



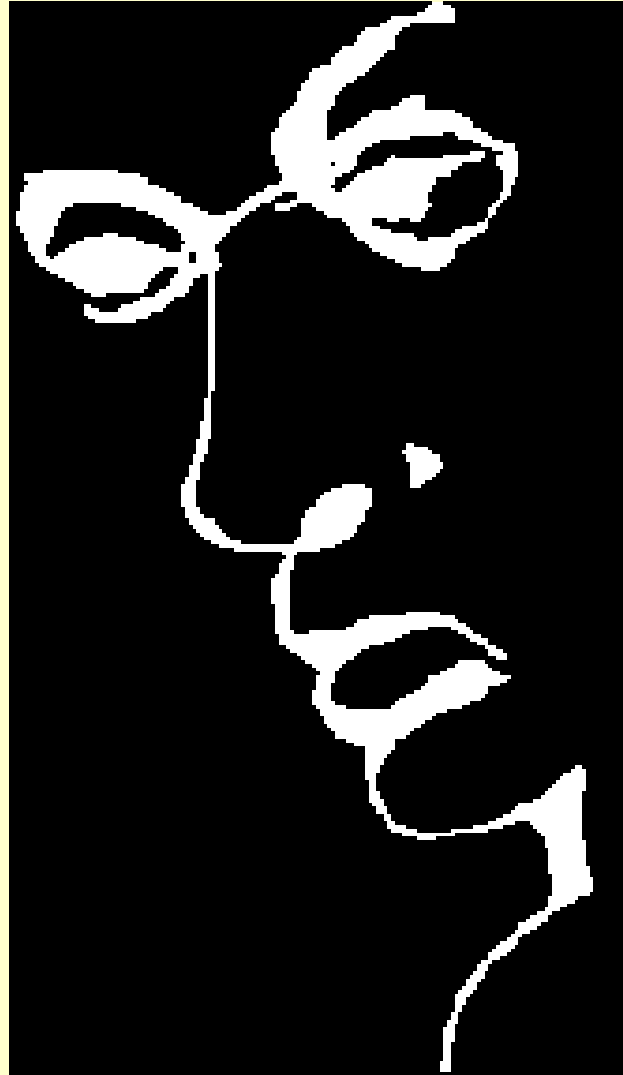
DECEPTION: A LAW ENFORCEMENT PERSPECTIVE

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“The investigation of crime is not a game governed by a sportsman’s code of fair play. Fairness to those suspected of crime is not the giving of a sporting opportunity to escape the consequences of any legitimate and proper investigation or the giving of a sufficient opportunity to invent plausible falsehoods”

R v Swaffield (1998) at 35.



PERCEPTION

My understanding of the world and the people around me

PERCEPTION

Life's experiences

Technical knowledge

Influences of others

Cognitive activity

Emotions and feelings

Bias', Opinions, prejudices etc. (Positive and Negative)

PERCEPTION

Accurate

Inaccurate

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DECEPTION

‘a deliberate attempt to mislead others’ (DePaulo et al.: 2003)

LIE

‘...deliberate attempt to mislead, without the implicit or explicit prior consent or notification of the target’ (Ekman, 2001)

LIES

Planned

Unplanned

LIARS

Partial Fabrications – Common

Omissions – Common

Alterations – Common

Combinations of all – common

Total Fabrications - Rare

MOTIVATION TO DECEIVE

Low Stakes

High Stakes

LOW STAKES

Everyday or 'Social' Lies

Common type of lie

**related to psychological reward e.g.
enhancing one's self-worth within a group or
to protect self or others from disapproval and hurt feelings.**

Level of emotional attachment to the lie and deception is minimal

HIGH STAKES

Sometimes lies are conveyed for

material gain

personal convenience

escape punishment

Level of emotional attachment to the lie and deception is significant

CUES TO DECEPTION

SUBJECTIVE

and

OBJECTIVE

(Hartwig, Granhag, *et al.*, 2004; Vrij, 2000)

POPULAR CUES TO DECEPTION (SUBJECTIVE)

Increased non verbal communication

vocal

Increased pausing

verbal

Nervousness

Antecedent knowledge of the suspect

E.g., Akehurst, Koehnken, Vrij, & Bull, 1996; Andersson, Strömwall, & Hartwig, 2004; Campbell, Stapleton, & Birt, 2002; Fiedler & Walka, 1993; Global Deception Research Team, 2006; Granhag, Hocking & Leathers, 1980; Strömwall & Granhag, 2003; O'Sullivan, 2003; Porter, et al., 2000 Vrij & Semin, 1996; Vrij & Taylor, 2003; Zuckerman, Koester, & Driver, 1981.

Hunches

Sixth Sense

Gut Feelings

Research has tried to give a knowledge foundation to these feelings

HUMAN BEHAVIOUR RESEARCH

PROBABILISTIC EVIDENCE

‘...evidence that can tell you what are the odds that anyone drawn from a given population might show this pattern of behavior or have a certain characteristic.’ (Frank & Ekman, 2003)

DECEPTION DETECTION OF LAYPEOPLE

Meta-Analysis

Lie/Truth Accuracy

Kraut (1980) all literature at time -	57.0%
Vrij (2000) 39 studies post 1980 -	56.6%
Bond & DePaulo (2006) 206 studies 1941- 2005	54.0%
Bond & DePaulo (2008) 142 studies to 2007	54.7%
Vrij (2008) 79 studies post 1980	54.3%

Other Meta-studies (DePaulo et al., 1985; Ekman, 2001; Feeley & Young, 1998; Zuckerman, DePaulo, & Rosenthal, 1981a; Zuckerman & Driver, 1985) **returned an overall 45% - 60% mean accuracy lie-truth rate.**

Little better than CHANCE

ACCURACY OF POLICE DECEPTION DETECTION

Generally, 45-60%

Little better than laypeople - Little better than chance

For example, Bond, 2008,

Lie-truth accuracy:

Non Expert 53.29% mean

Expert 53.81% mean

EXCEPTIONS –

US Secret Service	64%	(Ekman & O’Sullivan, 1991)
US Detectives	67%	(Ekman et al., 1999)
UK Detectives	69%	(Frank, 2003)
US Federal Agents	73%	(Ekman et al., 1999)

Methodological deficiencies of Deception Detection research

These circumstances give rise to criticisms that the results are not reflective of environmental realities and consequently, do not conclusively display the deception detection abilities of the tested professionals (Stromwall, Granhag & Hartwig, 2004; Frank & Feely, 2003).

Results when actual police questioning videos used

UK	(murder Suspect)	70% truth accuracy 57% lie accuracy	(Vrij & Mann, 2001)
UK	(murder, arson, theft)	68% lie-truth accuracy	(Mann & Vrij, 2006)
UK	(murder, arson, drugs)	72% lie-truth accuracy	(Vrij et al. 2006)
US	(Non scripted – theft)	85.4% lie-truth accuracy	(Hartwig et al. 2006)

WHY SOME LIARS HAVE DIFFICULTY LYING

MORAL QUALMS

EMOTIONAL and PERSONAL INVESTMENT

FEWER DETAILS

‘In sum, compared with truth tellers, many liars do not have the moral high ground, the emotional investment, or the evidentiary basis for staking their claims. As a result, liars relate their tales in a less compelling manner, and they appear less forthcoming, less pleasant, and more tense.’ (DePaulo et al. 2003)

Behaviourally, the liar may appear less cordial or involved - mind is momentarily elsewhere (Gilbert & Krull, 1988; Gilbert, Krull, & Pelham, 1988; Richards & Gross, 1999)

NOTE:-

The paradox here is that a liar who goes on to tell the truth about a wrongdoing may experience more guilt and shame than a liar who maintains his/her deception. Similarly, an emotionally non involved suspect may have little difficulty focussing on the issues in dispute.

WHY IS DETECTING DECEPTION SO DIFFICULT?

There are no unique cues to deception

Stereotypical cues – deception or cues to affective behaviour?

Deception Cues are those contrary to ‘cues to truth telling’. (DePaulo et al. 2003)

THEORIES - PREDICTING DECEPTION CUES

Factors more often found in liars than truth tellers.

Generalised arousal

Cognitive aspects of deception

Attempts to control behaviour to maintain deception

Lying causes several tasks simultaneously

An attempt to convey a deceptive message

Continuous monitoring of the target for signs of suspicion

and

Adjustment of behaviour, accordingly

SELF-PRESENTATION

Credibility

CUES TO DELIBERATENESS

Truth tellers act naturally – do not require special effort

Their focus is presentation of content not credibility

Liars focus is their credibility

SELF-REGULATION

Uses extra mental resources to those already committed.

Neglect to assess!

The liar also has to continually re-assess his/her performance;

is he/she succeeding;

he/she cannot blank the actual truth from their memory so it will always be

uppermost as he/she constructs the fabrication (Wegner, 1994).

All these matters add load to his/her deception (Ekman, 1985/1992).

Another key implication of this regulatory depletion is that the liar may neglect to assess all the effects of his/her performance on the interviewer (contrary to Buller and Burgoon, 1996).

THE COGNITIVE APPROACH (Thinking Cues)

Lying is a more cognitively complex function than telling the truth.

Compared to truth tellers liars may have

Speech disturbances and pauses (e.g. Vrij & Heaven, 1999)

Less movements

Increased reaction times (Walczyk *et al.*, 2005)

Inadequate story preparation may = inconsistencies that may point to deceit

Over preparation may = the impression of rehearsal

Constructing lies as they go along may = slower speech

THE EMOTIONAL APPROACH (Feeling Cues) (Ekman (1985/1992))

Emotions may = window to deception

Detection Apprehension = fear of being caught lying or not being believed

Cues to Detection Apprehension are FEAR CUES

The higher the stakes and the less likelihood of success, the greater the fear cues

FEAR CUES

No facial expression indicative of guilt. (DePaulo et al., 2003)

SHAME

DUPING DELIGHT (Ekman (1985/1992))

Hypothesis suggests that some liars may even see lying as a challenge and take some pride in duping the interviewer.

THE CONTROL APPROACH (Nonverbal Behaviour Cues)

Liars attempt to control their physiological behaviours in order to display consistency between their verbal and non verbal responses (Vrij, Edward & Bull, 2001).

E.G. sympathetic narrative/compassionate facial expression v sympathetic narrative/dispassionate facial expression

OBJECTIVE CUES TO DECEPTION

Spontaneous correction and poor memory associated more with truth tellers than liars (DePaulo et al. 2003).

- **Telling the truth is less cognitively demanding than telling lies.** (Johnson, 2004).

- **All the senses and emotions are generally engaged in a life experience. Liars must invent.**

- **Rarely does lying occur in a vacuum**

- **The more liars attempt to control feelings and thoughts the more they may compromise their performance.**

- **Attempts at control may result in leakage** (Ekman & Friesen, 1969).

- **Liars provided relatively fewer details but at times these were insignificant** (DePaulo, Lindsay *et al.*, 2003).

- **The shorter the reply the less likelihood there is of disapproval or suspicion from the receiver** (Vrij, 2000/8).

- **Liars appeared less involved or engaging and make a more negative impression.**

OBJECTIVE CUES TO DECEPTION

- **Their stories were less plausible or make less sense.**
- **Little evidence to support posture shifts, hand, foot and leg movements as deceptive cues** (DePaulo, Lindsay, *et al.*, 2003; Mann, Vrij, & Bull, 2002; Vrij, 1995; Vrij & Mann, 2001; Vrij & Winkel, 1993).
- **Liars made significantly more negative statements and complaints.**
- **Liars stuck to the main elements of the event more closely than truth tellers.**
- **Assessing deception only on nonverbal behaviour and demeanour little better than chance (50%)** (Vrij, 2000/8).
- **Truthful messages are more correctly judged than deceptive messages** (Bond & DePaulo, 2006).
- **Laypeople are more likely to ‘truth bias’,** Levine, Park & McCornack, 1999) **rather than ‘lie bias’.**
- **Little evidence to support fluency of speech i.e. inclusion of silent pauses, filled pauses (‘um’, ‘ah’, ‘er’) as deceptive cues**

- **Little evidence to support fidgeting as a deceptive cue**

The accumulated evidence suggests that people who are motivated to be believed may look deceptive whether or not they are lying

POLICE DECEPTION DETECTION DEFICIENCIES

RESEARCH FINDINGS

TRUTH/LIE BIAS

Research suggests that the Truth Bias is significantly greater with students than professional lie detectors (such as police) (Bond, 2008); Meissner & Kassin, 2002; Porter, Woodworth & Birt, 2000; Ekman et al., 1999; Vrij, 1993; Vrij & Graham, 1997; Vrij & Mann, 2001a, 2001b).

CONFIRMATION BIAS (INVESTIGATOR BIAS)

People tend to seek and interpret information that supports their own prevailing beliefs.

The belief may be correct but the process is flawed.

The bias operates on basis of — selective information search and biased interpretation of available information. (Ask & Granhag, 2005)

CONFESSION CULTURE

Questioning in order gain a confession (Milne & Bull, 1999; Mortimer & Shepherd, 1999; Vrij, 2003; Moston, Stephenson, & Williamson, 1992).

DECEPTION CUES - POINTS OF CONFLICT

Nervousness - does not predict truth or deception

Police research suggests liars behave nervously (tense/anxious) (Akehurst, Koehnken, Vrij, & Bull, 1996; Strömwall, Granhag, & Hartwig, 2004; Taylor & Vrij, 2000; Vrij & Semin, 1996; Vrij & Taylor, 2003).

View also instructed in several police questioning manuals (Gordon, Fleisher, & Weinberg, 2002; Hess, 1997; Inbau, Reid, Buckley, & Jayne, 2001; Yeschke, 1997; Zulawski & Wicklander, 1993).

Contrary findings - nervousness such as increased blinking (Mann, Vrij, & Bull, 2002) **and posture/bodily movements** (Vrij & Mann, 2003), **decreased when suspects lied.**

‘Nervousness, fear, confusion, hostility, a story changes or contradicts itself – all are signs that the man in an interrogation room is lying, particularly in the eyes of someone as naturally suspicious as a detective. Unfortunately, these are also signs of a human being in a state of high stress’ (Simon, 1991, p.219).

MOTIVATED DETECTORS

- **Consciously assess own perceptions (offender and offence)**
- **Assess 'Baseline' behaviour of suspect**
- **'Dual Process' approach (assess both verbal and nonverbal credibility)**
- **'Hot Spots' (observable deviations in 'ground truth' behaviour)**
- **'Story Cues'**

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