Though Tongues Were Out of Use: The Body Language of the Guilty

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Abstract

The goal of this paper is to examine how body language can be used in the process of criminal investigation and to argue that proper training in the interpretation of body language is essential to its effective use. I go over the chances that the average person has of successfully identifying deceit, and provide evidence that these chances can be greatly raised with training. In looking at the face, we learn that clues are left for a brief time after someone tells a lie, and due to the short life of these clues I argue that it is all the more necessary that police officers, who are in greatest proximity to these clues of deception, should be armed with the tools needed to properly analyze them. Looking at the movement of the body, I discuss the Reid Technique, which separates movement into illustrators and adaptors. Because the Reid Technique inaccurately assumes that all adaptors are indicative of deception, I use this as a cautionary tale with the warning that the interpretation of body language should avoid assumptions and allow for the fact that the innocent will be nervous during an interview. In my conclusion, I connect this idea to both *Othello* and *Hamlet*, since both plays feature the reading of body language but only one achieved accurate results. The television show *Lie to Me* is mentioned in conjunction with facial expressions, and I proffer that the show, and others like it, may cause a rise in interest in this topic.

For all of the words a person says, there are thoughts and feelings which go unsaid. Though these unspoken thoughts and feelings fail to make their way through the vocal tract, there is another type of language which may betray the individual who wishes their thoughts and feelings to remain secret: body language. Even for the layman, the understanding of this language is beneficial in deciding whether someone is trustworthy, or whether they are keeping something back. The results are much more effective, though, for someone trained in how to recognize and understand this language. In certain circumstances, recognition and understanding are critical. One such circumstance is within the criminal justice system. The use of body language interpretation in criminal investigation can provide a useful foundation in determining the direction an investigation will take. A suspect may say all the right things, and might not make a single slip of the tongue during an interview, but their body language will hint that they are lying. In the words of Shakespeare, "...guiltiness will speak,/ Though tongues were out of use," (Shakespeare, trans. 2016, 5.1.107-108). Like a fingerprint, these clues are always present, even if they are not entirely obvious. Unlike a fingerprint, however, these clues may possess more than one connotation, and it is important that they are not misinterpreted. To be truly useful to the investigative process, body language must be approached with due caution in the recognition that certain physiological responses may have various emotional sources. Used properly, body language interpretation can aid police officers during suspect and witness interviews, and can guide jury members as they listen to witnesses in the stand.

Every day, people tell lies of varying degrees. There are those who are especially adept at reading people and determining whether there is any deception, but they are not the majority. It turns out that, "Most people have no better than a 50/50 chance of detecting deception.

Increasing these odds requires preparation and skillful execution," (Navarro, 2012). Like all useful tools for investigation, body language must be studied further. One can only go so far with an untrained eye. An individual with no knowledge of hair analysis may be able to identify the color of a strand of hair, but they would not be able to ascertain if that hair is from a human, canine, or other type of animal. Likewise, the layman may be able to identify certain clues given by body language, but a proper training in the interpretation of body language can ensure accuracy of interpretation. This accuracy is no negligible thing in criminal justice if the goal is to discover the truth and protect the citizens of our society by ensuring that no innocent is mistakenly convicted of a crime and that the guilty are identified and kept from posing any further danger to others.

Since officers come into frequent contact with witnesses and suspects, and manage the investigation of crimes, it would be advisable for them to gain an expert literacy. However, this essential training is often neglected. It has been noted that, "Unfortunately, officers rarely receive advanced education in nonverbal communication after they leave the police academy," (Navarro, 2012). There are, of course, analysts who examine physical pieces of evidence who are not a part of the team who first responds to a 911 call, but this type of evidence is different. It cannot be preserved carefully to be sifted through at the lab. One may be able to record an interview for an expert in body language to review, but there is a very small window of opportunity to catch and perceive the evidence which body language can present. Research into deception, which looked at the facial expressions of subjects who spoke a falsehood, found that there are traces left behind on the face after a lie is told, but they last only briefly. The research

reports that, "During and immediately after lying, we found there are definite invisible but significant changes that take place on different parts of face […] These significant invisible changes last only less than 10-15 seconds," (Yoshiaki, 2015). A span of ten to fifteen seconds being all that is available, it is advisable that all individuals working in some field within the criminal justice system, be it a police officer or a District Attorney, should be trained sufficiently in body language. Improvement in the ability to read a person's body language and facial expressions is entirely possible, as one study reported that, "Our results suggest that POs' theoretical training not only improves detection performance in behavior analysis to a remarkable degree but also allows them to perform at the same level as experienced POs (Koller, 2016). Experienced officers will be able to glean from their years of interviewing both the innocent and the guilty, but there are less seasoned officers who will have nothing to rely on but their natural instinct. Judges, also, all have a first day on the stand, and they should not face that day with anything less than a thorough training in the detection of deception. Even a cursory training for those assigned to jury duty might be recommended, since weighty decisions are left to be made by them.

        The face is an especially important reference point when interpreting non-verbal cues. Looking someone in the face when speaking with them is considered a common curtesy, so the face receives a lot of attention. The statements expressed by the face can be even more voluble than the words being spoken aloud, for "People tend to believe what your face tells them rather than the words that they hear," (Borg, 2015). The layman will look for clues of deception in the face and eyes if they have any reason to suspect falsehood. Thus, "a wise liar might devote particular attention to controlling his/her facial expression," (ten Brinke, 2012). In some ways,

this manipulation of the face can be fairly simple. One can feign a smile when one is actually

unhappy, or maintain a blank face when one is internally panicking. In such cases, it is possible

that most people would see this falsified expression and never be the wiser. However, there are

always clues present in the face which cannot be erased no matter how adept one is at managing

their facial expressions.

A theory propounded by Darwin suggested "that some facial actions associated with

strong emotion cannot be inhibited voluntarily," (ten Brinke, 2012). Certain actions, like

blinking, cannot be controlled. One may force themselves to blink, much like one might force

themselves to smile even when they are unhappy. It gets more difficult, though, in any attempt

to prevent the face from moving in a way it desperately wants to move. One example of this

was found in a study which discovered that "Attempts to express falsified sadness involve

complex and involuntary muscles in the forehead," (ten Brinke, 2012). Like a laugh that wants

to escape against a person's will, some unwelcome indication of the person's emotion will

display itself in some manner and degree; and if one is trained in what these uncontrollable

expressions are, the accurate perception of these clues can make the difference in whether to

believe a suspect or witness when they are telling their story.

The importance of facial cues has gained some publicity with the advent of crime

television, and in particular the show *Lie to Me* which is based upon the exploits of a

professional who is adept at reading deceit in people's faces. We are introduced to Dr. Cal

Lightman as he is speaking with, or rather to, a suspect of the FBI. This suspect hardly speaks,

but Dr. Lightman is able to read his responses to what is being spoken to him. In a lecture

which Lightman gives on this case, he reveals how he was able to figure things out, pausing the

video of the interview to display the suspect's face. One moment in which Dr. Lightman pauses

the video is immediately after he tells the suspect where the FBI are currently looking for

evidence. The expression observed on the suspects face gave Lightman some valuable

information. "Now we just saw there was a brief expression of happiness on his face, which

he was trying his best to conceal. Lasted for less than a fifth of a second. That's what we call a

micro expression … The suspect is secretly happy about the locations we are searching, which

tells me we have the wrong locations," (Baum, 2009). Clearly, there is enough of an interest in

this topic to warrant the creation of shows in which this serves as a basis. This is promising,

since such things often inspire people to look into the field and possibly train in it. Even so, it

can be all too easy to take something at first appearance, as demonstrated by something called

the Reid Technique.

It is entirely possible for an innocent individual to experience a nervousness during an

interview which may be misinterpreted as guilt. An example of the possible mistakes in body

language interpretation can be found in the Reid Technique. Among other things, this technique

divides hand motions into two distinct types called indicators and adaptors (Blair, 2004).

Adaptors are essentially nervous habits, and "include scratching, wringing the hands, and

drumming fingers," and "occur when the hands are brought into contact with the body," while,

"Illustrators occur when the hands are held away from the body and used to gesture," (Blair,

2004). The classification of types when examining hand motions can be a useful starting point

in determining the feelings of any person being interviewed, providing a careful organization of

the movements to be studied and therefore allowing an ease of identification of these

movements and the state of mind with which they are associated. However, there is a critical

mistake in this system, for "The Reid model of nonverbal behaviour posits that all types

adaptors are associated with deception," (Blair, 2004). The system breaks down when it

assumes absolute consistency in the meaning of adaptors. It assumes a universal truth, and

leaves no room for infallibility or variance; but these adaptors can be read in several ways.

They do not of necessity denote guilt; they may simply represent the state of anxiety which the

individual experiences merely because they are being interviewed in the first place. In such

cases, "The interviewee's discomfort or lack of confidence during questioning compels

knowledgeable investigators to look further," (Navarro, 2012). Rushing into the assumption that

this suspect or witness is guilty simple because they showed signs of nervousness can be

detrimental to the purposes of criminal investigation, and to proceed in such a way is to forget

that there can be many different meanings to a single expression or movement. A smile does

not always indicate pleasure: sometimes it holds cynicism.

In order to dispel these kinds of assumptions, however, we must first discuss these

assumptions in terms of context. From the officers' perspectives, the interview process will not

be daunting, since they themselves are not the ones under suspicion. Naturally, the only reason

to be nervous, to make use of adaptors, would be if there was some fear of being found out.

Otherwise, the person being interviewed should, theoretically, behave normally, since,

"...innocent people display a reference behavior that can be taken as 'baseline', that is, behavior

that is not influenced by any goal of making a certain impression on an observer," (Koller,

2016). If no lies are being told, there should be nothing found in the body language to indicate

otherwise, since the fear of getting caught in a lie is contingent on having told a lie. Returning

to the Reid theory, "Under the Reid model of nonverbal behaviour, lying is perceived as a

threatening (anxiety producing) situation," (Blair, 2004) and in conjunction with that, "The

Reid Technique proposes that lying causes anxiety, and that the mind and body will work

together to relieve this anxiety," (Blair, 2004). The theory makes the same mistakes an

untrained police officer might make when dealing with an innocent but frightened suspect, and

essentially disregards any other kind of threat a person might feel.

We can see parallels of this feeling of threat to the innocent in daily life, outside of the

realms of criminal justice. For example, if a child is called for and their full name is used, the

child will naturally be nervous that they are in trouble even if they don't know of anything in

particular that they could be in trouble for. There could also be present the fear that, having

declared their innocence, they will not be believed. In the same manner, the innocent individual

being interviewed may fear that the truth will not be believed, that they will be charged with

something they didn't do. It is here that the adaptors may make their appearance in the innocent.

Anyone in a state of anxiety will need some way to calm themselves, and in doing so they may

display some of the actions a guilty person would use in a similar attempt to calm themselves.

Some of these attempts to calm themselves might include behaviors associated with guiltiness,

but research has proven that the innocent and the guilty alike use behaviors of this kind, since

"Overall, DePaulo et al. (2003) found that very few nonverbal behaviours were consistently

indicative of deception," (Blair, 2004). It is akin to something which could be found on an IQ

test: all oranges are round, but not all round things are oranges. Only, in the case of this kind of

mistake in thinking in the criminal justice system, the consequences are a thousand-fold.

Just as there are clues left at the scene of a crime, there are clues left on the face of the person who is guilty when they try to assert their innocence, or in their body language when they feel they are close to being discovered. These clues come in various types, be they the contortion of the face or the movement of the arms, and they are always present. Even Shakespeare was aware that there are things in a person's body language which can identify deceit, having spoken of this in both *Othello* and *Hamlet*. These two plays can serve as a cautionary warning to police officers as well: while Hamlet read Claudius's body language correctly, Claudius having been guilty, we see in *Othello* that body language has been misinterpreted just as Iago wished it to be. Outside the world of Elizabethan tragedy, we have the Reid Technique which makes a similar mistake to that made in *Othello* in assuming the meaning of particular behaviors, adaptors and illustrators, are absolute. There is proof that even those who are not being deceitful will engage in the nervous behaviors used by those who are actually lying. In order to properly identify which is which, a task of vital importance to the well-being of the members of our society, it is beneficial to consistently require those in law enforcement professions to train in the interpretation of body language and facial expressions. Such training has proved to be beneficial, raising the natural level of ability to read deception. There may also be a rise in the interest in such a field of expertise, since shows like *Lie To Me* may spark a curiosity in the public to learn more. With an increased interest in this field, and with the regular application of training in the reading of body language and facial expressions in conjunction with criminal justice training, there is room in the future of criminal justice for a field which is as fascinating as it is imperative.

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