



NON-VERBAL COMMUNICATION

By Cheri Stephens

Forensics excites us because it is the application of science to the field of law. Serology is biology and chemistry, as is DNA and toxicology. Ballistics and blood spatter are simple physics. Everything from hair medulla to pathology has roots in the quantitative sciences. However, only in the past few decades has the qualitative science of psychology been utilized to greater and greater effect. Anyone who's seen 'Silence of the Lambs' or heard about serial killers knows of the link between the mind and the unconscious actions. But until recently, interpreting non-verbal cues was restricted to 30-year veteran detectives who claimed to have a feel for a suspect's guilt. No longer. Now you can use the same techniques professional interrogators do to really tell if a student is lying about their homework.

Geppetto had it easy; Pinocchio's nose was an obvious clue to the truth of his statements. But falsehoods are not the only things non-verbal behaviors can communicate. The majority, 60-85%, of communication is not through the spoken word. Threats, status, deceptions, personality disorders, emotional states, and cooperativeness are only some of the information that can be understood by translating body language. Many people watchers already do some reading of others instinctively, but one can become aware of and practice decoding other behaviors. Especially in your classroom.

To effectively analyze behaviors a few things must be kept in mind. Some people simply cannot be easily decoded, while others are the proverbial open book. Culture and ethnicity

influences behavior and the interpretation of that behavior as well. The context and situations surrounding the communication can also impact on their display. Clustering of behaviors is a significant observation and is more telling than a single response. Imagine the behavior slowed way down and magnified to help decode it.

All behavior starts in the brain for both learned and instinctive responses. Schools are great arenas for the learned response—think about the California Valley Girl ‘whatever’ head-tilt or the pre-schooler’s hand-on-the hip defiance posture. But those are not really what we should be observing, although they do communicate attitude. It is the autonomic response that imparts the most information. These result from the limbic portion of the brain. Sometimes called the Center of Emotions part of the brain, the limbic system controls our basic emotions, freeze/flight/fight response, memory observations, thought, and deception behaviors. It lies just above the brain stem and contains structures such as the hypothalamus, pituitary, amygdala and hippocampus. So let’s apply this to real life.

Observations really begin with the over-all view. How close together people engage can relay comfort levels. Intimate, personal, social and public personal space distances are well documented and acknowledged to be different in different cultures. Stance, posture and clothing also give recognizable clues to the attitudes and feelings of the person observed. We may not be able to read a book by its cover, but clothing, decorations, and grooming are really good indicators to observe about people. From the days of the hippie rebellion to today’s Goth to power-dressing we can see what the person wants us to think about them. But, it is from the often instantaneous, more subtle gestures that we may detect deception or comfort in others. We’ll look at a few examples of behaviors that may impart information not otherwise verbalized.

LEGS/FEET—These are the most truthful indicators of a person's comfort state because the feet remove us from an uncomfortable position. Look at the feet—if they are pointed toward you, the subject is engaged in the conversation and willing to stay, whereas if they are pointed away perhaps the conversation is not desired. Watch two people talking to each other when another comes up to enter in—are they welcomed in by the feet or closed off? While seated, crossing one's legs may indicate a desire to close-off or distance oneself from the other and the jittery, shaking foot can disclose discomfort.

ARMS/HANDS—Many of us talk with our hands, but what are we really saying? For example, touching the face and head with your hands are comfort gestures when one is in an uncomfortable situation. Whereas hands to other parts of the head, such as the chin, chest or neck, offer other clues. An upturned, displayed thumb is a dominance gesture. Many powerful men will stand with hand in a jacket pocket and his thumb outside. Steepling the fingers (hands together, fingers upwards) is perceived as an emphasis gesture. Open, up-turned palms suggest a willingness or openness to the conversation.

FACE/HEAD—It is said that the eyes are the windows to the soul, but they are not the only feature to observe on the face. Eye rolling, blinking and fluttering all have different meanings. Looking up to the left – or right—as an indication of lying has not been supported by the research. However, with a right-handed person, many times they will look to their right when making something up, the opposite with a left-handed person. Of course the evidence is anecdotal, but it can be interesting to observe in a student who doesn't have an assignment to hand in. Eyebrow raising is displayed when seeing someone you are comfortable with or for emphasis. Smiles can be broad and full when comfortable or shallow and artificial when not. Look at the eyes, they will crinkle in true smiles; insincere people often smile with their mouth

only. Lip biting can be seen when the person is nervous, if vigorous, or willing to talk, if shallow and light. Is the head nodding yes while the words mean no? Look for correlation to the words and the head movements.

WHOLE BODY—Watching the whole body can tell something about the comfort level. Leaning towards someone indicates comfort and leaning away reflects a desire to avoid the issue. If the body posture is open, so is the conversation. Mirroring—or mimicking—the interviewer is reflective of comfort and rapport. In his book, ‘Homicide’, David Simon carries this comfort level to another place. He spent a year with Baltimore detectives and picked up on a general rule of homicide: an innocent man left alone in an interrogation room will remain fully awake; a guilty one will go to sleep.

FORENSICS APPLICATIONS Obviously, one single gesture cannot be interpreted apart from the total interaction but an experienced, trained interviewer should be able to look at the whole conversation and pick out clues to concentrate upon. Following up on areas where discomfort or possible deception occurred can lead the interview to areas of focus. While the words spoken in an interview are certainly important, the non-verbal behaviors can tell as much, if not more.

Law enforcement agents can use knowledge like this to successfully interview suspects, victims, and witnesses. Setting up and conducting the interview should be a conscious, planned and even rehearsed event to elicit the most effective information. In addition when the agent testifies in court (yes, judges and juries also interpret behaviors they see) officers should be aware of their behaviors.

Research is constantly being conducted on non-verbal behaviors with professional Journals and books devoted exclusively to this topic. Seminars and workshops are also offered to

help develop this skill. Freud maintained that anyone could spot a liar by paying close enough attention to them, and Nietzsche wrote that “the mouth may lie, but the face it makes nonetheless tells the truth.” In a recent article in the New York Times, Robin Marantz Henig noted that most devices available to detect lies, such as the polygraph, do not detect the lie, but rather the stress about the lie. She also points out that, “So it can miss the most dangerous liars: the ones who don’t care that they’re lying, don’t know that they’re lying or have been trained to lie,. It can also miss liars with nothing to lose if they’re detected, the true believers willing to die for the cause.

Given that we’re not likely to come across people like this the tips for reading a subject or student remain. Be alert and inviting when approaching or being approached by someone in the classroom or the faculty lounge, and keep your eyes open.

You just might hear a lot more than the other person says.

Tips for Forensic Teachers:

1. Download images of different people and have students try to ‘decode’ their dress (i.e. Black Panther, Bob Sillerman (Sony CEO), Klebold/Harris, etc.)
2. Download videos of some news interviews and play them —without sound—to detect comfort/discomfort clues. (i.e.-the Clinton/Monica interview, the Nixon Interviews, any Bush interviews, some rock icon interviews; Brittany Spears for example.)

3. Download (or photocopy) journal articles on non-verbal communications for students to read and present to class. Some articles are found online—and others can be accessed at the local college library.

4. Role-play interviewing scenarios for the class to analyze. These can be real-life interviews or can be theatrical representations.

5. Have students collect photos from magazines, newspaper, on-line video news to show examples of deception, emphasis, comfort, etc. Prepare posters or portfolios of these examples.

THE WORKSHOP-

This was a two-day workshop presented by a company called Specialized Training Services, Inc. (<http://www.specializedtraining.com/>) offered at various places throughout the country for mental health, criminal justice, law enforcement, legal, nursing, drug/alcohol and education backgrounds. (They have great workshops—I've had ones with Reid Meloy and Roy Hazelwood as well. Wow!)

Joe Navarro's workshop, *Mastering the Secrets of the Interview*, will be presented only once a year now (*Mark—he's making \$10 K a session on the professional POKER circuit now!*) Both days were primarily PowerPoint lecture, video examples and a small bit of role-playing. With over 20 years experience with the FBI he can present case examples and information non-stop. He's charming, funny, intelligent, and so informative its hard

to stop at the end of the day—but then there are other professionals to connect with as well after hours. He is also very open to questions and conversation.

I had my first exposure to Joe in Pensacola where he did a one-hour presentation at another forensics conference which whetted my appetite to hear more. When this workshop came up in Chicago last May I begged, pleaded and groveled for money from the school district (the workshops are a bit pricey—in the \$400 range) plus transportation and lodging but well worth it, in my estimation.



THE INTERVIEW-

Joe Navarro defines the interview as ‘effective communication with a purpose’. Therefore, you must first know what your purpose is. Is it intelligence, historical information, obtaining a lead, developing a personality profile, etc? In the interview you are trying to gather information from someone who may not be a suspect, such as a witness or victim. Interrogations are conducted with, generally, an unwilling suspect. However, the interviewee may also be less than willing to cooperate. So, understanding who and why you are talking is paramount in conducting a successful interview. Effective interviewing requires “dominion over self, dominion over interviewee, and dominion over the theater of the interview”. Let’s look at these.

. Navarro says, “Preparation will not guarantee success, but failure to be prepared will guarantee failure.” Practice the interview; plan the interview. You can even role play the interview prior to the actual one. Identify what you want to ask. Avoid taking notes—try to remember the information. Using legal pads is often counterproductive so use index cards if you must write down information. Video taping the interview is also somewhat intimidating, but may be agency policy. In that case, often the interviewee seems to forget the tape after a short time. Keep the interviewee in the frame throughout the interview for best results.

Know your suspect. You will be more successful if he/she likes you. In some cases, for instance, gender bias can work for or against you. Some men resent women interviewers, some do not (and vice versa). Some people respond positively to an older, experienced interviewer, others may do better with younger, less experienced (perhaps less threatening) officers. Experienced interviewers know when to turn the session over to someone else who may be more effective. The interviewee may have personality disorders, such as, schizophrenia, paranoia, narcissism or psychopathy. Understanding these disorders can help in planning the interview. For

example, paranoids often do not like to be interviewed in closed room, so talking outdoors may be an effective tactic

Select both the time of day and the location for best results. There is a '4 by 4 rule', which says that after 4 hours and after 4 PM are when there are the most confessions offered. Statistically, however, 80% of suspects confess at some point, even after all the television shows teaching us about Miranda warnings! So you can often select the time of day to interview your subject, Morning hours find most people more alert and detail capable, while late afternoon or evening hours will find the subject tired and perhaps less able to resist the questioning. Select a site for the interview. Police stations can be intimidating for anyone, so workplaces, homes, or other more neutral sites may be preferred. A non-intimidating site, such as a book store or coffee shop, may be a very good choice for many interviews. In any case try to limit the people present to only one or two and not a representative from every agency connected to the case. Finally the positioning of the participants should also be considered. Males react better when sitting angled to one another, whereas females respond more positively to face-to face conversations. In every case cars are never a good place, because there is limited eye-contact possible.

Finally the interviewer should establish both dominance and rapport within the interview setting. Control can be created by such actions as making the interviewee wait a few minutes, selecting the seating for the interviewee, reaming standing until all are seated, offering refreshments or breaks, and controlling the questioning pace. Empathy can be developed within the interview by other actions. Smiling, eyebrow raising, head nodding, mirroring gestures and language, using formal titles and names, and maintaining comfortable eye contact all work to make the interviewee more comfortable.

Ultimately, interviewing is a skill that can be both developed and improved with practice. Not all interviews will be successful and some may need to be repeated, if possible. All should be reviewed afterwards. Remember that nonverbal clues will be as important, if not more, than the words.

Below are some sources for more information on non-verbal body language. This article was based on the workshop and texts by Joe Navarro, M.S. FBI (ret). He presents workshops on the topic of Non-Verbal Interviewing techniques and has written several books and many articles based on his experiences and studies. (jnforensics@aol.com)

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