

The Process of Deception

Chapter 5

Deception

- The study deception is to study the history of mankind.
- Deception – Latin verb *decipere* – means to deceive
- Deception is another form of influence
- Deception is utilized in order to hide or conceal...
- He that hideth hatred with lying lips, and he that uttereth a slander, is a fool. Proverbs 10:18
- Deception is utilized for gain...
- The getting of treasures by a lying tongue is a vanity tossed to and fro of them that seek death. Proverbs 21:6

Deception has been around...

- Example – Old Testament Prophet Isaiah believed that one could discern others' wrongdoing in their facial expressions...
- Isaiah 3:9 - *The shew of their countenance doth witness against them;* and they declare their sin as Sodom, they hide it not. Woe unto their soul! for they have rewarded evil unto themselves.



Deception...

- Francis Bacon (1561-1626) seemed to agree with Isaiah when he noted that "a man's face gives his tongue leave to speak ... for the discovery of a man by the lines and expressions of his countenance is a great weakness and betraying."



Deception and the Investigator

- To the investigator falls the necessary task of determining whether or not a subject is deceptive, of identifying the nature of that deception, and of changing falsehoods into truth during the interview process.
- We do not like to admit the fact that people can deceive us; we are especially reluctant to admit the fact that we ourselves can be deceptive.
- We expect that there will be times when a subject will utilize deception in order to gain an advantage. However ...

Deception and the Investigator

- There will also be times when the investigator resorts to deception for the same purpose.
- The investigator must know what can and cannot be done in his jurisdiction.
- The standard in Alabama...
- Deception ... such a stratagem need not result in involuntariness without some showing that the deception was so fundamentally unfair as to deny due process ... or that a promise or threat was made that would induce a false confession. *Smith v. State*, 797 So. 2d 503 (Ala.Crim.App. 2000)

Deception and the Investigator

- Ideally, the investigator should consider using deception only as a last resort after exploring – but not succeeding with – all of the truthful persuasive approaches available in those circumstances.
- The process of deception is always the same.
- The investigator must recognize that deception is deception is deception.

Deception and the Investigator

- The investigator who becomes an effective persuader is one who learns
 - The limitations of his own subjectivity with regard to deception
 - The impersonal nature of the subject's attempts to deceive;
 - The necessity of suppressing emotional responses to the deception of others
- What we have to keep in mind is that the subject's deceptive behavior is not directed at us personally.

Silence ...



- At times, the subject's silence can provide a wealth of information to the investigator and can encourage the investigator to persist.
- Simply stated, the investigator can often learn as much from what the subject does not say as from what he or she does say.

Recounting the facts...

- If the subject is recounting what actually occurred, his facts will usually be consistent.
- The deceptive subject, however, will need to add deception upon deception as additional details are sought by the investigator.
- The subject then risks the possibility of forgetting what he has previously stated and providing false statements that are inconsistent with his earlier account.
- In responding to questions from the investigator, the subject engaged in this form of deception will attempt to answer questions that have not been asked, will repeat the question, will rephrase the question, or will answer the question with another question.

Dissimulation

- Dissimulation occurs when people attempt to portray themselves as something they are not.
- The subject who wishes to hide something they are not.
- The subject who wishes to hide something – his motives, his actions, his feelings, etc. – from the investigator will sometimes dissimulate, a type of negative deception.

Simulation

- With dissimulation, unlike the passive silence of secrecy, the subject is forced to act and, of necessity, to lie.
- This is even more the case with the third type of deception: simulation.
- Simulation occurs, according to Frances Bacon, when a subject “industriously and expressly feigns and pretends to be that which he is not.”
- A difference of the degree of deception, here we have a subject simulating or overtly acting the role of someone he is not, a type of affirmative deception.

All three forms...

- It is not at all unusual for a subject to resort to all three forms in his attempt to successfully deceive.
- The subject can variously choose to conceal, restrict, or distort the truth.
- Bacon observed, quite correctly, that simulation and dissimulation were more reprehensible forms of deception than that of closeness, reservation, and secrecy.
- It is generally true that when we are the victims of overt lying (disimulation or simulation), we respond more angrily and take it more personally than when information is withheld from us (closeness, reservation, and secrecy).

Lying ... what an outrage!

- Responding to the lies of others with personal outrage is apparently a typical human reaction.
- As Proverbs 13:5 reminds us, "A righteous man hateth lying."
- However universal such a response may be, as investigators we need to modify that response in ourselves.
- Our attitude is that if he must deceive, then let him lie.



Activity can be evaluated ...

- As Bacon noted about silence, it offers very little to observe or to be taken into consideration.
- But once the subject begins to engage in either of the other two forms of deception, he or she is forced to act, to do something in order to deceive.
- The investigator has moved the subject from a state of inactivity to one of activity - and activity can be observed and evaluated.



Indicators of Dissimulation & Simulation

- Most subjects will display some emotionally reactive response in conjunction with deception.
- **Proverbs 6:12-19; The Seven Abominations; The Characters of one that is mischievous to man and dangerous to be dealt with.**
- Proverbs 6:13 describes one trait of such behavior, "He winketh with his eyes, he speaketh with his feet, he teacheth with his fingers."



Stress

- The subject's attempts to deceive will normally result in stress.
- That stress will be physically expressed – by the subject's body.
- The stronger the rapport between subject and investigator, the greater the stress that will be experienced by the subject once he becomes deceptive.
- The greater the stress experienced by the subject, the more obvious the deception indicators become to the investigator.



Subject's Physical Symptoms as Deception Indicators

- The investigator should look for the following indicators:
 - Dryness of mouth
 - Restlessness
 - Frequent changes in position
 - Tapping of feet
 - Fidgeting
 - Gripping arms of the chair
 - Elbows held close to the body
 - Running hands through the hair
 - Chewing of fingernails, pencils, etc.
 - Excessive sweating
 - Pulsation of the carotid artery
 - Pallor, flushing, or change in complexion, color
 - Excessive swallowing
 - Avoiding direct gaze
 - Appearance of being disturbed and/or very tense
 - Audible turbulence in the stomach
- Don't base evaluation on only one indicator.



Stress is Stress

- Stress can also be the result of telling the truth and not being believed.
- Stress is stress is stress.
- The investigator who has an automatic tendency to disbelieve every subject, requiring proof of each one's truthfulness, should remember what Seneca wrote around 2,000 years ago: "It goes far toward making a man faithful to let him understand that you think him so; and he that does suspect I will deceive him, gives me a sort of right to do it."
- This observation supports the necessity of the investigator's believing the subject so that whatever physical signs of stress may be observed by the investigator can be assumed to have been internally generated, not as a result of stress imposed externally by the investigator.



Subject's Verbal Responses as Deception Indicators

- Bacon: "consider their ends" and "interpret their speeches"
- The investigator should listen for the presence of any of the following characteristics of deception in the subject's responses.
 - Attempts to evade questions
 - Vague answers
 - Conflicting information
 - Different answers to the same or similar questions
 - Falsehoods or inaccurate information

Inadvertently revealing truth...

- Proverbs 12:13 reminds us, the deceiver can be caught by his own words:
- "The wicked man is snared by the transgression of his lips."
- Deception, which has the root meaning of "to ensnare" can be in turn the snare of those who practice it.
- This ensnaring of the wicked by their own words gives a significant advantage to the investigator.

Deception Indicators

- 1) Excessive assertions of truthfulness
 - A) "I hope to die if I am lying"
 - B) "Swearing on my mother's grave"
- 2) Evasive answers
 - A) "I am not sure what happened"
 - B) "I don't think it could have been that much"
- 3) Broken or incomplete sentences
- 4) Stuttering or stammering



Advantages of Simulation and Dissimulation

- For the individual who can effectively deceive by means of simulation or dissimulation, the advantages include
 - Causing the other person to lower his/her defenses and thus gaining the advantage by surprise
 - (re) gaining the initiative
 - Discovering what's in the mind of the other

Disadvantages of Simulation and Dissimulation

- Every strength is balanced by a weakness, and for these two forms of deception the disadvantages include
 - Revealing one's fearfulness
 - Destroying impression of accuracy
 - Becoming obvious to others
 - Replacing others' belief in one with disbelief

Summary

- The study of deception is an ancient one and still on-going.
- For the investigator, the ability to detect deception in its various visual and auditory manifestations is a fundamental skill.
- When there is no longer any need to detect deception, there will no longer be any need for investigators.



The Process of Totality

Chapter 6

Putting it all together

- As we have determined from our examination of the process of inquiry and persuasion, the various elements – questioning, motive, persuasion, and deception – all come together once the interview begins.
- These elements are interrelated.

Summary

- While most people experience some aspects of inquiry and persuasion every day, in all the various circumstances of life, it is the investigator's unique burden to be engaged in a process whose outcome affects the rights, including liberty, of others, a process by which our system of justice is preserved.


