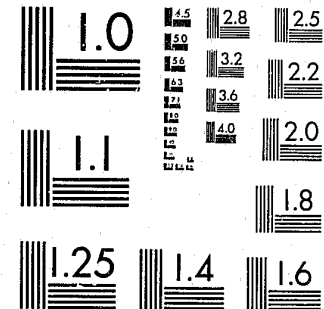


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The Cover: The Newberg, Oreg., Police Department sends a 6'4" sergeant to kindergarten to explain that being a policeman is a big job. Photograph by Bob Ellis, "Oregonian," Portland, Oreg.

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Investigative Techniques

Nonverbal Communications in Interrogations

"Nonverbal communication can be more truthful, meaningful, and expressive than spoken communication."

By MERLIN S. KUHLMAN
Special Agent
U.S. Army Criminal Investigation Command
Fort Riley, Kans.

Recognizing the Value of Nonverbal Communications

The use and understanding of nonverbal communications in police interrogation is a two-way process. The interrogator must be alert for the nonverbals expressed by the interviewee and must attempt to interpret them correctly. Simultaneously, the interrogator must be able to use his own nonverbals correctly when directed toward the interviewee.

Nonverbal communication can be more truthful, meaningful, and expressive than spoken communication. Facial expressions may convey an attitude of sincerity, shock, surprise, humor, sorrow, or concern. The tone of voice, inflections in delivery, emphasis on words, and use of other guttural sounds can mean the difference between a meaningful and interesting communication or one laden with monotony.

The body space or distance between communicators can have a bearing on the effectiveness of a communication. Body movement and gestures, whether seemingly automatic and involuntary or intentional, are key determinants in the actual meaning of any spoken communication. Maintaining eye contact with an individual may indicate the degree of sincerity on the part of the speaker. Other equally important nonverbals include proper use of time, control of profanity and slang, appropriate physical appearance, and the studied use of personal attire. Proper use, understanding, and employment of all these nonverbals in

conjunction with the spoken word are keys to effective communication.

Manifestations of the Lie

The solicitation of a confession (convincing a person to tell the truth and give up a lie) in a police interrogation creates the most dynamic display of nonverbal communication imaginable; it is left to the interrogator to employ and interpret this "language" correctly. "Nonverbal language is not a precise language; we have to be careful we don't misinterpret nonverbal signals in our eagerness to understand what a person means. . . ." Man's nature is to live within the world of reality, recognizing real things and real situations and speaking from a position of facts and reality. He experiences few problems or anxieties in speaking factually and honestly. He does not have to worry when stating his real name, date of birth, or accounting for recent activities. But to *lie*—to willingly and knowingly relate other than the truth—immediately causes a myriad of biological and physiological processes to take place within the mind and body. To the trained observer, these lies usually manifest themselves involuntarily in the form of nonverbal reactions or counterreactions. Physical signs of deception include perspiration flow, flushing or paleness of skin, pulse rate increase or decrease apparent from appearance of visible veins in the head, neck and throat, dry mouth and tongue, excessive swallowing, respiratory changes, muscle spasms, licking of the lips, thickened and blurred speech, stuttering, and darting eye movements.² Other symptoms that may be revealed, particularly when a person fears that his lie has been detected, include some degree of rigidity

in the body, the hands begin to "play" with each other, clenched fists, flushing in the face and neck, and a cold clammy sweat in the palm of the hands.³ When seeking a confession from a suspect, the interrogator must be continually alert for any nonverbals exhibited by the interviewee, paying particular attention to the face. Any interviewer knows that a feeling of warmth is conveyed by looking directly at a person, smiling, or leaning toward him. The more one looks directly into the face of the person being spoken to, the more apt one is to convey a generally positive feeling toward that person.⁴ The "language" of nonverbals is "spoken" most prominently by the face, but detection of these nonverbals often requires an alert and trained eye. ". . . facial expressions can change instantly, sometimes even at a rate imperceptible to the human eye. . . [the face] is the most effective way to provide feedback to an ongoing message."⁵ Authors Arthur Aubry and Rudolph Caputo even maintain that "'facial tics' (grossly exaggerated muscle spasms of various parts of the face) are positive indications of lying. These tics take the form of strange grimaces of all the facial muscles in general; sometimes these tics may extend to and involve the arms, legs, and even the whole body will occasionally participate in characteristic muscle incoordination."⁶ Facial expressions and movements are not necessarily the only "positive indications" of lying. "Many subjects who are on the verge of confessing will start picking their fingernails, or scratching themselves, or dusting their clothing with hand movements, or they will begin fumbling with a tie clasp or other small object. As politely as the interrogator can, he should seek to terminate such conduct. He may do so by gently lifting the

Special Agent Kuhlman



Lt. Col. D. N. Painer

subject's hand or by removing the object from his hand, always avoiding any rudeness as he seeks to end such tension-relieving activities." The interrogator should then launch into the final solicitation of the confession, allowing the "telling of the truth" to be the suspect's channel for release of tension.

Failure of the interrogator to interpret nonverbals correctly not only may delay confession but could also lead to false conclusions. All persons do not exhibit the same nonverbals under similar circumstances. Perspiration flow and flushing of the face are two of the most easily misunderstood involuntary physiological reactions. Just as some persons perspire little or not at all, regardless of the stress or circumstances, others may naturally perspire freely and easily under the most calm and stable conditions or environment. Likewise, a flushing or blushing face on an easily embarrassed person does not necessarily mean that the person is concealing the truth. Detection of watery eyes in a suspect *might* mean he is about to cry and confess his crime, or it might mean he is a narcotics user in need of medical attention. If a suspect under interrogation eventually appears weak and submissive, it *might* mean he is about to confess the truth, or it could mean he is simply very tired and needs a rest. A classic example of failure on the part of police to interpret properly nonverbals during an interrogation occurred recently during a homicide investigation in the north-eastern part of the United States. A suspect was picked up and held in police custody about 22 hours during which time he was allowed to "rest" about 4 hours and ate only half a candy bar. During the interim interrogations, he made what was later determined to be an "incriminating statement" that police used to further convince the man that he might have committed the crime. The police ultimately obtained from him a confession that was later determined to be false and wrongfully obtained. Repeatedly during the interrogations, the suspect indicated that he was tired, hungry, and concerned about his fate. He became fidgety, occasionally stared into space,

and fell prey to the smoothness, warmth, and friendship exhibited by the interrogators, whom he genuinely believed were trying to help him. Studies of the tape recordings of the interviews revealed instances of the suspect's voice "breaking," changes in breathing patterns, and a marked appearance of relaxation after making the first self-incriminating statement. Working without benefit of legal counsel or any immediate family member or friend to lend support, the man was involuntarily communicating very strong nonverbal language that the interrogators, in their eagerness, wanted to interpret as indicators of guilt. The suspect was subsequently cleared of all charges.⁸

The Mentally Disturbed

Additional emphasis should be placed on proper, though cautious, detection and interpretation of nonverbals when interviewing or interrogating mentally disturbed persons. Different interview techniques and approaches may have to be applied by the interrogator when dealing with psychopathic or psychotic persons. "In the commission of a criminal act, the conscience does not act as any sort of brake, and it may be extremely difficult for the individual to distinguish between right and wrong. For this reason, the classical approach to interrogation which plays upon repetition of the theme of good and bad, right and wrong, will have very little or no effect upon the psychoid."⁹ Just as the prudent use of time can be an effective nonverbal technique for any communicator, it is even more important during police interrogations, particularly when the interviewee is known or suspected of being mentally disturbed. If silence is not offered at the right time by the interrogator, the interviewee might feel he is being pressured and not being allowed the time or opportunity to talk.¹⁰ Such a simple misuse of nonverbals could easily prove fatal in attempting to obtain the desired confession, or at least, compound the already existent problems in the interrogation. Interrogations of mentally disturbed or mentally ill persons should not include

methods of "hot and cold," one interrogator against the other, bluffing, or any emotional approach, such as the cold shoulder technique or an attitude of indifference. Appropriate methods might include use of a hypothetical story, exhibition of sympathy and understanding by the interrogator *if* used with caution (to preclude leading to a false confession), or pointedly direct or indirect approaches.¹¹ Added caution in interpretation of nonverbals under these circumstances is necessary because the mentally disturbed person frequently exhibits "signs" of possible mental illness not unlike those indicators professed by Aubry and Caputo to indicate a suspect who is lying. The mentally disturbed person might exhibit any of the following indicators, none of which necessarily pertain to his either telling a lie or being truthful:

- 1) General behavior—negative, withdrawn, suspicious, angry, antisocial, domineering;
- 2) Motor behavior—unusual twitches, unnatural poses, normal to fluctuating gait and limb movement;
- 3) Facial expressions—tension, suspicion, anger, silliness, fixed-eye focus or stares;
- 4) Mood—changing, unstable;
- 5) Speech—uncoordinated, no inflection; and
- 6) Poor thought organization and content.¹²

If the interrogator does not read the nonverbals correctly during interviews of mentally disturbed or mentally ill persons, he might begin to feel that he is close to the hoped-for confession when in all probability the suspect is merely relating what the interrogator *wants* to hear. The police are then satisfied because they have a confession, and the suspect is satisfied because he has made the police (although his adversary) happy—all because of the unfortunate misunderstanding of the nonverbal language.

During the interview of a military serviceman suspected of attempted arson, military investigators not well-trained in either interpretation of nonverbals in communication or in interviewing mentally disturbed persons

were needlessly confused by the results of their interrogations. They initially believed that the suspect's sporadic shifts in oral statements from real to seemingly surrealistic situations, his glassy-eyed stares, his reference to fictitious movie characters, and his flowing hand gestures were little more than attempts to imitate a psychotic person or that they were possibly the result of hallucinations from recent drug ingestions. One interrogation continued for over 3 hours, with stern accusations made toward the interviewee. His subsequent "confession" appeared to be so far-fetched that the investigators placed little credibility in it. However, the suspect was ultimately declared to be suffering from "acute paranoid schizophrenia." The investigators could have saved valuable time during the investigation had they been better prepared to "read" the nonverbals being expressed by the subject.

On the other hand, a police interrogator should neither avoid nor ignore the results of an interview with a person known to be or suspected of being mentally disturbed. Although the use and interpretation of nonverbals can sometimes be complex, the results of the interview or interrogation could well be the key to successful investigation and prosecution of the accused. This concept is not unique to U.S. police methods and has long been a recognized option in the courts of Great Britain:

"A person suffering from unsoundness of mind may yet give evidence if the judge at the trial . . . is satisfied that he is then of sufficient understanding to give rational evidence; the mere fact that such a person is then suffering from delusions does not render him incompetent."¹³

Transmission of Nonverbals

The proper use of nonverbal communication by the interrogator himself could be the determining factor in obtaining a confession. In most cases, following establishment of an appropriate interrogator/interviewee relationship, the interviewee, whether he

wants to admit it, begins to pay sincere attention to his interrogator. If the interrogator complacently listens to the suspect's version of the incident, remains basically expressionless, and casually nods his head as if in agreement with the "facts" related by the suspect, the interrogator will probably bolster the suspect's story and position, which could very well be false. This will delay, if not preclude, reaching the truth, and ultimately, a confession. Conversely, if the interrogator exhibits continual nonverbal indicators of disregard and disbelief for the account related by the interviewee by repeatedly shaking his head in a negative manner, rolling his eyes backward, using negative hand gestures, or looking away from the suspect, he could be discounting some key points being surfaced by the suspect and might miss the opportunity to detect the key point to be challenged. Such action may also "turn off" the interviewee from further cooperation with any interrogator in the future. The interviewee is as alert to nonverbals as the interrogator. The astute interrogator will carefully decide the right time to challenge the suspect's story; he will know the precise moment to turn in his seat, lean toward or away from the suspect, slam his pencil down on the notepad, sternly advise the suspect that his story is false for whatever reasons, and make the final attempt for the confession. If done correctly, with precision and at the proper time, the interrogator's use of nonverbals, coupled with the spoken word, can make the solicitation of a confession as irresistible to the suspect as is a plate of fine food to a hungry man. It is important that the interrogator remember that his own nonverbals are just as important or meaningful as those of the interviewee.

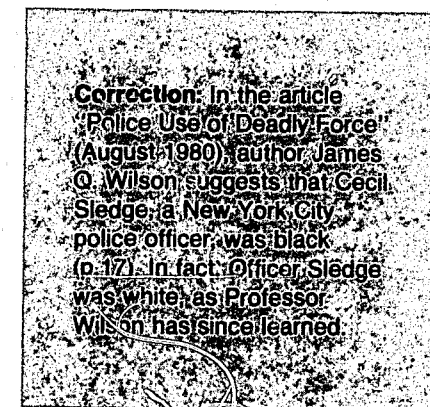
Summary

The language of nonverbal communication is dynamic. Correct interpretation of nonverbals can be an asset to the police interrogator conducting interviews and interrogations,

saving hours in attempting to hurdle the barriers so often present in the spoken word alone. At the same time, incorrect use or misinterpretation of nonverbals can be disastrous, leading to deadend interrogation or even false statements or confessions, particularly in dealing with the psychopathic or psychotic person. **FBI**

Footnotes

- ¹ Richard L. Weaver, III, *Understanding Interpersonal Communications* (Glenview, Ill.: Scott, Foresman and Co., 1978), p. 145.
- ² Arthur S. Aubry, Jr., and Rudolph R. Caputo, *Criminal Interrogation* (Springfield, Ill.: Charles C. Thomas, 1972), p. 257.
- ³ *Ibid.*, p. 261.
- ⁴ Weaver, pp. 154-155.
- ⁵ *Ibid.*, p. 155.
- ⁶ Aubry, p. 165.
- ⁷ Fred E. Inbau and John E. Reid, *Criminal Interrogations and Confessions* (Baltimore: The Williams and Wilkins Co., 1967), p. 35.
- ⁸ Donald S. Connerly, *Guilty Until Proven Innocent* (New York: G.P. Putnam & Sons, 1977), p. 48.
- ⁹ Aubry, p. 16.
- ¹⁰ Robert J. Wicks, *Applied Psychology For Law Enforcement and Correction Officers* (New York: McGraw-Hill Book Co., 1974), pp. 120-122.
- ¹¹ Brian F. Smith, "Police Identification and Interrogation of the Mentally Disturbed" (M.A. dissertation, The George Washington University Law School, 1973), pp. 20-25.
- ¹² *Ibid.*, pp. 14-15.
- ¹³ Great Britain, Metropolitan Police Detective Training School, Peel Center, *Depositions, Committal Proceedings, and Dying Declarations, D.9 Precis No. 29* (London: Metropolitan Police Detective Training School, Peel Center, Hendon, 1978), p. 2.



END