tried to be.” (McClish, 2001, page 32)

People will use nonconfirming statements because it gives the illusion that the task was carried out. By adding the “tried to be” phrase at the end, President Clinton is telling us that he actually failed. To do something and to try to do something, are two totally different things. Had President Clinton said, “I told the truth” he would be conveying his actions; however he used the term “tried” which indicates he was not trying to tell us what he did, he was attempting to convince us that he did.

#### **RED FLAG #4**

##### LACK OF DETAIL AND CONVICTION

*"And this wasn't lying, not really. It was leaving out."*

*~ Stephen King ~*

When a person is being interviewed about a crime, they should be conveying all pertinent information that is relevant. As was mentioned earlier, who, what, where, when, and how should be the focus and should be very detailed. Truthful subjects will tend to be specific because their goal is to convey. When a person chooses to be vague, they are leaving out essential information and the interviewer should be curious about the ambiguity. The interviewer should look for phrases such as: “messed around,” “Dude came over,” “we chilled for a bit,” etc. In the realm of law enforcement this is often referred to as the “dude did it” effect. If a person claims, “dude did it” there is a good chance that he won’t know “dude’s” name or any pertinent information about him. Although the person may say a lot of words, he may not be providing any useful information. It may also come across as being cooperative but when the information lacks detail there is a reason. The deceptive person will provide only enough information to appear convincing.

Lack of conviction is another red flag associated with deception. This is evidenced by the use of modifying or equivocating terms. These terms allow the subject to avoid the risk of commitment. (Rabon, 2003) Examples of modifying and equivocating terms are as follows:

- “I guess.”
- “kind of”
- “sort of ”
- “I think”
- “I believe”
- “to the best of my knowledge”

“These phrases are also called qualifiers, and serve to temper the action about to be described, thereby discounting the message before it is even transmitted.” (Adams, 2009) Using these types of words means the person is not committed to them. They allow for a little wiggle room in the statement in case the subject needs to alter his account. Once again, this supports that the person is only trying to convince not to convey.

Other lack of conviction flags include feigning loss of memory by inserting “I don’t know” or “I don’t recall.” On Main Street Mysteries, Episode #31, In the Line of Duty, a woman is being questioned about the disappearance of a police officer. Investigators had information that the woman and her boyfriend had contact with the officer just before he disappeared. In giving her alibi, the following exchange takes place:

Officer: “Who did you talk to?”

Woman: “I can’t really remember.”

If the purpose of the statement is to convey information and the subject claims to have no recollection, this becomes a red flag and the investigator should inquire further.

**RED FLAG #5**

## THE TEMPORAL LACUNA

*It contains a misleading impression, not a lie. It was being economical with the truth.  
~ Robert Armstrong ~*

The temporal lacuna refers to a blank space or missing elements within a statement. This is apparent when the subject leaves out sections of time from a narrative. “They may leave out an entire sequence, either because they feel that the sequence distracts from their overall point, or because there’s incriminating information in the sequence they’d rather avoid.” (Association of Certified Fraud Examiner, page 2) In order for the person to sound convincing he will use words to transition over these missing blocks of time. Look for these red flags:

- “later on”
- “after awhile”
- “next thing I know”
- “sometime later”

These are also referred to as “bridging phrases” designed to fill in gaps so that they may go unnoticed.(Walters, 2003) A person conveying information will normally have no reason to skip sections of time.

**RED FLAG #6**

## DID NOT ANSWER THE QUESTION

*"The most dangerous lie, is that which most closely resembles the Truth"*

*~ Jan Groenveld ~*

Most of the time people will provide any information that is asked of them. If they do not want to share the information and yet, they do not want to lie, they put themselves in a very vicarious position. One manner in which people use to avoid lying is by

not answering the question that is asked. If they wanted to convey information they would have no problems with answering the question. By not answering the question they are being deceptive. (McClish, 2001) The following are examples of how someone avoids answering a question:

Question: “Did you stab her?”

Answer: “I don’t like knives”

Question: “Did you kill her?”

Answer: “I loved her”

Both examples only require a “yes” or “no” response. It is easy to see how an investigator might interpret the response as a denial. The subject appears to have answered the question; however his answers do not actually answer the question. Other examples of not answering questions are when a person uses words like should, would, or could. The following excerpt was taken from a suspect interview conducted in 2008 by the Arkansas State Police. The ex-husband of a woman who was shot to death in her home is being questioned by officers about the murder:

Investigator: did you kill Zonie?

Suspect: no I wouldn't do that to her or the kids either one

Investigator: you been looking to buy a house gonna buy them some scooters or motorcycles or whatever it was but I think that you got I think you just got to a point where it was out of control and you wanted back in control of what was being done in your kids life and I think you went out there I think you went out there to kill him and I think

that she just moved in the way and she (unintelligible) was the one that unfortunately got hit

Suspect: no you're wrong I wouldn't shoot her

When the subject does not answer the question it is important to not only recognize that the question was not answered but it is equally important to ask the question again. If a person fails to answer several open-ended questions there is a high likelihood he is being deceptive (Dimitrius,1998). If they are not answering the question they are not conveying information they are simply trying to convince.

### **RED FLAG #7**

#### WHAT IS THE PERSON NOT TELLING

*"When truth is replaced by silence, the silence is a lie."*

*~ Yevgeny Yevtushenko ~*

More often than not, what the person has not told you is just as important as what they have. As mentioned before, most people do not want to lie. One way to avoid lying is to withhold incriminating information. When a guilty person is asked direct questions it is hard to tell the truth because they will be implicating themselves. If they choose to lie, they don't know what the investigator knows and they could give contradictory information and this will cause problems during the interview process. When Timothy McVeigh was interviewed by Newsweek following his arrest for the Oklahoma City Bombing he was asked directly if he did it. His response was quite incredible. The following is an excerpt taken from the interview as published in *I Know you are Lying* (McClish, 2001, page 115):

Newsweek: “This is the question that everybody wants to know – Did you do it?”

McVeigh: “The only way we can really answer that is that we are going to plead not guilty.”

If someone has not done anything wrong, the only way to answer the question is, “I didn’t do it.” Avoiding a topic by failing to explain or deny is especially significant. (Dimitrius, 1998) When there is an absence of strong denials then they are failing to convey that they didn’t do anything, so hoist the red flag because this is area that needs further inquiry.

A suspect is being questioned about his involvement in the shooting death of a Memphis Police Officer. The exchange is below:

Investigator: “Did you kill Lieutenant Oliver?”

Subject: “See, I don’t see no way possible that I killed Lieutenant Oliver.”

Again, this sounds like a denial. However look at what was actually said, “I killed Lieutenant Oliver.” (48 Hours, 2006) What he said sounds like what is commonly referred to as a “Freudian Slip.” These “speech-mistakes occur merely as a contradiction which arises in the inner thought of the speaker opposing the sentence uttered.” (Freud, 2010, page 35)

Deceptive subjects will also use phrases like “that’s all I can say.” What he is actually saying is that he knows more but that is all he is willing to say about it. If phrases like “all I know” are used, these tend to be truthful answers. The following is another excerpt that was taken from the interview where the ex husband is being questioned about his ex-wife’s murder and it is another example of avoidance in telling all information:

Investigator: and let me tell you something you haven’t helped us very much in proving it wasn’t you

Suspect: I’ve helped as much as I can

Investigator: that's the key phrase right there as much as you can

### **HOW TO MINIMIZE ERRORS IN VERBAL ANALYSIS**

The interviewer should listen to the words and sentences that the subject chooses to use when answering questions. Most of the time, people mean exactly what they say; however the listener misinterprets their meaning. The interviewer should ask open ended questions. This allows for more free flowing information. "For gaining objective, untainted information, open ended questions are best. (Dimitrius, 1998 page 143) The interviewer should avoid compound questions. When a subject is asked two questions at once he will avoid answering the one that may be incriminating. (McClish, 2001) The interviewer should never interrupt the person being interviewed, they should be allowed to finish their statement so that no information is lost. The interviewer should not finish the sentences of the person being interviewed. It's important to remember that it is the interviewee's story to tell. When an investigator finishes the sentence and doesn't allow the person to speak, important details can be missed and can potentially taint the interview.

### **CONCLUSION**

The most important aspect of any interview is to determine if the information being given is accurate and truthful. There are many different methods used to help law enforcement with deciphering this information. Detecting deception is a difficult task especially when dealing with people who have been accustomed to lying throughout their lives. The provided information is a tool that will hopefully give officers and investigators some guidance to help them down the right path. These are merely guidelines that can used to detect someone's truthfulness. It is also important to point out that identifying these red flags will not prove a suspect's guilt beyond a

reasonable doubt but it will provide areas of the interview to scrutinize more in-depth. Just remember, if someone is saying “dude did it” they may mean exactly what they say and there is a good possibility they are, in fact, the “dude” that did it.

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