

**THE USE OF BODY LANGUAGE (BEHAVIOUR PATTERN  
RECOGNITION) IN FORENSIC INTERVIEWING**

by

SHANTELL NAIDOO

submitted in accordance with the requirements for the degree of

*MAGISTER TECHNOLOGIAE*

in the subject

FORENSIC INVESTIGATION

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: DR J S HORNE

February 2015

## **ABSTRACT**

With this study, the researcher wants to establish whether investigators are able to effectively interpret, report on, or pay cognisance to body language during interviews, and whether they are sufficiently trained therein. Knowledge of body language can provide the interviewer with vital clues during the interview process. Regardless of the availability of numerous literatures on nonverbal behaviour in interviewing, the application of this knowledge is lacking among investigators.

An empirical research design and a qualitative research approach were used for this research. National and international literature sources were consulted, and the researcher conducted interviews with two experts, knowledgeable investigators and semi-structured interviews with detectives from the East London South African Police Service (SAPS) and forensic investigators from the Special Investigating Unit (SIU) in East London.

The importance of the skill of interpreting body language during forensic interviewing was established. Evidently, many investigators do not apply their knowledge and skill to enhance the outcomes of a forensic interview.

**KEY TERMS:** Forensic Investigation, Forensic Interview, Body Language/Nonverbal Behaviour, Behaviour pattern recognition/behaviour detection, Crime information.

**DECLARATION**

I declare that **THE USE OF BODY LANGUAGE (BEHAVIOUR PATTERN RECOGNITION) IN FORENSIC INTERVIEWING** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references. It is submitted in partial fulfilment of the requirements for the degree of Magister Technologiae in the subject Forensic Investigation for the School of Criminal Justice, University of South Africa. It has not been submitted before for any degree or examination at any other University.

---

**SIGNATURE**  
**(Ms S. NAIDOO)**

---

**DATE**

## **ACKNOWLEDGEMENTS**

This research is dedicated to my late father, Praga Naidoo, who instilled in me the values of hard work, determination and perseverance.

I would like to acknowledge Marielize van Zyl who started me off on this journey and assisted me during the early stages of this study.

My heartfelt gratitude and appreciation goes to my supervisor, Dr Juanida Horne, for all the support, time and professional guidance. I thank her for her patience, wisdom and endless motivation.

I thank my mother, Isabella Naidoo, and my sisters, for all the love, support and encouragement.

Marco Strydom, whose understanding and continuous belief in me helped me to complete this research, and I thank him for his patience and motivation.

I would like to thank all the participants who sacrificed their valuable time and assisted me in this research. Thank you for sharing your knowledge and experience.

Finally, all honour to God for granting me the ability and strength to pursue my goals and dreams.

# TABLE OF CONTENTS

<b>CHAPTER 1 .....</b>	<b>1</b>
<b>GENERAL ORIENTATION TO THE USE OF BODY LANGUAGE (BEHAVIOUR PATTERN RECOGNITION) IN FORENSIC INTERVIEWING.....</b>	<b>1</b>
1.1 INTRODUCTION.....	1
1.2 PROBLEM STATEMENT .....	2
1.3 AIM OF THE RESEARCH.....	3
1.4 PURPOSE OF THE RESEARCH .....	3
<i>1.4.1 Exploration.....</i>	<i>4</i>
<i>1.4.2 Application .....</i>	<i>4</i>
<i>1.4.3 Empowerment.....</i>	<i>5</i>
1.5 RESEARCH QUESTIONS .....	5
1.6 KEY THEORETICAL CONCEPTS .....	5
<i>1.6.1 Forensic Investigation.....</i>	<i>5</i>
<i>1.6.2 Forensic Interview.....</i>	<i>6</i>
<i>1.6.3 Body Language / Nonverbal Behaviour .....</i>	<i>6</i>
<i>1.6.4 Behaviour pattern recognition / behaviour detection .....</i>	<i>6</i>
<i>1.6.5 Crime information .....</i>	<i>6</i>
1.7 RESEARCH DESIGN .....	6
1.8 RESEARCH APPROACH.....	7
1.9 TARGET POPULATION .....	7
1.10 SAMPLING .....	8
1.11 DATA COLLECTION.....	10
<i>1.11.1 Literature.....</i>	<i>11</i>
<i>1.11.2 Interviews .....</i>	<i>11</i>
1.12 DATA ANALYSIS .....	13
1.13 METHODS TAKEN TO ENSURE VALIDITY.....	15
<i>1.13.1 Credibility.....</i>	<i>15</i>
<i>1.13.2 Transferability.....</i>	<i>16</i>

1.14 METHODS TAKEN TO ENSURE RELIABILITY .....	17
1.14.1 Dependability .....	18
1.14.2 Conformability.....	19
1.15 ETHICAL CONSIDERATIONS .....	19
1.16 RESEARCH STRUCTURE.....	20
<b>CHAPTER 2 .....</b>	<b>22</b>
<b>FORENSIC INTERVIEWING.....</b>	<b>22</b>
2.1 INTRODUCTION.....	22
2.2 FORENSIC INTERVIEWING .....	23
2.3 PURPOSE OF FORENSIC INTERVIEWING .....	25
2.4 INTERVIEWING TECHNIQUES RELEVANT TO BODY LANGUAGE / BEHAVIOUR	
PATTERN RECOGNITION.....	30
2.4.1 Behavioural Interview .....	33
2.4.2 Kinesic Interviewing.....	34
2.5 INTERROGATION .....	36
2.5.1 Difference between Interviewing and Interrogation .....	37
2.6 QUALITIES OF AN INTERVIEWER .....	39
2.7 LEGAL AND ETHICAL CONSIDERATIONS DURING INTERVIEWING .....	43
2.8 SUMMARY .....	49
<b>CHAPTER 3 .....</b>	<b>51</b>
<b>THE USE OF BODY LANGUAGE IN FORENSIC INTERVIEWING.....</b>	<b>51</b>
3.1 INTRODUCTION.....	51
3.2 BODY LANGUAGE .....	52
3.3 TYPES OF NONVERBAL COMMUNICATION.....	55
3.3.1 Gestures.....	56
3.3.2 Eye contact and eye movements .....	57
3.3.3 Posture and body movements .....	59
3.3.4 Facial expressions.....	60
3.4 APPLICATION OF BODY LANGUAGE IN FORENSIC INTERVIEWING .....	61
3.5 EVALUATING A PERSON’S BEHAVIOUR .....	65

3.6 DETECTING DECEPTION .....	73
3.6.1 <i>Effect of location and setting of the interview in detecting deception</i> .....	76
3.6.2 <i>Detecting deceit of an experienced liar</i> .....	78
3.6.3 <i>Body movements and posture in detecting deception</i> .....	79
3.6.4 <i>Faking body language during an interview</i> .....	89
3.7 SUMMARY .....	92
<b>CHAPTER 4 .....</b>	<b>95</b>
<b>FINDINGS AND RECOMMENDATIONS.....</b>	<b>95</b>
4.1 INTRODUCTION.....	95
4.2 FINDINGS .....	96
4.2.1 <i>Primary findings</i> .....	96
4.2.2 <i>Secondary findings</i> .....	100
4.3 RECOMMENDATIONS .....	102
4.3.1 <i>Research question 1 finding: Forensic interviewing</i> .....	103
4.3.2 <i>Research question 2 finding: Application of body language in forensic interviewing</i> .....	103
4.3.2 <i>Secondary findings: factors that influence body language, value of body language in     everyday execution of duties by investigators and training</i> .....	104
4.4 CONCLUSION .....	104
LIST OF REFERENCES.....	106
<b>ANNEXURE A: INTERVIEW SCHEDULE (SAMPLES ‘A’, ‘B’ AND ‘C’).....</b>	<b>116</b>
<b>ANNEXURE B: APPROVAL TO CONDUCT RESEARCH.....</b>	<b>122</b>
<b>ANNEXURE C: EDITOR'S CERTIFICATE .....</b>	<b>129</b>

## LIST OF TABLES

Table 1:	Participants interviewed .....	14
Table 2:	Participants' responses – Purpose of a forensic interview .....	29
Table 3:	Differences between an interview and an interrogation .....	39
Table 4:	Participants' responses regarding qualities of an interviewer .....	41
Table 5:	Forms of body language, according to the participants.....	55
Table 6:	Participants' responses on whether they are able and equipped to accurately interpret a person's body language.....	68

# CHAPTER 1

## GENERAL ORIENTATION TO THE USE OF BODY LANGUAGE (BEHAVIOUR PATTERN RECOGNITION) IN FORENSIC INTERVIEWING

### 1.1 INTRODUCTION

The researcher believes that the purpose of any investigation is to gather information and evidence that will assist in the solving of any crime, transgression or irregularity. It is therefore important that investigators must practise all possible methods to obtain information for the investigation process. According to Marais and Van Rooyen (1990:17), crime investigation means to observe intensely, to question systematically and to gather information that will reveal the truth. In terms of this definition, crime investigation is a systematic search for the truth. It is therefore the responsibility of an investigator to make use of objective and subjective traces to clarify the crime situation.

Van Rooyen (2004:7) explains that forensic investigation is the application of science in order to solve criminal matters during the examination and analysis of evidence. Along a similar nature, Van Aperen [s.a.] states that when a person consciously tries to conceal information or their misconduct, they experience “internal conflicts” which cause increased stress and anxiousness. This increase in tension manifests in the person’s nonverbal response and body language.

Van Rooyen (2001:227) points out that nonverbal behaviour can refer to “facial expressions”, “body positioning” and “movements”. The author further explains that “leakage” in body language occurs when a subject’s true feelings project through his or her body language. In most cases, the true feelings or attitude of the subject is contrary to the actual words spoken. Van Rooyen (2001:246) believes that body language is an extremely “useful piece of equipment in the investigators tool bag. The more it is practiced, the sharper the edge becomes”. When practiced in the field, the skill of being able to interpret and understand body language by an investigator can be a fearsome ally.

## **1.2 PROBLEM STATEMENT**

Identifying a problem or question is the “heart” of research. All research efforts were aimed at addressing this problem. Upon identifying the problem, the researcher gathers relevant data to resolve the problem (Leedy & Ormrod, 2013:27-31).

Through work situations in both the South African Police Service (SAPS) and the Special Investigation Unit (SIU), the researcher has been exposed to many instances where she had to conduct both formal and informal interviews, and arrest perpetrators. This experience has made the researcher aware of the importance of being able to interpret and understand body language and other nonverbal signs during the investigation process. This does not mean that the verbal communication during an interview for example is of no value or importance. The researcher however, believes that a more comprehensive understanding of body language and other nonverbal clues may provide vital clues as to what the interviewee may be thinking and feeling. This in turn will enable the interviewer to detect truthfulness or deception. It may also assist the investigator to determine whether a person can be regarded as a suspect or not.

During the researcher’s service in SAPS, she made many arrests and gave evidence in court. The ability to read and understand a suspect’s body language, aided the researcher in deciding whether to make an arrest or not. For example, suspects in possession of suspected stolen property were arrested, and the body language of these suspects clearly indicated deception. Evidence on body language was also given in court. Another example was in cases of drunken driving, where the suspect’s body language indicated intoxication. It is evident that in these types of crimes, body language is of vital importance and can be used as evidence to determine the guilt of a perpetrator. It was explained on the MNet show, Carte Blanche (2010), that deaf people are employed by security companies to observe the body language of employees stealing from the shops where they work as cashiers. This is another good example of how body language is used to identify criminal behaviour.

The researcher undertook basic training when she joined the SAPS, but there was no training on the interpretation of body language. As the researcher gained practical experience in conducting investigations, the importance of understanding body language became apparent. Van Rooyen

(2001:227) supports this stance and believes that body language adds depth and completeness to the spoken words. This author explains that very often, non-auditory clues during interviews can expose a criminal's internal stress and aids the investigator to identify deception.

The researcher also undertook the trainee forensic investigator program in the SIU and received basic training in the interpretation of body language. The researcher believes that there is an urgent need to conduct research on the value that body language may add in the discipline of forensic interviewing, and in addition, to ascertain whether investigators understand and apply the technique of reading and interpreting body language during forensic interviewing.

### **1.3 AIM OF THE RESEARCH**

Mouton (1996:103) explains that the aim of research is to “establish facts, to gather new data and to identify interesting patterns in the data”. While it was a subsidiary aim of this research to determine what forensic interviewing entails, the primary aim was to determine how the interpretation of body language aided the investigator to obtain information during a forensic interview. Achieving these aims enabled the researcher to make recommendations with regard to the utilisation of body language, which will enhance the practise of this important method during the investigation process.

### **1.4 PURPOSE OF THE RESEARCH**

According to Denscombe (2002:25), there must be a reason for doing research. This reason justifies the spending of money, time and effort in undertaking the research. With this study, the researcher intends to:

- determine the importance of the use of body language (behaviour pattern recognition) in forensic interviewing;
- ascertain whether investigators apply this technique during forensic interviewing;
- highlight the need to accentuate this important technique during the training of investigators.

Denscombe (2002:24) further mentions the different research purposes namely: Evaluation, exploration, description, application and empowerment. The purpose of this research contains the following:

#### **1.4.1 Exploration**

The main purpose of conducting research is to discover new information - information that did not exist before. Researchers want to explore and report on what they find (Denscombe, 2002:27). Singleton and Straits (1999:90) explain that exploratory studies are undertaken when little is known about a particular subject.

The researcher wants to determine the importance of the use of body language during interviewing, whether investigators receive sufficient training on how to read and interpret body language (behaviour pattern recognition) during forensic interviewing, and whether investigators are applying this technique during the investigation process. In order to achieve this purpose, the researcher conducted a thorough literature study, combined with interviews. Exploratory questions were posed to the participants by asking “how many...?”, “what...?” and “how...?”. This study may result in changes to the training curricula for investigators, and may change the manner in which investigators conduct forensic interviews in future.

#### **1.4.2 Application**

One of the purposes of this research is to solve a current problem and to improve procedures (Denscombe, 2002:27). The importance of observing and understanding body language (behaviour pattern recognition) during forensic interviewing as well as the knowledge of investigators was evaluated and analysed. The researcher wants to apply knowledge obtained from this research in order to create good practice among investigators when they conduct forensic interviews. This is achieved by recommending techniques and practices that could improve the way in which investigators conduct interviews through the interpretation of body language if these recommendations are considered and applied during investigator-training and in the development of training manuals.

### **1.4.3 Empowerment**

This research is conducted on investigators and about investigators (Denscombe, 2002:27). It is a study on investigators and about their training and knowledge on body language in forensic interviewing. The aim is to empower investigators. Information contained in this study can be used to develop a training curriculum that incorporates the study of body language in forensic interviewing in detail.

## **1.5 RESEARCH QUESTIONS**

Researchers need to consider the key themes they wish to address at the onset of the research, and then formulate their research according to these key themes (Noaks & Wincup, 2004:122). According to Denscombe (2002:31), research questions specify exactly what is to be investigated and what is to be observed, measured and interrogated, in order to shed light on the broader topic. This research has therefore formulated the following research questions that are addressed in the text:

- What is forensic interviewing?
- How can body language (behaviour pattern recognition) be utilised during forensic interviewing to obtain information?

## **1.6 KEY THEORETICAL CONCEPTS**

Welman, Kruger and Mitchell (2005:20) refer to a concept as “an abstraction” that is representative of an object, property or a phenomenon. They explain that the purpose of concepts is to ensure meaningful communication. The following concepts will be clarified for the benefit of the readers as well as future researchers:

### **1.6.1 Forensic Investigation**

According to Marais and Van Rooyen (1990:17), “forensic investigation is an investigation aimed at instituting court proceedings and where some or other scientific knowledge is applied to a legal problem”.

### **1.6.2 Forensic Interview**

An interview is a non-accusatory one-on-one, fact-finding communication between the investigator and the subject (Van Rooyen, 2004:208).

### **1.6.3 Body Language / Nonverbal Behaviour**

Heathfield [s.a.] explains “nonverbal behaviour ranges from facial expressions to body language and that gestures, signs and the use of space are important in nonverbal communication”.

### **1.6.4 Behaviour pattern recognition / behaviour detection**

According to Frank (2005), “the technique of being able to read clues such as facial expressions, body movement and patterns of speech that criminals could display is called behaviour detection or behaviour pattern recognition”.

### **1.6.5 Crime information**

Crime information can be described as simple, raw facts or data, according to Zinn (2005:1).

## **1.7 RESEARCH DESIGN**

According to Mouton (1996:107), a research design is a set of guidelines and instructions that need to be followed to address the research problem. A research design consists of the research problem as well as the methods used to gather, to process and to interpret observations in order to resolve the research problem (Singleton & Straits, 1999:91).

Welman and Kruger (2001:46), describe a research design as the plan to be followed when obtaining information from research participants. “Empirical research involves the idea of getting out of the armchair or going out of the office and purposefully seeking the necessary information out there” (Denscombe, 2002:6). The researcher’s intention was to determine the extent of investigators knowledge of body language (behaviour pattern recognition) and to explore whether investigators apply this technique of body language and behaviour pattern recognition during forensic interviewing. The best way to fulfil this intention was to communicate with and observe these investigators in the field. The researcher believes that the empirical research design best suited this project since it provided the opportunity to conduct in-depth, one-on-one interviews

with investigators to obtain their ideas and inputs on the use of body language in forensic interviewing. Maxfield and Babbie (1995:4) also believe that empirical research is the production of knowledge based on experience and observation.

## **1.8 RESEARCH APPROACH**

The researcher used a qualitative research approach as explained by Leedy and Ormrod (2005:95), as it allowed the researcher to obtain first-hand information from one-on-one interviews with investigators. In qualitative research, subject matter is studied in their natural setting. This approach ensures that the researcher obtains better results since the subject matter is studied in an interpretive and naturalistic manner (Creswell, 1998:15).

According to Breakwell, Hammond and Fie-Schaw (1995:259), qualitative data is descriptive in nature. Welman and Kruger (1999:197) explain that information from interviews is based on real experience and not on speculation. Taylor (1994:208) points out that an interview allows a researcher to gain insight into the real experiences of the interviewees, thus providing insight to “outsiders” and readers. The researcher obtained information from investigators and two experts regarding their experience in actual situations with forensic interviewing and the application of body language (behaviour pattern recognition).

## **1.9 TARGET POPULATION**

According to Mouton (1996:134), a population is a collection of individuals that have certain common or similar characteristics that the researcher will be studying. Maxfield and Babbie (1995:186) explain that a study population is the “aggregation of elements” from which the researcher may draw a sample. Welman and Kruger (2001:3) discuss what a target population is. According to them it is the object to be studied, and may include people, certain groups and even organisations.

The ideal population for this research comprised all the investigators of the South African Police Service (SAPS) and the Special Investigating Unit (SIU) in South Africa, but the size of the population made it impractical and uneconomical to involve all the members of the population in the project, as explained by Welman and Kruger (2002:46). The researcher therefore made use of

a target population that consisted of all the investigators from the South African Police General Detective Services in East London and all investigators from the Special Investigating Unit in East London. Although all the members of the target population are investigators who conduct investigations and interviews, the researcher does not consider it representative of the population because the target population was the researcher's own choice and was not selected scientifically.

The East London Detective branch had a total of eighty-six general detectives and the SIU, East London, had a total of eighty-five investigators at the time of this research. Thus, the target population for this study consisted of eighty-five investigators from SIU and eighty-six general detectives from East London branch, which totals one hundred and seventy one (171) investigators overall.

Two participants regarded as experts in the field of this study were also selected by the researcher to contribute to the research.

### **1.10 SAMPLING**

According to Bailey (1987:82), a sample is defined as “a subset or portion of the total population”. The researcher made use of the simple random sampling method to draw the sample from the target population for the research. This falls under the probability samples category, according to which the probability exists that any element of the target population could be included in the sample. According to Welman and Kruger (1999:55), the advantage of using the simple random sampling method is that it is representative of the population. In this research, the sample was selected from the target population chosen by the researcher. All individuals of the target population had the same chance of being included in the sample despite their age, gender, race, language, years of experience in law enforcement and current rank. Maxfield and Babbie (1995:221) and Blaickie (2003:168) agree and point out that the reason for random sample selection is that each element will have an equal chance of selection independent of any other event in the selection process.

From the target population of 171 investigators, a sample of thirty investigators was chosen to participate in this research. The researcher selected fifteen investigators from the eighty-five

investigators at the SIU, and another fifteen SAPS detectives from the eighty-six at East London General Detective Services. The researcher obtained a list of the names of all the investigators at the SIU in East London, as well as all the investigators at the East London detectives. Numbers were allocated to each name on each list, which was written on equally sized pieces of paper and placed in a box. A separate box was used for the SIU investigators and another one for the SAPS detectives. The researcher then drew fifteen numbers out of each box. The fifteen numbers that were drawn from the box representing the SIU investigators were sample 'A', and the fifteen numbers that were drawn from the box representing the SAPS detectives made up sample 'B'. The names that corresponded to these numbers from sample 'A' and sample 'B' formed the sample for the research.

The purposive sampling method was used to choose experts for this research. Leedy and Ormrod (2005:206) explain that people or other units are selected for a particular purpose in purposive sampling. These authors provide further that the researcher must be able to rationalise why the sample was selected. During purposive sampling, the researcher can "handpick" whom to include in the research, according to the need. The sample selected in this manner would be typical of a "group" or would express "diverse" views on the topic or issue.

The researcher used two experts in the field on interviewing for this research. A very senior law enforcement official, whom the researcher approached for assistance, as the researcher did not know of any experts, referred both experts to the researcher. Both experts indicated their willingness to be part of the study. The experts are referred to as sample 'C' (participants C1 and C2) in this study.

C1 was previously an investigator and is currently the managing director of an international company that is involved in the development of advanced and non-invasive investigation and security tools, fraud prevention solutions, CRM applications, consumer products, and psychological diagnostic tools. C1 is also the Senior Advisor to the Head Office of this company and has 29 years investigation experience and conducted investigations into all types of crime. C1 has received extensive training in the interpretation of body language during interviewing, through international tertiary institutions as well as from private courses attended worldwide.

C2 is currently self-employed as a Veracity Assessor and served in the SAPS for 33 years as a detective as well as a detective trainer, with experience in the investigation of murder, robbery, sexual offences and vehicle-related crimes. C2 has the following qualifications and training:

- master operator and assistant trainer: LVA Technology,
- truth verification, interviewing and interrogation techniques using LVA 6.5,
- diploma, Negotiation Skills,
- interviewing and interrogation techniques,
- statement analysis basics,
- scientific content analysis and
- interviewing and interrogation techniques.

### **1.11 DATA COLLECTION**

Data are “reductions of experience”. When we take people’s “thoughts, behaviours, emotions, artefacts and environments” and represent it in the form of sounds, words or pictures, the result is qualitative data (Bernard, 2013:394). According to Mouton (2001:98), observation, interviewing and documentary sources are frequently used data collection methods in qualitative research. The Monash University Research Data Policy (2011) defines research data as “the data, records, files or other evidence, irrespective of their content or form (e.g. in print, digital, physical or other forms), that comprise research observations, findings or outcomes, including primary materials and analysed data”. The data collected for this research is primary and secondary data. Blaickie (2003:18) classifies primary data as data that is collected, analysed and reported on by the researcher. Primary data results from direct contact between the researcher and the source of the data. Primary data is the most valid form of data as it most truth manifesting (Leedy & Ormrod, 2001:95). In this study, the sources of the primary data were one-on-one interviews with the participants, conducted by the researcher. The study of the relevant literature by the researcher is classified as secondary data.

Mason (1998:148) observes that a triangular approach - which means the use of more than one technique of data collection - will enhance the validity of the research. The researcher gathered data through a comprehensive literature study, and by conducting semi-structured face-to-face individual interviews with the participants from samples ‘A’ and ‘B’. The researcher believes that

these were the best methods to collect data to answer the research questions for this study. These methods of data collection also enabled the researcher to compare what happens in practice to what the literatures says about the topic. The interviews with sample 'C' could not be conducted in person by the researcher as the members of the sample were situated in different provinces. The interview questions were emailed to these participants, who supplied written answers.

### **1.11.1 Literature**

According to Mouton (2001:88), a literature study allows the researcher to establish what research has already been done in the specific field of study. Schloss and Smith (1999:90) explain that a literature study allows content to be analysed.

The researcher obtained and studied literature relevant to the research topic to find answers to the research questions. The researcher consulted various national and international sources such as; books, conference proceedings, theses and dissertations, dictionaries, government publications, journal articles, newspaper articles and the internet.

### **1.11.2 Interviews**

The researcher conducted semi-structured interviews with the participants from both samples 'A' and 'B' from the target population. Both samples had to answer the same questions, and their responses were reported on as participants from sample 'A' and participants from sample 'B'. For the semi-structured interviews, the researcher was able to plan the main areas to be covered in the interview in advance, and semi-structured interviews also offered the researcher the flexibility to change the wording and order of the questions to be asked (Welman & Kruger, 1999:196). According to Welman and Kruger (1994:159), in semi-structured interviews, unclear questions can be explained and vague or incomplete responses can be followed up and clarified. A semi-structured interview schedule with open-ended questions was used in conducting the interviews. The researcher formulated the questions based on the aims of the research and the research questions.

The interview schedule was tested by conducting interviews with two investigators from the Special Investigating Unit, who were not involved in the research. Welman *et al.* (2005:148)

discuss the importance of conducting a “pilot study” in order to test a measuring instrument before applying it to the actual sample. The purpose of this test was to determine whether the questions asked, provided the answers required to answer the primary research questions (Leedy & Ormrod, 2013:199), to detect possible flaws in the interview schedule, and to identify unclear or ambiguous questions. The researcher made any necessary changes to the interview schedule in accordance with the outcome of the pre-test. The supervisor also perused the interview schedule before applying it, to ensure that it was correct and purposeful.

One-on-one interviews were conducted between the researcher and the interviewees. The interviewees remained anonymous to ensure that they answered the interview questions freely and honestly. The interviewees were referred to as participants to ensure their anonymity.

The researcher conducted the interviews in accordance with the guidelines provided by Leedy and Ormrod (2005:147-149). In terms of these guidelines, the questions were formulated in advance; the interviewees were representative of the group; the interviews were conducted at a suitable location and both written (on the interview schedule) and verbal permission was obtained from the participants to conduct the interviews. The participants were informed of the purpose of the interview, and that their participation was voluntary, which also meant that they could withdraw from the study at any time. It was explained to them that although their identities would not be revealed in the research, their responses were being recorded and would be reported on in the research. In addition, rapport was established with the interviewees at the beginning of the interview and the researcher recorded the responses from the participants verbatim.

The researcher obtained written permission from SIU and SAPS to conduct the interviews, which are filed under Annexure B.

The interviews were conducted in private at the convenience of interviewees’ place of work, where the interviewees were most comfortable. Written permission was obtained for the interviews from the Operational Head of the SIU, Mr. Peter Bishop as well as from the South African Police Service Head Office (attached as Annexure B). A few minutes were set aside before each interview to establish rapport with the interviewees and all responses were recorded

verbatim in a notebook. The responses of the interviewees were not altered in any way and the researcher did not ask leading questions. The researcher did not influence the participants' responses or understanding of the research topic in any way and remained objective and unbiased throughout the interviews, whilst focussing only on the experiences of the participants (Creswell, 2013:80).

Since the experts in this research (sample 'C') were logistically not within close range, they could not be interviewed personally. The researcher therefore emailed the interview schedule to them, which they completed and returned. The same interview schedule was used for the face-to-face interviews with the investigators.

### **1.12 DATA ANALYSIS**

The researcher applied the data analysis method for qualitative research as discussed by Leedy and Ormrod (2005:150-151) to analyse the data, referred to as the data analysis spiral. This approach guarantees that all data is accurately captured, and identifies common trends and patterns. The researcher followed the phases of the data analysis spiral as discussed below.

Raw data collected through the different data-collecting methods (interviews and literature) was analysed, and the researcher used markers and notes to extract relevant data. Thereafter the data was categorised according to individual words such as "forensic investigation", "forensic interviewing", "nonverbal behaviour" and "body language".

The researcher perused the data several times to get an overall understanding of the content thereof. The data was filed according to categories, allowing the researcher to interpret the data and to identify any variations in the data. Useless data was eliminated. Finally, the data was integrated and summarised into chapters, each of which addressed a specific research question.

Table 1 below, summarises the participants (Sample 'A', 'B' and 'C') who were interviewed for this study:

**Table 1: Participants interviewed**

<b>SAMPLE 'A' – SIU INVESTIGATORS, EAST LONDON</b>	
<b>POSITION</b>	<b>NUMBER</b>
Project Managers	2
Chief Forensic Investigators	2
Forensic Investigators	11
<b>SAMPLE 'B' – SAPS DETECTIVES, EAST LONDON</b>	
<b>RANK</b>	<b>NUMBER</b>
Captains	2
Warrant Officers	5
Sergeants	3
Constables	5
<b>SAMPLE 'C' – EXPERTS</b>	
Managing Director and Senior Advisor	1
Veracity Assessor	1

Of the fifteen participants from the SIU, two are project Managers involved in investigations; two are Chief Forensic investigators and eleven are forensic investigators. All these participants are conducting investigations into fraud and corruption. Nine of the forensic investigators' experience in investigation range from five years to ten years. One forensic investigator has twelve years of experience in investigation and another has been conducting investigations for seventeen years. The Chief Forensic investigators and the project managers have experience in investigation ranging from nineteen years to twenty four years between them.

Fifteen detectives from the SAPS also participated in the research. Five of the participants hold the rank of constable and have between four and six years of experience in conducting investigations. Three of the participants are currently conducting investigations in the rank of sergeant; one of them has four years of experience in investigation, and the other two have been

conducting investigations for five years each. Five of the participants are in the rank of warrant officer. One of them has been conducting investigations for eight years, one for eleven years and another for twelve years. One warrant officer has been conducting investigations for sixteen years and the fifth warrant officer has been conducting investigations for more than twenty years. Two of the participants are captains and have been involved in investigations for twelve and sixteen years each.

The two experts interviewed in this research have twenty-nine years (participant C1) and thirty-three years (participant C2) investigation experience.

### **1.13 METHODS TAKEN TO ENSURE VALIDITY**

The validity of a measuring instrument is reflected by the extent that it measures what it intends to measure (Welman & Kruger, 1999:38). Validity relates to the accuracy of the questions asked of the participants, the data collected and of the explanations offered. It relates to the data collected and the analysis of such data (Denscombe, 2002:100).

According to Guba and Lincoln (in Kumar, 2011:184), trustworthiness in a qualitative study is determined by four indicators: Credibility, transferability, dependability and conformability. These four indicators will reflect validity and reliability in qualitative research.

#### **1.13.1 Credibility**

Trochim and Donnelley (in Kumar, 2011: 185) indicate that credibility involves establishing that the results of the qualitative research are credible, or believable, from the perspective of the participants in the research. Since qualitative research studies explore perceptions, experiences, feelings and beliefs of the people, it is believed that the respondents are the best judge to determine whether or not the research findings have been able to reflect their opinions and feelings correctly. Schurink, Fouché and De Vos (in De Vos *et al.*, 2011:419) explain that credibility is the alternative to internal validity. The goal with credibility is to demonstrate that the research was conducted in such a manner that ensures that participants had been accurately identified and described. The credibility of qualitative research can be increased through prolonged engagement and persistent observation in the field, triangulation of different methods,

making use of formalised qualitative methods and member checks. The participants in this research are, or were, all investigators and some have been conducting investigations for as long as thirty-three years. The participants were accurately identified as they are all investigators and conduct interviews as part of the investigation process. The participants were accurately described. The questions asked of the participants were based on their perceptions, feelings, beliefs and experience. The participants were often asked to describe their own experiences and viewpoints thus; the researcher believes that the results of this research are credible and believable. The information contained in the literature consulted for this research has been accurately discussed and the beliefs and experiences of the authors were accurately identified and discussed.

### **1.13.2 Transferability**

Transferability refers to the degree to which the results of qualitative research can be generalised or transferred to other contexts or settings (Trochim & Donnelley (in Kumar, 2011: 185)). Schurink, Fouché and De Vos (in De Vos *et al.*, 2011:420) explain that it should be possible to transfer the findings that the research produced from a specific situation to another. The researcher believes that the information and knowledge obtained from the participants and the findings of this research can be applied to other similar groups of people, situations and topics. Although the sample selected by the researcher for this study is not representative of all the investigators of the SIU and SAPS in South Africa, it does represent the investigators from the SIU and SAPS in East London. However, the results can be transferred to other investigators from the same setting and context. The literature used did not cover all available national and international literature on the topic that was researched, however the information that was obtained from the literature can be generalised to other literature on the same topic that was not consulted by the researcher.

An interview schedule based on the key concepts and research questions of this study ensured that it measured what it was supposed to measure. Making use of a semi-structured interview schedule further ensured that all participants in the interviews were asked the same questions and the answers of the participants were accurately recorded. The researcher conducted the interviews of samples 'A' and 'B' personally and this ensured consistency in how the questions were

phrased and resulted in internal validity. The researcher did not influence the participant's responses in any way.

According to Schloss and Smith (1999:99), population validity refers to the extent to which the sample used in the study reflects the entire population, however the target population chosen in this research was not representative of the entire population but of the investigators from the SIU in East London and the detectives from the SAPS in East London.

According to Mason (1998:148), a triangular approach, using more than one technique of data collection will enhance the validity of the research. The researcher used more than one source of data, which consisted of literature and interviews. Literature was gathered from both national and international sources and was specifically related to the research topic. The research questions were used as a guide in obtaining the information. This ensured that the information was reliable, accurate and valid.

#### **1.14 METHODS TAKEN TO ENSURE RELIABILITY**

According to Schloss and Smith (1999:93), reliability of a study depends on the consistency of measurement and the extent to which the study can be repeated with the same results. Denscombe (2002:100) further explains that reliability evaluates the data collection methods and techniques that were used in the research. Denscombe (2002:101-106) explains that to ensure reliability, the researcher must:

- Ask the right questions – the value of research depends on whether its focus is directed to what needs to be focused on. The researcher must ask appropriate questions in line with already existing knowledge. Questions must be relevant to what needs to be known about the topic and also on what is already known about it. A semi-structured interview schedule was used in conducting the interviews. This minimised variability between the participants. The pilot study was conducted on the interview schedule before interviewing the participants, to ensure whether the questions asked provided the answers required to answer the primary research questions;

- produce detailed data - the data must be precise and detailed in terms of the purpose of the research study. The interview schedule was drawn up by using the research questions as sub-headings and all responses of the participants were accurately captured by the researcher. Literature that was consulted during this study was relevant to the research topic and questions;
- ensure that the information gathered is the truth – “researchers need to feel as confident as is reasonably possible that their data are an accurate reflection of some underlying ‘truth’”. The responses of the participants were compared with the literature throughout this study. The researcher did not lead or influence the participant’s answers to the questions. This ensured that should a different researcher conduct the same research with the same interview schedule, would arrive at the same result.

Silverman, 2005 (in Creswell, 2013:253) explains that reliability can be enhanced if the researcher obtains detailed field notes. The responses of the participants from samples ‘A’ and ‘B’ in this study were in writing recorded verbatim by the researcher during the interviews. Even the trivial, unimportant and incorrect responses were noted and reported on. The expert participants from sample ‘C’ responded in writing to the questions and the researcher did not alter these responses in any way. The researcher thereafter captured the responses on a spreadsheet, which made it easier to sort and analyse the responses.

Relevant literature to the research concepts and research questions was used during the research, and can therefore be regarded as reliable. The literature was acknowledged throughout. The sample used by the researcher was considered reliable because the simple random sampling method was used for samples ‘A’ and ‘B’. Although the researcher used the purposive sampling method to select sample ‘C’, the researcher was able to explain the reason for this method of sampling rationally. The investigators used in the sample have the necessary relevant experience in forensic investigation.

#### **1.14.1 Dependability**

‘Dependability’ is the concept used in qualitative research in relation to reliability (Botes, 2003:183). According to Trochim and Donnelley (in Kumar, 2011:185) dependability is

concerned with whether one would obtain the same results if one observes the same thing twice. The information contained in the literature and the viewpoints of the authors were accurately reported on by the researcher. Further, the researcher accurately reported on the responses of the participants who were interviewed. The participants were not influenced in any way during the interview and their responses were not changed or altered. Therefore, the researcher believes that if the same study is conducted by another researcher, the same results will be yielded.

#### **1.14.2 Conformability**

Conformability refers to the degree to which the results could be confirmed or corroborated by others (Trochim & Donnelley (in Kumar, 2011:185)). Conformability is also similar to reliability in quantitative research. It is only possible if both researchers follow the process in an identical manner for the results to be compared (Kumar, 2011:185). The literature consulted for this study was recorded accurately and in a detailed manner. The findings were based on the literature, and the responses of the participants are all substantiated. The researcher remained objective throughout this research. If this research is conducted by another researcher in the same manner as it was conducted during this research, the result will conform to the current research.

### **1.15 ETHICAL CONSIDERATIONS**

Leedy and Ormrod (2001:101-103) provide the ethical issues that should be adhered to when conducting a research study. They are as follows:

- Protection from harm: During the research, the researcher did not expose any of the participants to any physical or psychological harm. The participants were not exposed to any risks that were greater than the risks of normal day-to-day living. The participants were also not embarrassed or made to feel uncomfortable. They were informed that they could stop the interview at any time.
- Informed consent: Written consent to the interviews was obtained from the Operational Head of the SIU as well as the South African Police Service Head Office. All participants were informed as to the nature and purpose of the research, and had a choice whether they wanted to participate in the research or not. The participants consent was obtained in

writing and verbally. They were also informed that they could withdraw from the study at any time.

- Right of privacy: The researcher respected all the participants' right to privacy. The participants remained anonymous in the research. Each participant was allocated a number and was referred to according to the number allocated. The nature and quality of the participants' performance was kept strictly confidential.
- Honesty with professional colleagues: The researcher ensured that all sources were acknowledged. This was done by naming the sources throughout the research as well as in the list of references. The researcher endeavoured to report all the findings completely and honestly. No information was fabricated and the researcher refrained from plagiarism.

The researcher adhered to UNISA's Code of Ethics for Researchers, as described in the Policy on Research Ethics (University of South Africa, 2007:1-17). The researcher strived to maintain a high level of ethical consideration throughout the research. The researcher ensured that all data collected reflected in the research and no changes were made to the data. The sources of the data were acknowledged throughout the research as well as in the list of references. The researcher further gave consideration to integrity, honesty and objectivity during the research.

## **1.16 RESEARCH STRUCTURE**

The researcher employed an integrated approach whereby the data from literature, documents and the interviews were combined to get a better understanding of the phenomena and the problems that investigators experience. An integrated approach, according to the viewpoint of the researcher, will also contribute to a better understanding amongst those involved in the use and application of the technique of reading and interpreting body language during forensic interviewing. The research questions of this research study are divided into the following chapters:

## **Chapter 2 – Forensic Interviewing**

This chapter focused on the definition and meaning of forensic interviewing. The purpose of forensic interviewing and interviewing techniques relevant to the use and interpretation of body language (behaviour pattern recognition) are discussed. The researcher highlighted the difference between interviewing and interrogation. The qualities of an interviewer were determined and the legal and ethical considerations of forensic interviewing were discussed.

## **Chapter 3 – The use of body language in forensic interviewing**

In this chapter the researcher introduced the reader to body language and its nature and characteristics. The various forms of nonverbal communication were examined and the importance of body language in detecting deception during an interview was discussed. The focus of this chapter is the understanding, application and interpretation of body language (also known as behaviour pattern recognition) in the forensic interviewing process. The researcher has highlighted the importance of understanding and reporting on body language during forensic interviewing. The researcher also discovered the extent to which body language is actually understood and reported on by investigators in the execution of their daily duties. Techniques to read body language were also investigated. From here onwards, all reference to the observation, understanding and interpretation of body language shall mean the equivalent of behaviour pattern recognition and vice versa.

## **Chapter 4 – Conclusion**

This chapter summarises the findings of the researcher based on the research questions and aims of the study. Recommendations are made that could assist forensic investigators in understanding and reporting on body language. Suggestions for further research were also included in this chapter.

## CHAPTER 2

### FORENSIC INTERVIEWING

#### 2.1 INTRODUCTION

The researcher has observed through experience in the South African Police Service as well as the Special Investigating Unit, those law enforcement officials who work in an operational capacity, interview people every day in the course of their duties. This is done to gather information and it involves talking to and questioning complainants, witnesses as well as the alleged perpetrators of crime. The researcher believes that it is of the utmost importance that law enforcement officials are able to conduct these interviews effectively to ensure that they gather as much information as possible from the interviewees. To do this effectively, law enforcement officials have to understand the importance and purpose of interviewing. They should have a good knowledge of the various interviewing techniques that can be applied in different situations. Another important aspect is the ability to interpret the responses from interviewees. In this research, the terms “investigator” and “interviewer” shall be used interchangeably and shall bear the same meaning.

Du Preez (1996:2) explains that the focus of an investigation is mainly to obtain information that can be used to reveal the truth of a crime situation. This view is echoed by Walters (2003:1), who explains that the main purpose of any investigator is to gather information and to be successful, the investigator must be able to conduct effective interviews. The forensic interview is therefore an essential part of any investigation since it is a method that is used to obtain information.

An interview helps the investigator to reconstruct the incident by obtaining information from witnesses and other persons who may have been involved in the incident. It also aids to complete the picture regarding exactly what happened. Zulawski and Wicklander (1993:5) explain that “behaviour poking” questions are asked during an interview, so that the interviewer can determine whether the interviewee is innocent or guilty, based on his or her behavioural reactions and responses to the questions. Although there may be physical evidence regarding the incident, interviewing witnesses and other persons allows the investigator to determine the circumstances

surrounding the incident, and assist them to answer questions such as “why” the incident took place and “who” was involved in it (Sennewald & Tsukayama, 2006:95).

This chapter will focus on the nature and definition of forensic interviewing. The researcher will highlight the importance and purpose of forensic interviewing in the investigation process. The behavioural and kinesic interviewing techniques will be discussed briefly, because these interviewing techniques apply to the current research. Interrogation will also be briefly discussed and the researcher will indicate whether there is a difference between interviewing and interrogation by referring to the opinion of various writers and authors. Other aspects relating to forensic interviewing such as the qualities that make a good interviewer as well as legal and ethical considerations will also be discussed; thus addressing the first research question of this study, “What is forensic interviewing?”

## **2.2 FORENSIC INTERVIEWING**

Buckwalter (1983:4) believes that an interview is the questioning of any person who is ready, willing and qualified to tell what he or she knows. According to Marais and Van Rooyen (1990:164), an interview is regarded as the questioning of persons who have knowledge about a crime.

According to Van Damme (2008:8) an interview is a relaxed “conversational type of discussion” where the subject is allowed to converse. The aim of an interview is to gather facts and arrive at the truth about an incident. Botha (1996:80) explains that interviewing is regarded as a “conversation” which is aimed at determining what the interviewee knows about a particular situation. Gordon and Fleisher (2006:32-33) define the interview as a process aimed at gathering information. These authors also explain that an interview is a “face-to-face conversation” which is aimed at gathering as much relevant information as possible about something. Similarly, an investigative interview is described as a process to obtain accurate information during criminal investigation, which will be used during the criminal process to determine guilt (South African Police Service, 2006). Furthermore, Gilbert (2010:102) explains that an interview involves communication between two or more people with the purpose of gathering information. Inbau, Reid, Buckley and Jayne; (2015:7) define an interview as “a free-flowing, non-accusatory

meeting or discussion used to gather information”. These authors explain that an interview is a face-to-face conversation, aimed at obtaining information. They further describe the interview process as a “communication network”, comprising the interviewer, the person being questioned and the subject of the conversation. When considering the literature spanning two decades which has been referred to in this discussion of the meaning of forensic interviewing, these authors' viewpoints on what interviewing is and to what ends it is used, has not changed. There are, however, differing viewpoints in that some authors refer to the “questioning” of a subject whereas as some authors refer to interviewing as a “conversation”.

All the participants from samples ‘A’, ‘B’ and ‘C’ in this research were asked what forensic interviewing was. Their responses are summarised as follows:

Eleven of the participants (nine from sample ‘A’ and two from sample ‘B’) explained that it was a process of questioning a person to find out what he or she knows about a certain event or incident, and to verify or dispute a fact. They explained that questions are posed to someone in order to gather information regarding a crime that is being investigated. One participant from sample ‘A’ explained that it is an ‘interview’ with a person to obtain information in an “objective and non-leading manner”, where all the information is legally obtained. Four participants from sample ‘A’ and eleven participants from sample ‘B’ answered that a forensic interview is the questioning of people involved in a crime. Two participants (one from sample ‘A’ and one from sample ‘B’) mentioned that a forensic interview is a process of questioning a witness, mostly during the investigation of sensitive crimes such as child abuse. The researcher believes that the word “forensic” could have led to confusion and caused some of the participants to be unsure about what forensic interviewing was. One participant from sample ‘B’ referred to forensic interviewing as being the process of gathering and analysing blood samples and fingerprints. Participant C1 explained that the word “forensic” was, in the past, solely used for all topics related to bodily examinations and scientific procedures during litigious investigations (for court purposes). However, the exact meaning of the term has been modified drastically over the last few decades, and has now become synonymous with anything involved with litigation or related activities. Participant C1 understands that the forensic sciences had to be related to the human body, and then also only as used for litigation purposes. Participant C1 was uncertain what the

term ‘forensic interviewing’ mean, but would equate all references to forensic interviewing in responses to investigative interviewing which is conducted to gather information during an investigation and for court purposes. Participant C2 also shared the view of C1. C2 explained that the term “forensic” is misleading and the terms “investigative interviewing” and “scientific interviewing” should be used instead.

The responses of the majority of the participants are in line with some literature that states that forensic interviewing entail the questioning of persons in order to gather information regarding an incident or crime under investigation. However, the majority of the literature consulted states that forensic interviewing is a communication process aimed at gathering information relevant to an investigation.

Most of the participants had knowledge of what forensic interviewing is. Based on the responses of the participants as well as the information found in the literature, the researcher can conclude that forensic interviewing is the communication process between an investigator and relevant persons in order to gather information and evidence in the investigation of a crime. Questions are asked during the forensic interview to aid and direct the conversation and communication process. For the purpose of this research, all reference made to an interview will be taken as reference to a forensic interview, unless stated otherwise.

It is noted that a forensic interview is a communication process, which is aimed at gathering information during the investigation process. Therefore, the forensic interview is conducted with a purpose and to fulfil a need. The purpose of a forensic interview will now be discussed.

### **2.3 PURPOSE OF FORENSIC INTERVIEWING**

“The purpose of an interview is to gather information” (Inbau *et al.*, 2015:4). Shearer (2005:4-6) is of the opinion that an interview is a conversation between two people “with a purpose”. He explains that an interview is a structured and purposeful means of meeting the needs of two people, both of whom may have something to gain from the interview, though only one person (the interviewer) is responsible for developing the conversation. The type of interview will determine the level of benefit for the interviewer and the interviewee. Interviews involving a

witness of a crime, the interviewer (usually the law enforcement officer) have a high need for the interview, as they need to obtain critical information regarding the crime to assist in the investigation. The researcher agrees that the main purpose of an interview with a witness, complainant or suspect is to obtain information that can be used during the investigation.

Stanton (2004:69) indicates that all interviews are concerned with the exchange of information. During an interview, information is obtained, passed on, or clarified, and the reason why specific information is exchanged constitutes the actual purpose of the interview. This stands to reason therefore, that in the criminal investigation process, the purpose of the interview will be to obtain and exchange information regarding the commission of the crime. On the other hand, Gordon and Fleisher (2006:32) point out that the interviewer must ascertain what involvement the interviewee has in the crime.

Hoffman (2005) holds the opinion that the investigative interview is essential in the investigation process. An investigator will conduct interviews with witnesses, as well as possible suspects throughout an investigation. The purpose of an interview is to get as much information as possible for the investigation. Gordon and Fleisher (2006:32) state that the main purpose of all interviews is the search for the truth. This means that the investigator has to determine what has really happened in order to solve the crime. An interviewer's aim will be to determine the facts surrounding the crime under investigation objectively.

The researcher asked all the participants how often they conduct interviews. All thirty-two participants indicated that they conduct or conducted interviews every day, and in all cases, they investigate in order to find out more about the crime under investigation. When asked "who" they conduct interviews with, five participants from sample 'A' and three participants from sample 'B' responded that they interview witnesses, complainants, victims and suspects of the crime. Participant C1 indicated that interviews are conducted on all subjects of investigations, whilst participant C2 answered that interviews are conducted with various people relating to various topics, such as criminal offences, departmental misconduct, mine accidents, misuse of company property, and before employment. The other twenty-two participants explained that they interview witnesses and complainants but they did not refer to the questioning of suspects as an

interview. These responses corresponds with the literature that law enforcement officials conduct interviews daily in the course of their duties. The responses also indicate that interviews are conducted daily for various reasons other than criminal investigations and by persons who are not necessarily law enforcement (such as employers).

According to Hoffman (2005), an interviewer must receive adequate training in order to master the technique of interviewing. This author holds the opinion that constant practice in interviewing is necessary. Stanton (2004:70) points out that proper planning and preparation is required for an interview, and interviewers have to practice their interviewing skills continuously. Schollum (2005) explains that an interview is a major method used to gather facts and information regarding the commission of a crime, and it is a method that investigators should master. This author believes that investigative interviewing is an extremely important tool in finding the facts of an investigation.

According to Bennett and Hess (1991:12), despite many significant advances in various forensic fields, most crimes are solved by information furnished by people. The interview remains the most important investigative tool for obtaining information. Memon and Stevenage (1996:2) reiterate this by stating that the role of witnesses are extremely important in the investigation process, as their testimony can be the difference between the police achieving a valid outcome or the culprit getting away with the crime. The testimony of witnesses is the “most persuasive form of evidence” (Schollum, 2005). Robertson (2010) explains that the information obtained from a witness is extremely important in an investigation, especially when there is insufficient physical evidence relating to the commission of the crime being investigated. The purpose of an interview is to find out what a witness knows about the crime being investigated, and to gather evidence that will support other evidence that may already have been collected during the investigation. From experience, the researcher has learnt that information gathered through interviews are in fact very important in the investigation of a crime. If the information gathered through an interview is reliable, then the same witness can be called to testify in court on the information provided during the interview, as well as to corroborate any physical evidence gathered during the investigation.

Ryals (1991:6) explains that interviewing is one form of communication used extensively by law enforcement. He explains that a good interview can have a significant impact, whether it is used to screen applicants, obtaining information from a witness to a crime, or a confession. However, according to this author, if an interview is conducted improperly, it can have negative consequences.

According to Colwell, Hiscock and Memon (2002:289), the purpose of an effective interview is to minimise the trauma of the investigation, to maximise the information obtained about the events, to minimise the contamination of the memory trace by the interview and to maintain the integrity of the investigative process. An interviewer should ensure that the investigation process does not intimidate the interviewee, in addition, that the interviewee remembers all possible about the incident or crime. This will enable the interviewer to extract as much information as possible regarding the incident under investigation.

All the participants in the research from samples 'A', 'B' and 'C' were asked what the purpose of a forensic interview was. This was an open-ended question where the participants could provide their own answers to the question, and no choices were provided from which they could choose. Some of the participants accordingly, provided more than one answer. The responses of the participants from samples 'A', 'B' and 'C' are reflected in the table below and a discussion appears thereafter:

**Table 2: Participants' responses – Purpose of a forensic interview**

PURPOSE	SAMPLE 'A'	SAMPLE 'B'	SAMPLE 'C'	TOTAL
Gather information about the crime under investigation and ultimately identify who the perpetrator is	7	9	2	18
Find out exactly what the interviewee knows about the crime under investigation by asking questions that will enable and facilitate the retrieval of all information from the interviewee's memory	6	4	2	12
Each interview has its own specific purpose and this purpose is determined by the investigator and the type of crime being investigated	1	2	-	3
To test the honesty and credibility of the person being interviewed	1	-	-	1

Eighteen participants (seven from sample 'A', nine from sample 'B' and both participants from sample 'C') understood that the main purpose of a forensic interview is to gather information about the crime under investigation, and ultimately to identify whom the perpetrator is. Twelve of the thirty-two participants (made up of six participants from sample 'A', four participants from sample 'B' and both participants from sample 'C'), were of the opinion that, if the questions are asked in the correct manner, an investigator will be able to establish exactly what the interviewee knows about the crime under investigation, because they will enable and facilitate the retrieval of all information from the interviewee's memory. One participant from sample 'A' and two participants from sample 'B' stated that although the "general" purpose on a forensic interview is to obtain information, each interview has its own specific purpose, and this purpose is determined by the investigator and the type of crime being investigated. It is important for the investigator to know what specific information they are trying to gather, because this will indicate the type of questions that should be asked. One participant from sample 'A' mentioned that another

important purpose of a forensic interview, apart from gathering information, is to test the honesty and credibility of the person being interviewed. This participant explained that during an interview, an investigator should determine whether the interviewee is being honest before taking a statement. Participant C2 added to his response that the purpose of an interview is to maximise the collection of information, to minimise contamination of the information and to maintain the integrity of the information.

The responses of the participants correspond with the literature regarding the purpose of an interview. It is evident from the literature as well as the participant's responses that the main aim of a forensic interview is to gather information from a person who has knowledge about an incident or crime under investigation. The researcher agrees that the type of information obtained from the interviewee will depend on the type of crime under investigation as well as on the information that the investigator has already obtained from other sources.

Van Aperen [s.a.] explains that the purpose of conducting an interview is to obtain information. He points out that asking the right questions and being able to decipher verbal and nonverbal signs can improve the quality of the investigation. Gordon and Fleisher (2006:32) believe that a good interviewer should be able to understand a suspect's verbal and nonverbal behaviour. A good interviewer is constantly trying to get a better understanding of human behaviour to interpret this verbal and nonverbal behaviour accurately. Interviewing techniques that focus on a subject's behaviour and nonverbal responses will be discussed next.

## **2.4 INTERVIEWING TECHNIQUES RELEVANT TO BODY LANGUAGE (BEHAVIOUR PATTERN RECOGNITION)**

According to Shearer (2005:6), interviewing involves sophisticated verbal and nonverbal communication skills. A competent interviewer will be able to conduct effective interviews, which will in turn lead to valid and reliable decision making in relation to the criminal justice process. This indicates that an investigator who is able to conduct a proper interview, will be able to carry out the investigation effectively to ensure that justice is served on the perpetrators of crimes.

Higgins (2010) explains that there are several interviewing techniques that can be used to establish guilt during investigation of a crime. According to this author, in determining which technique to use, the interviewer must consider the type of crime being investigated. Factors relating to the interviewee, such as age and gender, are also important in determining which interviewing techniques should be used.

The participants from samples 'A', 'B' and 'C' were asked to name the different types of interviewing techniques that they are aware of, and to explain what each technique is about. Their responses are summarised as follows:

One participant from sample 'B' mentioned the investigative interview as a technique - an interview that an investigator conducts to gather information for an investigation. Two participants (one from sample 'A' and one from sample 'B') mentioned interview and interrogation as two types of techniques and explained that an interview is conducted on witnesses and complainants and an interrogation is conducted on the suspect of a crime. Two participants from sample 'B' mentioned the witness interview as a technique where the witness to a crime is questioned and the suspect interview where the suspect is questioned. Two participants from sample 'A' stated that different interviewing techniques are one-on-one interviewing where one person at a time is interviewed, group interviews where groups of people are interviewed together and telephonic interviews which are conducted over the phone. Two participants (one from sample 'A' and one from sample 'B') mentioned the written interview, where there is less talking and more writing, and the verbal interview where the interviewer asks questions verbally.

Thirteen participants of whom six were from sample 'A' and five from sample 'B' and both from sample 'C', mentioned the cognitive interview as a technique and explained that in this type of interview, the witness is asked questions that will assist them to remember what happened and to reconstruct and recollect what happened. C1 explained that the cognitive interview was where memory retrieval techniques and rules were used. C2 explained that the cognitive interview is a technique of psychologically tapping into the memory of the subject. This technique urges the subject to "recall what happened at the time of the incident by helping the subject to recall what

emotion was experienced, what was seen, what was heard, smelled, tasted. It explores the human senses to activate memory”.

Two participants from sample ‘B’ mentioned the telephonic and verbal interview, and explained that the telephonic interview is conducted over the phone, and verbal interviews occur where the medium of communication is talking. Two participants from sample ‘A’ mentioned, in addition to telephonic and verbal interviews, the electronic or cyber interview as a technique which is conducted through the internet or on Skype, as well as written interviews where the medium of communication is writing. One participant from sample ‘A’ stated that the different interviewing techniques are “rapport, fact-finding and questioning” and explained that rapport is where you create a relationship with the person you are interviewing, whilst fact-finding and questioning is where a crime has been committed. Another participant from sample ‘A’ mentioned three types of interviewing techniques as: Open-ended questioning where a question is asked and the interviewee must explain everything; direct questioning where you direct a question to a specific person to “trigger” body language; and, the body language technique where you observe the body language and movements of the person you are interviewing. Four participants, one from sample ‘A’ and three from sample ‘B’, could not mention any interviewing technique.

Participants C1 and C2 from sample ‘C’ stated the kinesic interview as a technique. They explained that the kinesic interview is a face-to-face interview, where the interviewer concentrates on the nonverbal clues (body language) of the subject. Participant C1 mentioned the selective interview as a technique where structured questions (based on the elements of the crime) are posed to the subject.

A common interviewing technique, the cognitive interview, was known to less than half of the participants. Only the expert participants (sample ‘C’) mentioned the kinesic interview as a technique which indicates that most of the participants’ have limited knowledge on interviewing techniques. Although there are various interviewing techniques, the researcher will only discuss the behavioural interview and the kinesic interview, as they relate directly to the current research.

### **2.4.1 Behavioural Interview**

Hill (2009), in the article on Police Interviewing Techniques, explains that the purpose of a behavioural interview is to ask the interviewee such questions that will cause them to react in a certain manner. The interviewee's reaction or behaviour during the interview should be analysed by the interviewer in order to ascertain whether the interviewee is being honest or deceitful. The responses that could indicate that the interviewee is trying to hide information or tell a lie are also discussed in this article, and will be discussed further in this research under the section dealing with detecting deception.

Similar to this is the Reid Behaviour Analysis Interview applied by John E Reid and Associates Inc., which has been used since 1948. According to this technique, specific questions are asked to the interviewee that is aimed at provoking certain verbal and nonverbal responses. This interview technique is used to ascertain whether the interviewee is telling the truth or whether they are trying to withhold important information. This company has conducted research on the Behaviour Analysis Interview and has found that interviewers who are trained in this technique were correct eighty-five per cent of the time in determining the truthfulness of an interviewee (Reid, 1951).

The participants in the research from samples 'A', 'B' and 'C' were asked what they understood by the term 'behavioural interview'. Eight participants (five from sample 'A' and three from sample 'B') explained that a behavioural interview consist of "behaviour-evoking" questions posed to the interviewee. They indicated that this interview aids the interviewer to interpret the interviewee's response, based not only on what they say, but also on the way they behave and react during the interview, and in response to certain questions. These eight participants also mentioned that a behavioural interview could help an investigator recognise and determine whether the interviewee is being truthful or if they are lying. Twelve of the participants (six from sample 'A' and six from sample 'B') explained the behavioural interview as when the interviewer looks at the behaviour of the person being interviewed whenever he or she answers a question. These participants explained that they have never received training on this technique and that they had never applied it in practice. Ten participants, consisting of four from sample 'A' and six from sample 'B', indicated that they did not know what a behavioural interview was and admitted

that they had never heard of this technique before. Participant C1 explained that the behavioural interview is used for pre-employment and general honesty screening and is used for selection purposes. Participant C2 indicated that the behavioural interview is the basis of the kinesic interview.

Based on the literature as well as the responses of the majority of the participants, a behavioural interview is a technique of obtaining information during an interview, not just by listening to the interviewee's response but also by observing his or her behaviour and nonverbal reactions during the interview. Questions are asked during the interview that will cause the person being interviewed to react and behave in a certain manner. This reaction and behaviour is significant, since it can be an indicator to the interviewer whether the interviewee is being truthful or deceitful.

The aim of this research study is to determine the importance of nonverbal behaviour and body language during the forensic interview. Therefore, the researcher believes that discussing the kinesic interview as a technique in forensic interviewing is extremely important towards achieving the aim of this study.

#### **2.4.2 Kinesic Interviewing**

Scott French and Paul van Houten in Van Damme (2008:9) explain that the kinesic interview is a “talk” with everybody involved in an incident in order to determine the truth by “reading uncontrolled responses”.

Wainwright (1993:44) explains that various parts of the body can be used during communication to convey a message or meaning. He explains further that the communicative value of body language is called kinesics and that this term was created by Ray Birdwhistle, an American researcher. Kinesics is the study of body movements.

Atkinson (2009) defines kinesics as the “study of nonverbal body language”. This author explains that in a kinesic interview the interviewer seeks nonverbal clues in the physical posture, gestures and facial expressions of the person being interviewed. This technique is based on the premise

that everyone exposes their state of mind through their body language, without realising it. What a person is feeling and what they may be thinking about can be revealed by studying their body language during an interview. This technique enables the interviewer to detect whether the interviewee is being sincere or deceitful. Littky (2010) also echoed the belief that a person's body language can indicate whether that person is being truthful or deceitful. This author believes that an investigator can use nonverbal communication (kinesics) to gather information regarding an incident or crime.

Walters (2003:2) discusses the fact that in the past, kinesics only focused on the physical reaction of the body to try to determine the person's current state of mind. This view has changed. It is now understood that kinesics does not only deal with a person's physical behaviour in isolation, but with his or her body language observed together with the words that they are saying. This in turn makes it possible to determine whether the person is being truthful or not. Hoffman (2005) explained that in a kinesic interview the interviewer not only studies the interviewees nonverbal conduct in order to determine whether they are being deceptive, but also the actual words spoken in relation to the nonverbal clues. In this form of interviewing, the interviewer looks for "disconnects" in the interviewee's spoken word and his or her behaviour and body language. The interviewer can determine whether the interviewee is being honest by taking note of the actual words used by the interviewee in his or her responses.

According to Walters (2003:2), a person's verbal and behavioural response (such as gestures, body movements, eye movements and posture) can indicate his or her personality and by combining the verbal and nonverbal responses together with the knowledge of the person's personality, the interviewer can adapt the interview to suit that specific person. The interviewee can be observed not only when he or she makes a verbal statement but also if they are asked to provide a written statement. This author concludes that conducting a kinesic interview is multidisciplinary in nature because the interviewer must assess the interviewee's verbal responses, any written statements, body language, stress levels as well the interviewee's personality.

When all the participants were asked what the meaning of a kinesic interview was, participants C1 and C2 viewed it as a type of interview where the interviewee focuses on the nonverbal clues of the subject being interviewed. Nine participants who are employed at the Special Investigating Unit (sample 'A'), admitted they heard of the kinesic interview during training, but confirmed that they do not always apply this technique in practice. Five of these nine participants had a basic understanding of kinesics. Their explanation of a kinesic interview is, when the investigator gets the true meaning of what the interviewee says, and what he or she remembers, by studying his or her body movements. They view the main purpose of a kinesic interview as to detect deceit. The other four of the nine participants indicated that although they had heard about a kinesic interview, they do not remember what it entails. One participant from sample 'B' believes that a kinesic interview is an "interrogation interview". The other twenty participants (six from sample 'A' and fourteen from sample 'B') pointed out that they had never heard of the kinesic interview before.

The literature is clear about the importance of the kinesic interview in the investigation process. It is a means of detecting deceit by listening to verbal responses together with the observation and understanding of nonverbal responses. Less than a third of the participants from samples 'A', 'B' and 'C' in this research had ever heard of the kinesic interview.

Four participants in this research had referred to interrogation and the questioning of a suspect as a type of interviewing technique. The researcher will now explore what an interrogation is as well as the difference between an interview and an interrogation.

## **2.5 INTERROGATION**

Buckwalter (1983:4) and Van der Westhuizen (1996:81) define interrogation as the questioning of any person who is reluctant, hostile or unwilling to discuss the information voluntarily at his disposal. Buckwalter adds further that interrogation is a formal questioning of a suspect. This author states that the "interrogator has to probe and draw out reluctantly disclosed information by asking precise, incisive questions". Inbau *et al.* (2015:7) define an interrogation as "an accusational interaction with a suspect, conducted in a controlled environment, designed to persuade the suspect to tell the truth".

### **2.5.1 Difference between Interviewing and Interrogation**

Hoffman (2005) believes that the words 'interview' and 'interrogation' are very often “incorrectly” used. This author understands that the word ‘interrogation’ is often not used at all because of the negative connotations that it may have, but advises that the investigator who is going to conduct an interview should have a clear idea of what they aim to achieve with the questioning. The investigator must understand the difference between the interview and an interrogation, since both have different goals and purposes. In addition, both need to be approached differently, depending on whether the questioning amounts to an interview or interrogation. According to Hoffman, an important characteristic that distinguishes an interview from an interrogation is that an interview is “non-accusatory” in nature. In an interrogation, the interviewer actually accuses the suspect of being involved in the incident under investigation. Open-ended questions are asked in an interview, whereas in an interrogation the questioning is more direct and the questions are less open-ended. This author also implies that interrogations should take place once the investigation is concluded and after all information and evidence has been gathered, whereas interviews are conducted as soon as an investigation begins. Van Damme (2008:8) explains that where an interview is a relaxed conversational type of discussion, an interrogation is a forced questioning technique and are directed to subjects who are suspected of being deceptive during prior interviews or other tests (such as polygraphs, voice stress and scan).

Inbau *et al.* (2015:3) explain that investigators often use the terms ‘interview’ and ‘interrogation’ interchangeably, depending on the addressee. Sennewald and Tsukayama (2006:95) explain that although both the interviewing and interrogation processes have the same purpose - which is to gather information from persons who have knowledge about the incident being investigated - the fundamental difference is the person being questioned. An interview is, when information is obtained from a witness who is not suspected of perpetrating the crime, whereas an interrogation is the questioning of a person who is suspected of being involved in the crime. This view that an interview and interrogation have the same purpose (Sennewald and Tsukayama, 2006:95) differs from Hoffman (2015) who is of the opinion that an interview and interrogation have different purposes. The researcher agrees that one of the purposes of the interview and interrogation are to gather information and to find out what the subject knows about the incident under investigation. However, the researcher also believes that the purpose of an interrogation is ultimately to get the

suspected perpetrator to admit guilt regarding the crime, and this differs from the purpose of an interview with a witness or complainant.

According to Layton [s.a.] and Merrill (1995), the purpose of an interrogation is mainly to get a suspect to confess to the commission of the crime. To achieve this goal, the interviewer must be an expert at “psychological manipulation”. Layton [s.a] points out that although each interrogation is different from the other, a common technique is the ability to use the weaknesses of the suspect, enticing them to surrender under the pressure and confess. The interrogator must be able to understand the strengths and weaknesses in the suspect’s personality and exploit this knowledge to get a confession. “Psychological manipulation’ is the key to a successful interrogation. Van Damme (2008:9), on the other hand, stresses that the impression that the main purpose of an interrogation is to obtain confessions by “breaking down” the suspects, is the “worst misconception”. According to Horgan (1979:77) in Van Damme (2008:9), “interrogation is not and never has been a weapon to get a guilty person to break down and confess...” it is actually a technique aimed at obtaining the truth. The professional purpose of an interrogation is to give the suspect an opportunity to prove his or her innocence.

The researcher did not ask the participants any specific questions about interrogation, although when the researcher posed the question to the participants on the different types of interviewing, as discussed above, the participants did mention interrogation and the questioning of suspects in their response.

According to Inbau *et al.* (2015:7), the following are the differences between an interview and an interrogation:

**Table 3: Differences between an interview and an interrogation**

<b>Interview</b>	<b>Interrogation</b>
Non-accusatory	Accusatory
Purpose is to gather information	Purpose is to learn the truth
An interview may be conducted early in during an investigation	An interrogation is only conducted when the investigator is “reasonably certain of the suspect’s guilt”
An interview may be conducted in a variety of environments	An interrogation is conducted in a controlled environment
Interviews are “free-flowing” and “relatively unstructured”	Interrogations “involve active persuasion”

Based on the literature, it can be concluded that there is a stigma attached to the word “interrogation”. Interrogations are often regarded in a negative light because it is viewed as a process where harsh methods and techniques are used to get information, and ultimately, a confession from the suspect. This does not mean that the approach used by an investigator will be the same when interviewing a witness or a suspect. Based on the literature as well as the responses of majority of the participants, the researcher can conclude that an interview is the questioning of witnesses, victims and any other persons who have knowledge about a crime under investigation, but who are not a suspect of perpetrating the crime. An interrogation is the questioning of a suspect of the crime under investigation, where the purpose is not only to gather information, but also to determine the suspect’s involvement, and to persuade the suspect to confess to such involvement.

The qualities and characteristic necessary to be a successful interviewer - who will be able to achieve the aims and purposes of a forensic interview - will be highlighted next.

## **2.6 QUALITIES OF AN INTERVIEWER**

Interviews are important in the criminal justice system. Information is collected daily in law enforcement by conducting interviews with offenders, witnesses and criminal justice professionals. For this reason, it is important that interviewers have knowledge of the

interviewing skills that are required to produce reliable information (Shearer, 2005:2). Walters (2003:23) points out that in order for an interviewer to be effective and successful, he or she needs to have certain skills. The interviewer must know what evidence to look for, collect and preserve, and must be able to analyse the evidence that has been collected. The interviewer should also be able to analyse the behaviour of those involved in and affected by the crime, to determine the particular person's type of personality. It is also important that the interviewer have knowledge of conducting an interview effectively, in order to obtain further information regarding the crime under investigation.

Walters (2003:23) further emphasises that extensive training and practice is necessary for the investigator to master these skills and techniques, but has found that investigators are not receiving the necessary training, especially in the field of interviewing. This author also believes that interviewers constantly study human behaviour. Sennewald and Tsukayama (2006:96) describe an interviewer as a professional person who is well groomed and articulate. The interviewer must be objective and firm, and should apply techniques during the interview that will ensure that as much information as possible is obtained from the interviewee.

Hoffman (2005) holds the opinion that the most important qualities that a successful interviewer must possess are "empathy, good communication skills and professionalism". These qualities are important since they will portray to the interviewee that the interviewer is honourable, that he possesses the necessary evidence, and that he empathises with the interviewee. Being a good communicator is the ability to talk and understand spoken words, but also the ability to understand and interpret nonverbal and physiological information. Professionalism is vital throughout the interview, even if the interviewer goals were not met during the interview. It is also important because the interviewer may need to take a statement after the interview that must be clear, correct and detailed.

It is the view of Gordon and Fleisher (2006:42) that a first-rate interviewer must be alert and be able to interpret the interviewee's verbal and nonverbal responses accurately. Perseverance and patience to watch and observe the interviewee during the interview, and to understand his or her behaviour, are very important characteristics of an excellent interviewer. The researcher agrees

with these authors, as gathered from experience, that patience is the key to a successful interview. The researcher has interviewed several subjects and found that because everyone is different, one sometimes encounters persons who are reluctant to reveal what they know. Some interviewees are afraid to reveal the information they have about a crime, and some interviewees are hostile and refuse to speak. The reason for the hostility of some interviewees is that they do not want to assist with the investigation, as they have no faith in law enforcement based on past personal experiences, or because they think the information they have may not be helpful.

The researcher questioned all the participants in the research about the qualities an interviewer should possess, why they believed an interviewer should possess these qualities, and whether they think they possessed the qualities mentioned. This was an open-ended question and the participants could provide their own answers to the question, and no choices were provided from which they could choose. Some of the participants accordingly provided more than one answer. The participants' responses regarding qualities of an interviewer appear in table 4 below, followed by a discussion of their responses to the questions posed:

**Table 4: Participants' responses regarding qualities of an interviewer**

QUALITY	SAMPLE 'A'	SAMPLE 'B'	SAMPLE 'C'	TOTAL
Patience	15	15	1	31
Intelligence	15	15	-	30
Professionalism	15	15	2	32
Knowledgeable	15	15	2	32
Good observation skills	9	7	1	17
Flexible	2	1	1	4

All thirty-two participants from samples 'A', 'B' and 'C' displayed good knowledge on the qualities they believed a successful interviewer should possess. Common qualities mentioned by all the participants were patience, intelligence and professionalism. The participants explained that it is vital that the interviewer knows what information he or she requires from the interviewee so that he or she can ask suitable questions to evoke the required responses. Seventeen participants (of which nine were from sample 'A', seven from sample 'B' and one

from sample 'C') mentioned in addition that good observation skills are important traits for interviewers, because an investigator needs to be able to interpret and analyse an interviewee's responses during an interview to determine exactly what they mean and how they feel throughout the interview. Four participants (two from sample 'A', one from sample 'B' and one from sample 'C') mentioned the importance of the ability an interviewer should possess to change their technique during the course of the interview and to adapt to the interview to ensure that they are able to obtain as much information as possible from the interviewee. Not all the participants made mention of observation skills and flexibility. Since "observation skills are in fact skills, it is understandable that not many of the participants mentioned it in their responses. The question asked to the participants was on the "qualities" and not the "skills" of a good interviewer. However because the question was open-ended and the researcher allowed the participants to provide their answers without leading them and without interruption, many of the participants were able to mention important skills in addition to important qualities that an interviewer should also possess.

In addition to traits mentioned in table 4, participant C1 mentioned that an interviewer should be friendly, inviting, understanding and forgiving. These qualities will aid the interviewee to open up during the interview. Participant C2 added that an interviewer must be committed to finding the truth, able to control the interview, streetwise, thoroughly prepared, consistent, empathetic, and must be an actor. This participant is of the view that without these qualities, an interviewer will not succeed in getting to the truth.

The researcher asked the participants whether they believe they possess the necessary qualities to be a good interviewer, all thirty-two participants indicated that they are of the opinion that they do in fact possess these qualities and that they are good interviewers. All the participants were also asked to indicate how their shortcomings could be addressed if they believed that they did not possess the qualities of interviewer. The participants did not feel that they had any shortcomings regarding the qualities of a good interviewer. However, the feedback received by the researcher from the participants, when they were asked about the behavioural and kinesic interviews, creates a different picture regarding whether they are "knowledgeable" when it comes to forensic interviewing. Almost one third of the participants had never heard of the behavioural

interview before, and approximately two thirds of the participants had never heard of the kinesic interview before. The researcher believes that many of the participants in this research do not possess *all* the necessary qualities of a good interviewer and that they do in fact have shortcomings that need to be addressed.

Both the literature and the participants regard patience, professionalism and intelligence as qualities of a good interviewer, to which the researcher agrees. The literature — as well as just over fifty per cent of the participants — highlight that a good interviewer will be able to observe, analyse and interpret an interviewee's nonverbal responses during an interview.

So far, the research was focused on interviewing as an investigative technique, explaining what forensic interviewing entails, its purpose as well as the behavioural and kinesic interviewing techniques, since they are relevant to the interpretation of body language. It can be concluded that interviewing is in fact extremely important during investigation. An important question however is, whether there are limitations to the interviewing process and whether there are particular guidelines, rules and regulations for interviewing. Hence, the legal and ethical considerations that are important during interviewing will be discussed next.

## **2.7 LEGAL AND ETHICAL CONSIDERATIONS DURING INTERVIEWING**

Section 35(1) of the Constitution of the Republic of South Africa, Act 108 of 1996 provides as follows:

“Everyone who is arrested for allegedly committing an offence has the right –

- (a) to remain silent
- (b) to be informed promptly –
  - (i) of the right to remain silent
  - (ii) of the consequences of not remaining silent
- (c) not to be compelled to make any confession or admission that could be used in evidence against that person”

Section 35(2) of the Constitution of the Republic of South Africa, Act 108 of 1996 provides that everyone who is detained have the right to be informed promptly of the reason for the detention. Such person also has the right to choose and consult with a legal practitioner.

In terms of Section 26 of the Criminal Procedure Act, Act 51 of 1997, a police official who is investigating an offence may enter certain premises where they suspect to be a person who may have information regarding such offence. They may enter such premises without a warrant, interrogate such person and obtain a statement from the person (Joubert, 2001:217). In terms of this section, the only purpose the police official must have for entering the premises is to interrogate the person and obtain a statement.

The Constitution of the Republic of South Africa, Act 108 of 1996, provides that a person who is a suspect of committing a crime, a person who is accused of committing a crime and has been charged, and even a person who has been arrested for committing a crime, have the right to remain silent.

According to Joubert (2001:220), this does not mean, however, that such person cannot still be questioned. The suspect must be questioned within reasonable limits and must be informed of their rights before such questioning such as the right to remain silent, the right to have legal assistance and representation and the right not to incriminate themselves. This creates an interesting situation because, although the suspect may exercise their right to remain silent, the interviewer can still observe their body language during questioning. This can still provide the interviewer with valuable clues regarding the suspect's involvement in the incident or offence. Layton [s.a] points out that in the United States, about eighty per cent of suspects do not exercise their right to remain silent and their right to legal representation. This results in the suspects being subjected to a "full-scale interrogation" and very often leads to incriminating themselves. This author explains, along with Hoffman (2005), that should the suspect decide to exercise his or her right to remain silent or request legal representation while the interrogation is taking place, the interrogation has to stop immediately.

Williamson (2006:305) argues that a person may find it difficult to enforce their subjective rights if these rights are not guaranteed by a constitutional Act. The researcher agrees with this argument, where in South Africa, all rights are enshrined in the Constitution. Fortunately, in South Africa, every person's subjective rights are guaranteed by the Constitution of the Republic of South Africa, Act 108 of 1996 and these rights are entrenched in Chapter 2 of the Constitution of the Republic of South Africa, Act 108 of 1996, the Bill of Rights. The subjective rights relevant to this discussion are the right to human dignity, equality, freedom and security, life and privacy.

Section 10 of the Constitution of The Republic of South Africa, Act 108 of 1996, provides for the right of everyone to human dignity and the right to have this dignity respected. Section 12 of the Constitution of the Republic of South Africa, Act 108 of 1996, provides for the right to freedom and security of the person. In terms of this section everyone has the right not to be deprived of their freedom, not to be detained without trial, not to be subjected to any forms of violence and not to be tortured in any way. For this important reason, the researcher believes that it is necessary for all law enforcement officials to have knowledge of the Bill of Rights, and always to consider these rights during investigations, especially when conducting interviews or interrogations. According to Joubert (2001:223), the South African Police Service is guided by instructions on the way people in custody should be questioned. The purpose of these instructions are to prevent the torture, cruel and degrading treatment of persons in custody, and these instructions provide that no person should be questioned until they are informed of the right to consult with a legal practitioner. Williamson (2006:305) points out that often there will be conflict between the rights of the victim of the crime and the rights of the suspect, and the investigator must be able to find a balance between them.

Williamson (2006:303) believes that there are two aspects of importance during an interview with a suspect. Firstly, the interviewer has to get as much information as possible from the suspect regarding the crime being investigated. Secondly, is to protect the suspect from having his or her rights violated by the interviewer. The second aspect is important as a safeguard against police brutality and abuse as well as a "miscarriage of justice". This second aspect is of importance to prevent abuse of a person who may in fact be innocent, and is concerned with the presumption of

innocence. Williamson also emphasises the importance that the interviewer should always bear in mind that they are interviewing a human being who has fundamental rights such as the right to dignity that must be protected and respected. Democratic societies do not support the belief that “the end always justifies the means”, therefore a balance must be found between the rights of the victim of the crime to security and justice as well as the rights of the suspect to dignity, and to be presumed innocent until proven guilty by the state.

Layton [s.a] explains that in the United States of America, before the early 1900s, physical abuse and torture were acceptable methods of getting a suspect to confess to a crime. This author reports, along with Hoffman (2005), that this practice began to change, which was apparent in the case of *Brown v. Mississippi*, 1937, where the court refused to accept a confession made by the suspect, because the police had hung him from a tree and continuously whipped him to get the confession. The court held that a confession “obtained by force” would not be admissible as evidence. Another case that was of extreme importance in setting a precedent regarding the failure of the police to inform a suspect of his rights before questioning, was *Miranda v. Arizona*, 1966. In this case, the court held that a confession obtained from the suspect was inadmissible because he had not been informed of his right to remain silent as well as his right to have legal representation. This case gave rise to the “Miranda Rights” which refer to the right of a suspect to remain silent as well as the right to legal representation. The police must explain these rights to a suspect clearly before any questioning or interrogation can begin. Hoffman (2005) also addresses the importance of the “Miranda Rule” which entails warning a person of his or her privilege against self-incrimination as well as the right to an attorney. These warnings must be relayed to a person “prior to any custodial interrogation”. The equivalent of the “Miranda Rule” in South Africa is the rights of the suspect in terms of Section 35 of the Constitution of the Republic of South Africa, Act 108 of 1996, which provides for the right to remain silent as well as the right to legal representation.

Apart from the Constitution of the Republic of South Africa, Act 108 of 1996, as well as the Criminal Procedure Act, Act 51 of 1997, that provide how detained and arrested persons should be treated and what rights they are guaranteed, Judges’ Rules also protect accused persons against unfair practices. Nel and Bezuidenhout (1995:215-217) explain that, during the nineteenth

century, English judges were of the opinion that more protection was needed by an accused person against unfair practices as a means of eliciting a confession. Even though the common law requirement, namely that confessions must be voluntary was in place during this century, these judges believed that more protection was required and as a result, Judges' Rules came about. These Judges Rules outline the standards of behaviour that should be observed by police during the investigation of offences. According to the Judges' Rules, amongst other standards, police should not question suspects before "cautioning" them that they are not obliged to answer. The following Judges' Rule is relevant to questioning of suspects: "A suspect may be questioned by a police official with the purpose of establishing the suspect's innocence, but only after the suspect has been warned of the fact that he or she (the suspect) is not compelled to say anything, and that whatever the suspect says could be held in a court of law against him or her". This Judges' Rule corresponds to Section 35(1)(a), (b) and (c) of the Constitution of the Republic of South Africa, Act 108 of 1996.

Nel and Bezuidenhout (1995:215-217) provide further that Judges' Rules are merely "administrative rules of fairness" and do not have the force of law, but they are important when it comes to judges exercising their discretionary powers regarding the admissibility of evidence. Judges' Rules continue to have a place in South Africa, even though existing legislation provides the same guidance as these Rules.

Hoffman (2005) claims that there are subtle, yet effective ways to get information from a person during an interview, without torturing them. He does, however, warn that the line between acceptable techniques and those that are unlawful, and that could amount to 'coercion', is a fine line. The reason, this author explains, is that often investigators lie or misleads the interviewee in order to get information and this can be acceptable. The problem arises when this technique is used incorrectly or inappropriately to obtain a confession, resulting in the confession being inadmissible against the suspect, because it was coerced. An investigator can, for example, use "props" to make the suspect think that it proves his or her guilt, but the investigator cannot "create false evidence" against the suspect. The researcher agrees with these authors above that an important aspect of an interview is ensuring that the interviewee's fundamental human rights

are not violated during the interview, because evidence obtained in this manner may be inadmissible in court during the criminal case.

Hoffman (2005) reiterates: “It is important to remember that just because an investigative technique is legal does not mean that its use is ethical. Each investigator must consult organisational policy, ethical standards developed by professional organisations and his/her own sense of fairness in determining when to use a specific technique”.

The researcher questioned all the participants from samples ‘A’, ‘B’ and ‘C’ about the legal aspects to be considered by an interviewer when conducting an interview for investigation purposes. All thirty-two participants interviewed by the researcher agreed that it is important for the interviewer to consider the interviewee’s - specifically the suspect’s - rights to dignity in terms of the Constitution of the Republic of South Africa, Act 108 of 1996. They elaborated that the suspect should be treated with dignity and in a humane manner, irrespective of what type of crime they are accused of, or suspected of committing. They explained that it is not always easy to get a suspect to confess to committing the crime, but the investigator must exercise patience, and never use violence or torture, to get a suspect to confess to a crime. One participant from sample ‘A’, with sixteen years of experience as an investigator, explained that torturing or threatening a suspect to confess to a crime, can be detrimental to the case. The participant confirmed awareness of many cases that were withdrawn against an accused in court, because the accused claimed that they only confessed to the crime because they were tortured and subjected to violence and threats. This participant explained further that one of the requirements for admissibility of a confession is that it should be “voluntarily”. A confession will be inadmissible if it was obtained in an unconstitutional manner. Participant C1 stated that in South Africa, the Constitution must be considered during the interviewing process, and regarded the privacy legislation in European countries as very strict and complex. Participant C2 pointed out in addition that section 26 of the Criminal Procedure Act is important as it allows a police official to enter premises and ask questions, and also mentioned sections 9 and 11 of the Constitution of the Republic of South Africa, Act 108 of 1996, which are the right to equality and the right to life respectively.

The literature as well as the participants in this research has consensus to what type of techniques are permissible during interviews for investigative purposes. Both the literature and the participants speak about the rights of a person, even if that person is a suspect. Torture and violence during interviewing is unlawful and any information or evidence gathered in this manner will not be admissible in a court of law. This is a very important standpoint because it is a reminder as to why it is important for interviewers to be well trained and skilled. An interviewer should be able to gather important information from witnesses, as well as a suspect of a crime who does not wish to exercise his or her right to remain silent, by means other than violence or threats and promises.

## **2.8 SUMMARY**

The most popular description of a forensic interview is that it is a face-to-face conversation between people and the questioning of a person who has knowledge about an incident, which is aimed at obtaining as much valuable and reliable information and facts as possible. An investigation cannot be carried out without conducting interviews with all persons involved in the crime under investigation. These persons are the witnesses, victims as well as the perpetrators. The main purpose of an interview is to gather facts surrounding the incident or crime being investigated, and to determine who the perpetrator of the crime is. An interview is also very valuable during an investigation when there is insufficient reliable evidence regarding the investigated crime. Even if there is sufficient physical evidence relating to the crime, an interview is still valuable as it can corroborate and support the physical evidence.

The kinesic interview as well as the behavioural interview is very important interviewing techniques relevant to body language. The interviewer observes the bodily movements of the interviewee to establish their truthfulness, and to understand and assess their true emotions. During an interview, attention must be paid to the interviewee's verbal and nonverbal responses.

Whereas an interview is a non-accusatory conversation aimed at gathering information, an interrogation is an accusatory process of questioning a suspect of a crime, with the aim of getting them to admit to involvement in the crime, or to explain what happened.

The most important quality of an interviewer is the necessary skills and ability to conduct an effective interview. Other important qualities that an investigator should possess are patience, professionalism and empathy. An interviewer must also be able to understand the verbal and nonverbal responses of the person being questioned.

An investigator should always consider and respect the rights of the person being interviewed, whether it is a suspect or a witness. No person should be subjected to violence, torture or threats in persuading them to admit or even confess to a crime. If a person's rights were violated during an interview, evidence obtained during such interview will not be admissible in a court of law.

A crucial aspect of forensic investigation is the ability to understand and interpret the interviewee's verbal responses, but the nonverbal responses and reactions during the interview are of equal importance. The next chapter will focus on body language as a form of communication, and the usefulness thereof during forensic interviewing, to obtain information.

## CHAPTER 3

### THE USE OF BODY LANGUAGE IN FORENSIC INTERVIEWING

*“Unlike the scholar who gleans information from inert books and records maintained in a library, the interviewer deals with a source of information that has feeling and emotions. To ignore these attributes is to ensure failure, because these are the very characteristics that enable an interviewer to succeed” (Hess, 1989:15).*

#### 3.1 INTRODUCTION

People do not only communicate by using words. Unintentional messages are conveyed to others through other mediums, besides words (Stanton, 2004:2-3). Burgoon, Buller and Woodall (1996:4) explain that nonverbal clues form an integral part of all human interaction, and that evidence indicates that people use nonverbal communication to express themselves; also to interpret the meaning of other’s communication. These authors explain that all communication contains nonverbal elements that enhance the communication and give deeper meaning to the spoken word. According to Bhanji and Melhem [s.a.], human interaction and communication consist of both verbal and nonverbal means of communication. Words are used to convey factual messages, meanings, whilst a person’s nonverbal behaviour can indicate what they are feeling, and thinking.

Bhanji and Melhem [s.a.], Heathfield [s.a.], Burgoon *et al.* and Stanton (2004:2-3) explain that messages can be conveyed through nonverbal means in the form of facial expressions, gestures, posture, eye movements and eye contact, body contact and body movement, the distance between the people communicating, as well as voice indicators such as tone, pitch, tempo and quality. In this chapter, the researcher will address the following important aspects with regard to the use of body language in forensic interviewing namely: The meaning of body language, the various types of nonverbal communication as well as their relevance to forensic interviewing, evaluating behaviour, factors that may aid in the concealment of deceit such as the location and setting of the interviews and the experienced liar, as well as the various methods and techniques of detecting deception through the interpretation of a subject’s nonverbal behaviour. The faking of

body language will also be discussed. The aim of this chapter is to address the second research question, “How can body language be used during forensic interviewing to obtain information?”

### **3.2 BODY LANGUAGE**

Man does not merely move and see movement, or talk and hear as separate systems. Body motion and language form a complex system and cannot be separated. Body language adds depth and fullness to the spoken words (Birdwhistell, 1970:227).

Body language is a form of communication where a person uses more than just words. This is where someone communicates using facial expressions, gestures, body movement, eye contact and even their voice. Much more can be revealed by a person’s nonverbal conduct than by their actual spoken words (Anonymous, 2011). Van Marwijk [s.a] explains that body language is a language without words and for this reason, it is called nonverbal communication. This author explains further that communication does not occur with words alone, and that body language is an important aspect of communication.

Body language aids to enhance the meaning of a person’s spoken words, and should complement the verbal communication. We tend to doubt a person’s spoken words when the person’s body language does not match their words (Van Marwijk, [s.a]). Stanton (2004:47) explains that when a person’s nonverbal conduct does not match their verbal message, we are more likely to listen to the nonverbal message. This is also the view of Anonymous (2011) who states that a person’s nonverbal communication is more believable than their spoken words. Walters (2003:36) highlights that when a person’s verbal responses do not match their nonverbal response, the likelihood exists that the person is being untruthful.

According to Van Marwijk [s.a], Heathfield [s.a] and Nowicki (2001:27), body language occurs subconsciously, and most of the time a person may be unaware that their body language is revealing their true feelings and intentions. According to Nowicki (2001:27), this is extremely important, especially when a law enforcement officer needs to decide whether the use of force is necessary in a given situation.

Thomas [s.a.] explains that careful observation of body language - also known as behaviour pattern recognition - is used as a technique by security at Israeli Airports to identify potential terrorist threats. The USA Today (2004) contained an article explaining how federal air marshals at the Logan International Airport have been trained to analyse the behaviour of passengers in order to identify those passengers who may have hostile or criminal intentions. The unusual behaviour of passengers is not ignored, but is used to ascertain whether they pose any terrorism threat. According to Frank (2005), Maccario, a Transportation Security Administration analyst at Logan International airport discusses the importance of understanding people's body language and behaviour. The analyst explains that people's behaviour and body language change when they are afraid of discovery. The behaviour exhibited by people can indicate whether they may be planning a terrorist attack. "Behaviour detection" is used to identify possible terrorists and is based on the premise that people show their true emotions through subconscious "gestures, facial expressions and speech patterns".

The participants from samples 'A', 'B' and 'C' who were interviewed for this research, were asked to define body language and behaviour pattern recognition. Twenty-three participants (ten from sample 'A', eleven from sample 'B' as well as both participants from sample 'C') defined body language as the way a person communicates without words or in addition to words. Nine participants (five participants from sample 'A' and four from sample 'B') explained that body language is the message a person's body and body movements convey. Participant C1 stated that emotions could be deduced from nonverbal behaviour, also known as body language, kinesics and personal movement analysis. This analysis and recognition of nonverbal behaviour can indicate deceit, truthfulness, hesitancy, doubt and inaccuracies. Participants C1 and C2 indicated that behaviour pattern recognition is an intensive study of the nonverbal behaviour of human beings in social circumstances, stressed situations and when being interviewed. The nonverbal signs exhibited during these situations arise when the autonomic nervous system is activated. Behaviour pattern recognition is important in detecting deceptive behaviour. All the participants from sample 'A' and sample 'B' indicated that they could not convincingly define 'behaviour pattern recognition'. This responses from the participants of samples 'A' and 'B' once again highlight the deduction made earlier in this study by the researcher, that although the participants believe that they possess all the important qualities of an interviewer, this is in fact not the case. It

is thus far apparent that the participants lack the important quality of an interviewer which is that an interviewer should be knowledgeable.

All the participants were asked why it was important for an interviewer to understand body language. All of the participants from sample 'A' and sample 'B' explained that body language can indicate what a person is feeling and thinking, and also whether they are being honest or not. In addition to this response, thirteen participants from sample 'A' and nine from sample 'B' added that understanding body language is important for the interviewer, because a person's body language can convey the true meaning of the interviewee to the interviewer. A further three participants from sample 'A' and four participants from sample 'B' mentioned that a person's body language can be a good indicator of his or her "mood". According to participant C1, understanding body language is a basic skill that is required in investigation and interviewing. Participant C2 believes it is important because only forty per cent of information is conveyed through verbal communication, while sixty per cent of information is conveyed through nonverbal behaviour. Therefore, if one wants to grasp the full message a person is conveying, they should have a good knowledge of nonverbal behaviour and its meaning.

The responses of the participants in this research, and the literature, provide that body language is the nonverbal aspects of communication that are exhibited in addition to the spoken words of a person. These nonverbal clues can indicate a person's true feelings, mood and thoughts. In addition to verbal responses, body language can also convey messages. Body language can be an important indication of whether a person is being honest or deceitful. The literature and the responses of a two of the participants indicate that behaviour pattern recognition is the study of body language to detect deception. It is the ability to observe and detect unspoken clues known as behaviour and body language.

Knowledge and understanding of the various types of nonverbal communication, as well as the possible meanings and messages that they can convey are important tools for an interviewer. Hence, the types of nonverbal communication, the application of body language in forensic interviewing, evaluating a person's behaviour, detecting deception and faking body language during an interview will be discussed.

### 3.3 TYPES OF NONVERBAL COMMUNICATION

The research conducted thus far has indicated that people do not only communicate through words. Messages can be sent through behaviour, body language and nonverbal signs. These different forms of nonverbal communication will be mentioned and discussed next.

The literature consulted during this research refers to gestures, eye contact and eye movements, posture and body movements, and facial expressions, as types of body language. All the participants from samples 'A', 'B' and 'C' were asked to name and discuss the different forms of nonverbal communication. This was an open-ended question where the participants could provide their own answers to the question, without the option of multiple choices. Some of the participants accordingly provided more than one answer. The following table summarises the responses of the participants:

**Table 5: Forms of body language, identified by the participants**

Type of body language	A	B	C	TOTAL
Facial expressions	15	15	2	32
Gestures	15	15	2	32
Eyes	15	15	2	32
Posture	10	8	2	20
Body movements	-	-	1	1
Intonation of the voice	-	-	1	1
Use of space and distance and creation of barriers	-	-	2	2
Blood pressure, increased breathing and heart rate	-	-	1	1

Participant C1 and C2 mentioned the use of space and distance as well as the creation of barriers. They explained that everyone has their own personal space, and invading this space could cause the person to feel uncomfortable. A deceptive person will try to create more distance between the interviewer and themselves through various unconscious movements for example, they will move the chair a bit backwards or point their feet towards the interviewer. According to participant C2, nervous and deceptive subjects perceive the interviewer as a threat, and therefore create “unconscious” barriers between themselves and the interviewer by means of folding their arms,

moving in closer behind a desk, or turning the body away from the interviewer. Participant C2 also explained the fact that a high heart rate can be observed through a person's arteries. He explained that the blood pressure and heart rate of a person who is under excessive stress (caused by factors such as strenuous exercise or deception) will increase, and this will be apparent by looking at the arteries in the neck. An increased breathing rate can be observed through heaving chest movements of the person, widening nostrils and shorter sentences (caused by quicker and shorter breaths).

The participants in this research were able to name gestures, eye contact, posture as well as facial expressions as types of nonverbal communication. These forms of body language were also referred to in the literature. The participants were further able to explain that these forms of body language add meaning to spoken words, also reveal a person's true feelings and mood, which matches information contained in the literature.

Gestures, eye contact, posture and facial expressions as forms of body language will now be discussed based on information from the literature as well as the viewpoints of all the participants from samples 'A', 'B' and 'C'.

### **3.3.1 Gestures**

According to Wainwright (1993:40), gestures — although they can be very subtle or very expressive — are the most important form of nonverbal communication as it has more communicative value than, for example, the face, eyes or head which have certain limitations. Stanton (2004:43-44) explains that movement of the hands, arms, legs and feet are grouped together under the term “gestures”. He also believes that gestures are the most common form of nonverbal communication. According to Gilbert (2004:86), it is common for a person to use gestures when communicating and the gestures used will indicate whether a person is being open and honest or whether they are being defensive and deceitful.

Stanton (2004:43-44) expresses the opinion that gestures can reveal emotions such as surprise, happiness, anger and anxiety. Gestures can also emphasise something that is said. They are often used to support, supplement or even replace a word to the extent that verbal communication may

not be necessary. Zulawski and Wicklander (2002:106) use the word “emblems” to refer to gestures that people use that have a certain meaning, even without using words, for example nodding their heads to say “yes”. These gestures are understood, even if the person making them does not say a word. These authors also use the word “illustrators” to refer to those gestures or movements that are used to add emphasis or description to the spoken words.

All the participants from samples ‘A’, ‘B’ and ‘C’ in this research mentioned and discussed gestures as a form of body language. They explained that gestures are the use of arms and even legs to as additional communication to a person's spoken words. Participant C1 referred to “illustrators” which add emphasis to what is said. Illustrators were discussed in the literature. Participant C2 explained further that gestures have different meanings across different countries and cultures, and are learned from one’s ancestors, which are passed on through the generations. The literature mentions emblems which are gestures that can denote a meaning - even when words are not used - such as nodding a head to say yes without saying the word ‘yes’. This was not mentioned by any of the participants when they spoke about gestures as a form of nonverbal communication, which again indicates that the participants in this research are not as knowledgeable in the field of forensic interviewing as they may believe they are.

### **3.3.2 Eye contact and eye movements**

According to Reid (1951), most people understand that a person’s eyes can often reveal their true emotions and thoughts, and there are various methods of interpreting what someone’s eyes may be “saying”. Nowicki (2001) explains that information is transferred through eye contact. A person’s eyes can disclose information about their feelings and their mental state. Eyes can reveal how a person feels about you. The size of a person’s pupils is also an important indicator of their mood. If a person is excited, his or her pupils will dilate, whereas contracted pupils are a sign that the person is angry or dislikes something.

Stanton (2004:43) explains that eye movements can display interest during a conversation and lack of eye contact during a conversation can indicate that the person is uninterested in the discussion. The person who is talking, uses his or her eyes to get feedback from the person that they are talking to, in order to determine whether the person is displaying an interest in the conversation. The eyes are also important when communicating to complement the spoken

words. Wainwright (1993:10), who believes that the eyes are a powerful form of nonverbal communication in everyday interaction, explains that a person's eyes can reveal much information about the truthfulness of a person, a person's contempt or dislike of another, whether a person is paying attention to what another is saying and whether he or she understands what has been said. Eyes can also expose a person's attitude or state of mind. This author explains that staring can be indicative of aggression, contempt and dominance, whereas looking away and avoiding eye contact could indicate shame, sadness or fear.

It is important to consider a person's culture and background when evaluating their behaviour. The person's behaviour must be studied according to the behaviour of the general population to which that person belongs. This is because certain types of behaviour may have different interpretations depending on the general population to which that specific person belongs. It is also important to consider the situation and circumstances surrounding the incident being investigated, and how it may affect the person being questioned and his or her reactions and responses (Zulawski & Wicklander, 2002:112). The researcher agrees with Zulawski and Wicklander (2002:112), that a person's personality as well as cultural background should be considered before drawing a conclusion about a person's mood based on his or her eye contact and/or lack of eye contact. In many cultures, it is considered disrespectful to have direct eye contact with someone. Looking down or away is a sign of respect. A person's personality must be understood as it can also indicate the reason for not maintaining eye contact.

All the participants from samples 'A', 'B' and 'C' explained how a person's eyes can tell you a lot about their emotions and their thoughts. A person's eyes can show you that they are sad, happy, shy, afraid, angry, submissive, concerned and dishonest. Participant C2 elaborated that a person's pupils change size depending on external factors such as light as well as emotions. He explained that pupils adjust naturally to external light, the darker it is the more the pupils will dilate to enable more light in and to improve sight. However, feelings can also affect the pupils. Feelings of care and love cause the pupils to dilate, known as "soft eyes". Aggression causes the pupils to contract (get smaller). All the participants discussed that eye contact and lack of eye contact can reveal that a person is being untruthful. None of the participants, apart from participant C2, mentioned that a person's personality or cultural background could be a reason for

lack of eye contact. This, once again, is indicative that the participants' do not possess all the qualities that make for a good interviewer due to their lack of complete knowledge.

### **3.3.3 Posture and body movements**

Zulawski and Wicklander (2002:106) point out that the various movements of a person's body during an interview actually add meaning to the words spoken by the interviewee. Stanton (2004:40) explains that body posture is an effective method of communication. According to this author, a person's posture can reveal characteristics such as dominance or submission. Someone who is shy or feeling inferior may have a slumped posture, whereas someone who feels confident or superior will stand upright with his or her head tilted back. This author also explains that people's way of walking, standing and sitting can reveal their mental and emotional state as well as how they regard themselves. On the same vein, Wainwright (1993:55) explains that a person's posture can reveal important information about their state of mind. This author also believes that a confident or dominant person will have an erect posture in contrast to someone who is shy or depressed. This author points out that the advantage of observing someone's posture as a gauge to their emotions, is that posture can be observed from a distance and the observer need not be very close to the person being observed in order to make an assessment of that person's feelings, attitude or state of mind.

Nowicki (2001) explains that posture can expose a person's true feelings and emotions. A straight head can indicate assertiveness, a head tilted back can be indicative of aggression and a dropped or bowed head may indicate submission. This author explains that aggression is indicated when a person's arms are crossed high up on their chest, whereas if a person's arms are crossed lower down and loosely this could show that the person is nonaggressive.

The twenty participants (ten from sample 'A', eight from sample 'B' and both participants C1 and C2 from sample 'C') who mentioned posture as a form of body language, explained that a confident person will sit still and upright, a person who is shy or afraid will slouch or slump, and a person who is defensive or arrogant may lean far back in their chair. Participants C1 and C2 pointed out that a rigid posture could be an indicator of unusual stress, possibly caused by deception or fear. An honest person will display a relaxed but attentive posture. The other twelve

participants did not mention posture in their responses. Both the literature as well as the participants' responses revealed that posture could indicate shyness (when they slouch or slump), or confidence (when they have an upright posture). However, the participants did not mention that posture should not be interpreted so narrowly, highlighting once again that they have limited knowledge in this field. The literature very importantly points out, that deceitful persons may become tense, and they will attempt to adapt their posture to appear more relaxed. According to the literature, this attempt to conceal their tension will still be noticeable.

### **3.3.4 Facial expressions**

Nowicki (2001) believes that the face may also reveal what a person is feeling or thinking. Facial expressions can reveal whether a person is angry or afraid. Their lips may be tightened to indicate hostility or may quiver to indicate that the person is anxious or afraid. Zulawski and Wicklander (2002:121-122) are of the opinion that the smile is the most common facial expression used by interviewees to hide or "mask" their true emotions and fears. Even though a person may fake certain facial expressions, it is not always convincing or credible because the involuntary facial muscles that we have no control over will indicate that the person is faking his or her expression. Stanton (2004:41) is of the opinion that our facial expression is the one form of body movement that we are most able to control. A person's facial expressions can indicate emotions such as anger, sadness, shock and disagreement.

All the participants from samples 'A', 'B' and 'C' indicated that facial expressions could reveal people's feelings, (for example they may smile, frown, sulk or even appear expressionless). These participants indicated that facial expressions could reveal a person's true state of mind, mood, as well as feelings. The literature also mentioned this point, also that facial expressions are easier to control than other forms of body language. A person can use a smile and other expressions to mask his or her true emotions. None of the participants mentioned this regarding facial expressions.

The various forms of body language have been mentioned and discussed. Body language will now be discussed in terms of its application during forensic interviewing.

### **3.4 APPLICATION OF BODY LANGUAGE IN FORENSIC INTERVIEWING**

In the book titled *Dossier of a serial sleuth* which was written on the successes of former South African police detective Piet Byleveld, the following paragraph is a very practical example of the importance of body language during the interviewing of a suspect, namely: “On the way back to Brixton after he had been arrested, Piet watched Maake in the rear-view mirror. He saw his lips turn white. “Do you feel all right?” Piet asked. Silence. After an arrest Piet always watches the suspect, taking note of the way the suspect speaks to him, looks at him, or doesn’t look at him. Piet is able to detect the slightest sign of nervousness – how the suspect keeps swallowing, for example. “I see the person. I immediately know if the person I’ve caught is the right one”, Retief (2011:119-120). In this practical example, the suspect and interviewer were not seated in a special room for interviews at the police station. The suspect was in the police vehicle and the investigator was questioning him on their way to the police station. During this questioning the investigator was observing the suspect closely. The researcher’s point is that observing a person’s nonverbal reactions should not only take place during a formal interview. A skilled interviewer will always be watching a person’s body language and using these nonverbal reactions to help direct the investigation.

Walters (2003:2) is of the view that many investigators have the idea that an interview is merely a process where a list of structural questions is asked to the interviewee and where little or no deviation from the questioning is allowed. This idea is incorrect, since during the interview, the behaviour and the methods of communication of the interviewee should be observed and considered. Questions asked during the interview as well as the observation of a person’s behaviour cannot be approached in a structured manner. Zulawski and Wicklander (1993:51) point out that any behaviour of the subject who is being interviewed does not just occur by chance. All behaviour, whether verbal or nonverbal, is significant and has a specific meaning and it is up to the interviewer to determine what the behaviour means.

Van Aperen [s.a.] explains that asking the right questions and being able to decipher verbal and nonverbal signs can “enhance the investigation”. A person who is trying to conceal information will experience internal conflict and stress. This is evident from nonverbal signs, and a person who has the ability to understand these signs, will be able to tell if someone is lying or trying to

conceal information. He also states that eighty per cent of human communication is nonverbal, yet the importance of understanding the nonverbal signs is often overlooked.

According to Zulawski and Wicklander (2002:105), understanding a suspect's behaviour is very important for the interviewer because it can give direction to the investigation. These authors explain that any behaviour of a person has a meaning and very often, the person exhibiting this behaviour may not even be aware of it.

Zulawski and Wicklander (2002:107) further believe that a specific nonverbal clue cannot be linked to one specific meaning; neither do they believe that a specific behaviour can indicate whether the interviewee is being honest or deceitful. Each interviewee has different behaviour patterns and each situation is unique. Interviewers should be aware of this, and for this reason it is important that an interviewer observes the behaviour patterns of the interviewee during the interview. Walters (2003:10) also shares this viewpoint and explains that it is important and necessary that an interviewer be aware that a specific nonverbal reaction will not always have a specific universal meaning. People are all unique and different and it would be erroneous for an interviewer always to assign the same, single meaning to a specific nonverbal response when interviewing different subjects. In order to avoid this mistake, the interviewer must determine what behaviour is constant to that specific interviewee, and then look out for repeated similar responses and changes in that constant.

When the thirty-two participants in this research were asked whether they believed that people exhibited the same behavioural responses as each other in the same situation, thirty-one participants (made up of all fifteen participants from sample 'A', all fifteen participants from sample 'B' and one participant from sample 'C') replied "no". They were asked to explain their answer, and all the responses were similar, namely that all people are different and unique and therefore will not respond in the same manner. Participant C2 believes that people exhibit the same nonverbal responses ninety-five per cent of the time, and he based this opinion on the "Gaussian" (normal) curve of distribution and continuous probability. He explained that studies have revealed that basic nonverbal behaviour is universal although there are significant differences in culture, regions and countries. He gave the example of the "thumbs up" sign,

which generally means “all well” or “okay” in a country such as Australia, but is regarded as an insult in a country like Greece.

“Then I tried a new tactic: “I showed Zanner a photo of his late wife. He refused to look. He couldn’t face it. It’s like a game of chess – I love it” (Retief, 2011:176). This is another practical example of how former police detective Piet Byleveld has used body language during the interviewing of a suspect. The following is also referring to the use of body language: “Zanner was shocked. Piet could see he hadn’t been expecting it.” “There was a strange look on his face” (Retief, 2011:176). In this specific instance, Zanner was a suspect in the murder of his wife. He was eventually arrested, and when he was taken to the office of the investigating officer, Piet Byleveld, for questioning on his involvement in the crime, he displayed arrogance. He sat with his hands behind his head in an attempt to intimidate and patronise the investigator and to display an attitude of fearlessness and being untouchable. Although Zanner was charged with murder, the state eventually dropped the charge during the trial as the state realised that it could not prove its case beyond reasonable doubt due to weak witnesses and a poor handling of the crime scene. Piet Byleveld did not respond when he was asked by Retief who he thought murdered Zanner’s wife.

Miner (1984:15-16) points out that it is important for investigators not only to record the spoken words during an interview or interrogation, but also the emotions and attitude of the subject being interviewed. This author is of the opinion that recording the verbal and nonverbal responses of the interview will create a more complete and accurate picture of what was said during the interview, as well as how the interviewee felt when asked certain questions or when they had to recall certain aspects of the incident under investigation.

All the participants from samples ‘A’, ‘B’ and ‘C’ in this research were asked whether they believed that understanding body language was important during forensic interviewing, and why they believed so. All shared the view that the ability to understand and interpret body language is an extremely important skill for interviewers, because even though a person may say one thing in reply to question, his or her body language can communicate the opposite of their spoken words. The responses of the thirty-two participants from samples ‘A’, ‘B’ and ‘C’ can further be broken down as follows (this was an open-ended question where the participants could provide their own

answers to the question and no multiple choices were provided). Some participants accordingly provided more than one answer. Some of the responses overlapped therefore the total of the summarised responses of the participants exceed thirty-two:

- Five participants, three from sample 'A' and two from sample 'B' indicated that taking note of an interviewee's body language can help an investigator determine his or her mood.
- Fifteen participants (comprised seven from sample 'A' and six from sample 'B' and both participants from sample 'C') mentioned that sometimes people try to hide their true emotions, but an interviewer skilled in body language will be able to assess the real mood of the interviewee (whether they are happy, sad, calm, afraid, submissive or arrogant). The ability to gauge the interviewee's mood is very important, because it will aid the investigator to choose how to deal with the interviewee to ensure that as much information is obtained from the interviewee during the interview as possible.
- Twenty-four participants (ten from sample 'A', twelve from sample 'B' and both participants from sample 'C') were of the opinion that observing the body language of a suspect during questioning will help an investigator determine whether the suspect is honest or deceitful.

It was the general view of the participants in samples 'A', 'B' and 'C' that the ability to understand and interpret body language is an important skill for forensic interviewers. They explained that the ability to detect whether the suspect is lying is important; because this information will indicate to the investigator whether he needs to probe the suspect further to get to the truth. However, participant C2 warned against making the mistake of only relying on a person's nonverbal responses. He explained that nonverbal behaviour is just one facet that can be used to gain information and it would not be wise should an interviewer only rely thereon.

Nowicki (2001) believes that it is important that law enforcement officers receive training to understand the different forms of nonverbal communication such as gestures, eye contact and posture. Levinson (1998) is of the opinion that verbal and nonverbal communication is important to all law enforcement specialists.

The researcher also questioned all the participants from samples 'A', 'B' and 'C' whether they believed that their employer had adequately trained them to understand and report on body language or on how to recognise behaviour patterns. Six participants from sample 'A' replied that they had received training on this aspect. They received training on aspects such as detecting deception, building rapport with the interviewee as well as a method called neurolinguistic programming, where certain signs can tell an interviewer whether the interviewee is recalling the actual events or whether they are fabricating information. Four of the participants from sample 'B' explained that they had received training but it was very basic. The balance of the participants, (nine from sample 'A' and eleven from sample 'B') replied that they had not received any training on body language. Participants C1 and C2 indicated that they were not in a position to make such a statement as they are not sure of what the current training entails. All the participants were asked what their training needs were in relation to body language in forensic interviewing. All of the participants from samples 'A' and 'B' were of the opinion that they have not received adequate training in this field, and that they should receive comprehensive training on all aspects of body language and its importance in forensic interviewing. Participants C1 and C2 stressed the importance of intensive training in nonverbal behaviour for all investigators.

Based on the participants' responses thus far and their understanding and knowledge of nonverbal behaviour as compared to the literature, the researcher is of the opinion that although the participants are aware of the important role that body language can play during a forensic interview, not all of them have a comprehensive understanding of how it can be utilised. The researcher can conclude from the participants' responses that observing and understanding an interviewee's body language and behaviour during an interview is an important aspect in the interviewing and investigation process, hence the evaluation of behaviour will be discussed next.

### **3.5 EVALUATING A PERSON'S BEHAVIOUR**

Pease (1981:1) focused on different components of body language and their meanings. He explains that perceptive and intuitive people are able to read and understand another person's nonverbal cues. While a person's voice may be telling one story, his "postures, movements and gestures" may be telling another.

Layton [s.a], Zulawski and Wicklander (2002:107) and Walters (2003:10) discuss the importance of determining the baseline behaviour of a subject. In order to determine the baseline behaviour, the interviewer must ask casual questions that allow the interviewee to “access different parts of his brain”. In doing this, the interviewee will display various nonverbal responses and reactions. Thereafter, these responses can be used to determine the truthfulness or deceit of the interviewee later on when the more important questions are put to them, and he or she begins to exhibit signs of stress. Zulawski and Wicklander (2002:111) also explain that in order to evaluate a person’s behaviour, the interviewer should be able to determine what his or her behaviour patterns are. Once this is done, the interviewer will be able to recognise the interviewee’s true state of mind and whether they are being honest or deceitful. Determining the subject’s behaviour pattern will enable the interviewer to understand how he or she will react in a certain situation. Iantosca (2010) also describes this strategy of determining the interviewee’s behaviour pattern or baseline behaviour. This author believes that once the interviewer is familiar with the subject’s baseline behaviour then he or she will be able to attribute any changes that occur during a certain type of questioning to the subject’s emotional state and attitude. This will enable the interviewer to understand what the subject’s true emotions are and what his or her real attitude is even if the subject is trying to conceal it.

Zulawski and Wicklander, (2002:114) and Gordon and Fleisher (2006:41) reiterate the importance that, when interpreting behaviour, the interviewer should never allow their own attitude, feelings and behaviour to influence the behaviour of the interviewee. Zulawski and Wicklander, (2002:114) explain that if the interviewer comes across as suspicious and intimidating, this might induce fear in the interviewee and cause them to behave in a manner that gives the impression that they are stressed and trying to hide something. It is also not advisable for the interviewer to comment on the interviewee’s behaviour during the interview as this may cause the interviewee to change his or her behaviour, which will make it difficult for the interviewer to interpret and understand the behaviour accurately. Iantosca (2010) calls this the “Othello error”. It happens when an interviewer walks into an interview with an accusatory and suspicious attitude that causes the interviewee automatically to become defensive, even if he or she has nothing to hide, and this will make any interpretation of the interviewee’s responses and body language unreliable.

Zulawski and Wicklander (2002:116-119) discuss various aspects that should be considered by an interviewer when evaluating behaviour. They explain that there are other factors (such as the environment where the interview is taking place, the interviewee's personal attitude towards the interviewer and *vice versa*, the mental capacity and mental condition of the interviewee, cultural differences and the skills and training that the interviewee may possess) that can cause a person to behave in a certain manner. Because of these factors, the behaviour is not always indicative of lies and deceit.

To detect deception, it is extremely important for auditors when interviewing clients during an audit to understanding nonverbal behaviour. This constitutes the view of Waltman and Golen (1993). They explain that competence in understanding body language will assist the auditor in getting to the truth instead of following false leads.

Pinizzotto and Deshazor (1997:2) report that sometimes a perpetrator arrested for committing a crime, uses the defence of insanity to show that he or she lacked criminal capacity at the time of committing the crime. Usually, health professionals are required to assess the perpetrator to make a finding on his or her mental state. These authors are of the opinion that law enforcement investigators can apply their experience in "behaviour assessment, interviewing, and interrogation" to indicate to the court what they believe the mental state of the perpetrator was before, during and immediately after commission of the offence. Investigators can also testify about the perpetrators state of mind during questioning. By documenting the perpetrator's behaviour around the time of and after the crime, investigators can assist the court in making a decision about the perpetrator's state of mind. Investigators must not only observe the mental state of the perpetrator, but they should also document the mood of the perpetrator. Inappropriate moods as well as quick and differing moods can be an indication that the perpetrator may be suffering from some sort of mental disorder.

In the case of *The PEOPLE of New York v. Samuel Kahn* (1994:595), the defendant was arrested and charged with driving while impaired by drugs. In this case, the police officers testified that the defendant's vehicle was stopped because of the manner that it was "weaving on the roadway" and even left the roadway at one point. The police officers further testified that the defendant

“staggered and swayed and exhibited bloodshot and glassy eyes”. His speech was slurred and he smelled of alcohol. Based on these behavioural indicators, the defendant was arrested.

On several occasions during the researcher’s service as a police officer, the researcher was required to testify in court regarding what was observed about an accused before, during and after an arrest. This was most common for arrests of drunken driving. When a person was stopped on suspicion of drunken driving, it usually was because the manner in which the driver was driving, observed by either the researcher or someone else who may have tipped the police off. Reckless driving is the first sign that something is amiss. Once the driver was stopped, the researcher was required to make a decision as to whether the driver had to be tested to determine whether their blood/alcohol levels exceeded the legal limits. The researcher usually observed the body language of the driver in assisting making this decision. The signs used by the researcher to establish if there was a possibility that the driver was under the influence of alcohol were the driver being “unsteady on his or her feet”, the driver being “slouched” behind the steering wheel of the vehicle when he or she was stopped and the driver having “blood-shot eyes” and “slurred speech”. These signs were not only important in deciding whether the driver should be tested for alcohol but were also documented in the researcher’s pocket book and statement of arrest. Once the accused appeared in court, the researcher testified on the behaviour and signs observed at the time of the arrest.

All the participants in the research were asked whether they believe that they are able and equipped to interpret a person’s body language accurately. The responses of samples ‘A’, ‘B’ and ‘C’ were as follows:

**Table 6: Participants’ responses on whether they are able and equipped to accurately interpret a person’s body language**

<b>RESPONSE</b>	<b>A</b>	<b>B</b>	<b>C</b>
Confident that they could interpret body language correctly	6	3	2
Believe that their interpretation was correct sometimes	5	6	0
Do not believe that they are able to interpret the meaning of a person’s body language accurately	4	6	0

Participants C2 and C1 also indicated that they believe that they are able and equipped to interpret body language accurately, but there can never be a 100% certainty that such interpretation is always accurate. Participant C2 pointed out that each person has his or her own weaknesses and fallibilities, which they should be aware of and constantly aim to improve. The fact that ten participants (four from sample 'A' and six from sample 'B') indicated that they do not believe that they are able to accurately interpret the meaning of a person's body language is once again indicative of their limited knowledge and capability in the field of forensic interviewing and the interpretation of body language. This contradicts their earlier assessment that they believe they possess all the important qualities of an interviewer.

All the participants were asked if they had ever been in a situation where they had to read a person's body language, to explain what the situation was, and whether they made decisions based on the person's body language. Participants C1 and C2 replied that they constantly find themselves in these situations daily, and with every interview. Only eleven participants, five from sample 'A' and six from sample 'B' replied that they had in fact been in such situations and they described the situations as follows:

#### Sample 'A':

- A suspect in a theft investigation was under questioning to determine his involvement therein. Throughout the interview, he sat with his arms folded across his chest and he was nervous.
- There was an occasion where the person being investigated appeared "uneasy" and nervous. It was found that he has been involved in the commission of the offence.
- A whistle-blower (informer) was interviewed to obtain more information. He was nervous throughout the questioning, and the investigator realised he was afraid to be identified being an informer which could put his life to risk. The more crucial information he divulged, the more nervous he became. He was perspiring profusely and seemed very afraid.
- A person was interviewed in a fraud investigation. At first, the investigator did not believe that the interviewee had any involvement in the crime, and was questioning him for the purpose of gathering more information. However, during the interview, the interviewee

began to act suspiciously and was extremely nervous. It was later found that he had been involved in the crime, and was arrested and charged.

- One participant responded that, when on duty, he daily has situations when he has to interpret body language. Whether he is talking to or even interviewing persons for investigation he always takes note of their body movements, gestures, eye contact and the way they talk.

#### Sample 'B':

- In one incident, the interviewee was extremely nervous throughout the interview, but the interviewer realised that it was not because the interviewee was lying, but because there were many officers present in the room during the interview, which intimidated the interviewee.
- During a murder investigation, the investigator was interviewing the suspect. Throughout the interview, the suspect was defensive and displayed a "no care attitude". As the interview continued, he started to become aggressive and eventually confessed to the murder.
- During a rape investigation, one of three suspects was interviewed. This specific suspect did not actually commit the rape, but was present. The investigator tried to obtain information from him regarding the other two suspects who had actually committed the rape. The interviewee (suspect) was however, not forthcoming. He maintained an arrogant attitude and gave very brief answers. He also displayed that he had no interest in assisting the investigator because he "lounged" in his chair during the interview, did not maintain eye contact with the interviewer and had an arrogant attitude. Unfortunately, in this case, the investigator was unable to get any information from the interviewee.
- An eyewitness in an assault investigation was interviewed. She was very confident during the interview. She spoke directly to the interviewer and was able to recall the events surrounding the assault without much hesitation. She was also very calm and the interviewer found her to be a credible and honest witness. Her testimony in court helped to achieve a conviction of the perpetrator.
- One participant explained that a man reported that he was attacked at his home and that his wife was murdered. The investigator explained that his "gut feeling" told him there

was more to the story than what was being reported. He described the husband as appearing more nervous and suspicious than distraught. The investigator accompanied the husband to the scene of the crime and started questioning the husband. The husband eventually broke down crying and explained that he and his wife had a domestic dispute and in the fit of rage, he killed her.

- Another participant spoke about the interrogation of a suspect in a housebreaking case. He explained that the suspect could not sit still in his seat, but fidgeted continuously. He also did not make eye contact with the investigator throughout the interrogation. The investigator also noted that the suspect was perspiring profusely, and could see that his heart was racing by watching his pulse on his neck. The suspect was eventually charged with the crime.

The researcher asked all the participants what type of information could be revealed from a person's body language during an interview. All the participants from samples 'A', 'B' and 'C' referred to the mood of the interviewee. They explained that the body language of the person being interviewed was an indication to the interviewer about the true state of their emotions, even if they are trying to hide their true emotions. The participants used words such as happy, sad, shy, afraid, angry, aggressive and nervous as moods that can be displayed through body language. All thirty-two participants answered that evaluating a person's body language and behaviour could be an indication to the interviewer whether they are being honest, or whether they are lying. Both the literature and the participants' responses highlight the value of nonverbal behaviour in determining a subject's true feelings and mood, and whether they are being truthful or deceitful.

The literature speaks extensively of the value that a subject's body language may add to the interview, which in turn will be an important aid to direct the investigation process further. It also indicates the importance of nonverbal indicators and reactions after the investigation process as well as during the judicial process, when the accused is tried in a court of law. Mention is made of the importance of testifying about the accused's verbal and nonverbal behaviour, especially when an accused bases his or her defence on insanity or mental illness. Some of the participants mentioned that they interviewed persons who appeared truthful and reliable during the interview and who, in turn, were used as witnesses in court. Some participants also mentioned interviewing

of suspects who were later convicted in court. None of the participants mentioned that they, as investigators, testified in court regarding their observations during the interview.

Further mentioned in literature, is the importance of understanding the behaviour pattern of the interviewee and ascertaining the baseline behaviour of an interviewee. There is reference of an interviewee's cultural background, level of education, population group as well as environment of the interview as factors that should be considered by the interviewer when evaluating and interviewee's behaviour. Participant C2 only, highlighted this.

The researcher can conclude that the participants are aware of what clues can be detected from body language and that a person's body language is an indication of his or her mood or true feelings. A person's body language can also indicate deceit. The participants have knowledge about these general aspects regarding nonverbal communication. Some of the participants were able to describe situations where they had to interpret a person's body language and they explained that they used the information during the investigation process. However, most of the participants did not possess knowledge of determining and recognising the behaviour pattern of subjects. They are able to read and understand the behaviour of persons that they interview, but they did not explain that one specific type of behaviour should not be interpreted in isolation of the patterns of behaviour of that specific person. The researcher is of the opinion that this could be due to the lack of training, as indicated by majority of the participants.

Thus far, it is apparent that one of the main aims of understanding and evaluating body language is to be able to determine whether a person who is being interviewed is being truthful or deceptive. Being able to detect deception appears to be a necessary skill that all interviewers should possess and apply. The preceding sections dealt with the different forms of nonverbal communication generally. The following discussion will deal with detecting deception specifically, and the different types of body language will be discussed, with specific reference to how the body language can indicate deception.

### 3.6 DETECTING DECEPTION

“Moodley began to tremble, Piet remembers. “ He was a nervous wreck. He shook all over as we put him in handcuffs and leg irons.” (Retief, 2011:231). In this practical example, Donovan Moodley was being arrested for the murder of Leigh Matthews. He knew that his involvement in the murder was now uncovered and he was unable to conceal his fear, stress and nervousness.

A person who is intending to deceive makes conscious changes and adaptations to his or her responses. This person will try to either fabricate or falsify a story, or will try to hide the truth. In doing so, they will modify their nonverbal responses in an attempt to convince the receiver that they are in fact being truthful. The deceiver will also constantly monitor the reaction of the person receiving this information to assess whether the receiver believes the story being told. If the deceiver feels that the receiver believes their story, they will continue with the story and the behaviour. However, if the deceiver feels that the receiver is suspicious as to the truthfulness of the story, the deceiver will change or modify their behaviour to be more convincing (Burgoon *et al.*, 1996:440).

Tredoux, Foster, Allan, Cohen and Wassenaar (2005:160-171) are of the opinion that the human body is a “truth register” as it can expose a person’s true intentions. They explain that lie-detection technology is based on the assumption that lies can be read from bodily signals. Lawyers are also interested in the ability to detect deception through a witness’ demeanour, manner of testifying and behaviour in the witness box. A common assumption is that changes in physiology cannot be controlled voluntarily during deception, for example an increased heart rate and nonverbal behaviours and responses such as facial expressions, and therefore will always be present when someone is being deceptive. Many people rely on the eyes to detect deceit but other nonverbal indicators are facial expressions, movements of the body, changes in breathing patterns, swallowing and inappropriate pauses during the conversation.

Vrij (2008:39) explains that when a person tells a lie, it causes a mental strain on that person because he or she must firstly fabricate a story, and then keep track of, and stick to the fabricated story in order to ensure that the receiver of the story believes the story. Liars must also be able to remember the lies that they have told because they may have to repeat these lies and therefore

have to ensure that the story is always consistent. The need to keep the lie consistent and the ability to repeat the story without any deviations is called the ‘cognitive effort approach’ and it places a strain on the deceiver, which results in nonverbal exhibitions of such strain. This author also explains that deceivers are aware that the recipient of their story may be observing their behaviour. This may cause them to put extra effort into trying to control the behavioural clues they might display, which could indicate that they are being deceitful.

Zulawski and Wicklander (2002:108-109) express the opinion that one of the reasons why interviewers are unable to detect deceit, is their inability to conduct an interview for a long period of time. People are easily able to conceal their deceit for a short period, but if they are questioned for an extended period, they may be unable to consistently stick to their untruthful story.

Another benefit of a long interview is that it allows the interviewer to observe the behaviour patterns of the interviewee. Their behaviour and body language will enable the interviewer to recognise when the subject is being deceitful (Zulawski & Wicklander, 2002:108-109). Holloway (2009) explains that in order to tell if someone is being untruthful one must look for “variances from what is normal” for the person being interviewed. Iantosca (2010) discusses the importance of identifying the subject’s “baseline behaviour”. This author explains that the interviewer should ensure that the subject being interviewed is comfortable and relaxed, and then observe his or her behaviour in this state. Any deviations thereafter from the baseline behaviour can indicate stress or anxiety and even deceit. Walters (2003:29) also explains that it is important for the interviewer during the information-gathering phase of an interview to determine the “baseline or constant” of the interviewee’s behaviour, as this will make it easier to detect deception based on changes or irregularities in the interviewee’s constant behaviour.

Gordon and Fleisher (2006:13-18) differentiate between the white lie which is less harmful, and deceit which is intentional, deliberate lying and which is harmful and “self-serving”. Deceit is immoral, unethical and often illegal. According to these authors, deceit can be detected because the deceitful person knows that it is wrong and may be afraid of being detected for fear of being punished. This causes the person to react in ways that are observable thus making it possible to tell that they are lying. According to Holloway (2009), when a person tells a lie, they feel stressed

and therefore an interviewer must look for signs of stress as an indication of deceit. These signs of stress will manifest itself in the person's "posture, movements, facial expressions and in speech" for example, stiff posture, tight lips and jaw and a high-pitched tone when talking (Holloway, 2009).

Walters (2003:13) explain the three types of stress behaviours that should be considered in the determination of deception. These are general stress, incriminating stress and discriminating stress. This author explains that general stress is the particular behaviour exhibited by a person when they are exposed to any type of stimuli. This type of stress is very common but also inconsistent, and therefore it should not be relied on as a sign of deception. Incriminating stress signals occur in both truthful and deceitful persons but they are exhibited more frequently by a deceitful person. Because these cues occur randomly throughout the subject's behaviour, it is difficult for the interviewer to assign importance to them. However, a person exhibits discriminating stress reactions when they respond to specific stimuli. These cues may occur in clusters and will therefore be more indicative of deception, since behaviour patterns that occur in clusters are more reliable. It is not enough for an interviewer to draw a conclusion about a subject's state of mind based only on a random or isolated response to a certain question or inference. The interviewer should probe further during the interview in order to understand the subject's responses and nonverbal reactions. According to Zulawski and Wicklander (2002:113), in determining whether an interviewee is being honest or deceitful, groups or clusters of behaviour must be taken into consideration.

In the opinion of Gordon and Fleisher (2006:21), the ability to tell if someone is honest or deceitful is a science that involves the application of physiology and psychology, and needs to be understood by an interviewer before they can detect deception. Ainsworth (2001:77) comments that many law enforcement officers and investigators believe that they are able to tell when a suspect is lying. That it is not necessarily true. The same opinion is shared by Zulawski and Wicklander (2002:108-109), who explain that a problem amongst interviewers is that many of them are unable to determine whether an interviewee is being truthful by observing their behaviour during the interview, but on the other hand, there are some interviewers that are accurately able to detect deception.

When asked whether they would be able to detect from someone's body language that they are being deceptive, all the participants from samples 'A', 'B' and 'C' responded that they believed they could detect deception most of the time. This response is in contradiction to the responses received from the participants when they were asked if they believed that they were able and equipped to interpret a person's body language accurately. When asked this question, ten participants (from samples 'A' and 'B') indicated that they did not believe that they could interpret a person's body language accurately and eleven participants (from samples 'A' and 'B') responded that they believed their interpretation was accurate only some of the time. The researcher can conclude that the participants in this research may have sometimes overestimated their knowledge and abilities regarding forensic interviewing and the interpretation and understanding of body language. Participant C1 provided that very often observations and interpretations of bodily signals correlate with the findings of the technology (equipment) that is used to detect deception.

The literature indicates that various factors can influence an interviewee's behaviour and nonverbal responses. It is important to note that physical and physiological indicators of stress should be attributed to deceit only when other causes have been excluded, and when the interviewer has established, without doubt, that these signs are as a result of deceit. It should also be noted that certain factors could make it easier for a deceiver to conceal his or her deceit. An interviewer, when detecting deceit, should consider certain factors that can either increase or decrease a subject's ability to conceal deceit. Some of the points discussed below are important for an interviewer to detect deceit.

### **3.6.1 Effect of location and setting of the interview in detecting deception**

Zulawski and Wicklander (1993:19 and 2002:109-110) explain that if the interview is conducted in an atmosphere familiar to the interviewee and where they feel comfortable, it may be easier for the interviewee to control his or her reactions and responses to questions, to hide his or her true emotions and thoughts, and to conceal his or her deceit. Interviewers are often forced to conduct interviews in the field or at a venue chosen by the interviewee, where there may be several external influences and distractions that are beyond the interviewer's control. These distractions can have a negative effect on the interview as it may give the interviewee an opportunity to

fabricate a lie. The interpretation of a subject's nonverbal behaviour is not reliable when there are distractions, as it will be difficult to conclude whether their behaviour is due to deceit or influenced by the surrounding distractions. However, the location of the interview can also be advantageous to the interviewer when, for example, the interview is conducted close to the scene of the crime being investigated. This could cause the subject to feel more stressed and fearful of being discovered, which in turn could cause them to err with their behaviour and body language during the interview, which will make their deceit more clear and obvious. Gordon and Fleisher (2006:30) also explain that it is not as simple to merely believe that a specific type of behaviour means a specific thing. This is only possible if the interview is conducted in an environment that the interviewer has complete control of, so that any behavioural reactions can be attributed to questions asked by the interviewer and the interviewee's attempt to deceive, and not to other external influences.

According to Bhanji and Melhem [s.a], it is important that an interviewer has the ability to detect deception by observing the body language of the person being interviewed, which will only be possible if the interviewer can actually see the interviewee's behaviour to be interpreted. If a table is separating the interviewer from the subject, it will be difficult to observe the subject's nonverbal behaviour since the table will obscure the interviewer's view. The table will actually assist the subject to hide his nonverbal reactions and responses to the questions. The same applies to other objects and unnecessary furniture in the interview room the interviewee can use to conceal their deceit.

Brougham (1992:18) states that when an investigator is interviewing a non-friendly subject (suspect), the interview should take place in a location unfamiliar to the suspect. A small dark room without distractions is preferable. The suspect should be seated on a chair that is lower than the interviewer's chair and must be visible to the interviewer to enable observation of their body language. However Zulawksi and Wicklander (1993:19) hold the opinion that if the interview room is dark and threatening, it could cause the suspect to become afraid and defensive and it may increase the possibility of denial.

### **3.6.2 Detecting deceit of an experienced liar**

Miner (1984:15) and Waltman and Golen (1993) are of the opinion that although someone who is experienced at telling lies may appear calm and cool in an interview, their deceit may still be apparent through leakage in their body language. These authors strongly believe that even the experienced liar can be caught out if the interviewer establishes a baseline of behaviour that is normal for that person, and then closely observes any changes and deviations in such behaviour. They advise that experienced liars are able to control their facial expressions and can maintain eye contact and for this reason the looking at the face alone is not always a definite way to detect deception. An interviewer should rely on gestures and body movements to detect leakage.

Zulawski and Wicklander (2002:111) believe that a subject that has experience in lying will experience less stress each time they tell a lie. An experienced liar is usually very inventive and can fabricate a story very easily. Therefore, they are able to lie more easily and convincingly and this may make it difficult for the interviewer to detect the deceit through their responses and body language. A disadvantage however, to the experienced liars, is that they become accustomed to lying that they often become serial liars, even when unnecessary. As a result, their constant lies often lead to contradiction in their story thus enabling the interviewer to entrap them.

Iantosca (2010) explains that there are four types of deceptive personalities and these are the bad liars, natural liars, practiced liars and psychopathic liars. This author explains that the bad liars are the easiest to catch out because they are not good at it and it is obvious when they lie in the way that they tell a lie, and their behaviour when lying. The other three types of liars, on the other hand, could pose a problem to an interviewer. Natural liars believe that they can get away with the lie. Practiced liars become so good at lying that they no longer experience stress or anxiety when lying. Therefore, an interviewer may find it difficult to pick up signs of deceit from their body language since they are so at ease with lying, that they do not exhibit any signs of stress and deceit. This could also be the problem with the psychopathic liar because such a person does not care whether the lie is exposed. For this reason, they may not experience stress when lying, and as a result will not exhibit nonverbal clues to indicate the deceit.

Holloway (2009) had a similar view as she explained that for “master manipulators and psychotics” lying is not stressful and for this reason, they will not exhibit signs that could indicate that they are lying, thus making it difficult for an interviewer to look for signs of deceit. Another author who shares this view is Vrij (2008:44), who explains that, when a person tells a lie, the more fear they feel the more nonverbal clues they will exhibit that will indicate that they are lying. This author points out that a very good liar who got away with telling lies in the past will experience less fear and anxiety, because they are confident when lying and for this reason they are able to fool the recipient with their lies.

The literature has indicated that a deceptive person will exhibit nonverbal clues during an interview and the interviewer can detect these clues. Nonverbal clues that can indicate deceit will be discussed next.

### **3.6.3 Body movements and posture in detecting deception**

Miner (1984:15), Waltman and Golen (1993) and Burgoon *et al.* (1996:448) explain that a person’s bodily movements are more reliable at detecting deception than their facial expressions, because a person can consciously control their facial expressions more effectively than they can control their body movements. More leakages occur through a person’s actual body language, and it is such leakages in body languages that can indicate a person’s true feelings and emotions as well as whether they are being honest or deceitful. Vrij (2008:43) however, expresses a different viewpoint to Miner (1984:15), Waltman and Golen (1993) and Burgoon *et al.* (1996:448), by explaining that facial expressions and voice pitch are difficult to control, especially when the deceitful person is experiencing strong emotions and stress, and this will expose his or her dishonesty.

An interesting observation made by Bhanji and Melhem [s.a] is that should an interviewer want to determine if the interviewee is telling a lie, they should observe the movement of their lower bodies, as a person exercises less control over their legs and feet because it is further away from the brain and therefore more difficult to control. This results in more shuffling, movement and adjustment of the legs and feet by a deceitful person. Brougham (1992:16) also points out that a

person who has a calm face without much emotion but who has fidgety arms, hands, legs and feet, is being dishonest.

Bhanji and Melhem [s.a.] and Holloway (2009) also observe that a person's palms and hands are a valuable method of determining whether they are being truthful. A truthful person usually will face his or her palms toward the person who is questioning them whereas a deceitful person will keep his or her palms and hands either hidden or may fold his or her arms. Deceptive persons also tend to use hand movements less and resort to shrugging (Brougham, 1992:16). This author is also of the opinion that honest people tend to use hand-to-chest gestures whereas dishonest persons or persons with self-doubt usually use hand-to-mouth gestures.

Holloway (2009) and Vrij (2008:42) explain that the body movements of a liar will be limited, stiff and rigid. Any form of movement will be "inward" towards their own body. This view was posited more than a decade ago by Brougham (1992:16) and Waltman and Golen (1993) who also explained that the movements of a deceitful person are usually closer to their bodies as opposed to a truthful person, whose movements are "open" and "outward". Holloway (2009) also points out that a deceitful person's posture adjusts so that they "take up less space". This is done by pulling up the shoulders and pulling the elbows into the sides.

According to Gilbert (2004:86-89), a deceitful person will appear tense when communicating. However sometimes a deceitful person will intentionally try to appear comfortable which may be noticeable. On the other hand, an honest person will have a relaxed posture and will not appear to be tense or nervous. A person who is lying may tend to lean away from the interviewer to distance himself or herself from the interviewer and the interview.

The researcher questioned all the participants on which clues can be picked up from a person's body language to detect deception. The question was an open-ended question and the researcher did not lead the participants during their responses. The responses of the participants were very wide and covered the different types of body language and how the interviewer can pick up clues indicating deception from each type of body language. It must also be noted that not every participant referred to every type of body language. The researcher will report on the responses of

the participants to this question under each of the different types of body language in the sections below. Each category of body language and its relevance to detecting deception will be discussed below with the viewpoints from the literature as well as from the responses of the participants to this question.

The responses of all thirty-two participants to the question of which clues can be picked up from a person's body language to detect deception that were relevant to body movements and posture are:

- Thirteen of the participants (six from sample 'A', six from sample 'B' and participant C1) mentioned that a person who fidgets and seems restless during an interview might be deceptive. They explained that a deceptive person will constantly move around in the chair and they will not sit still. One of the thirteen participants (from sample 'A') explained further that a suspect he interviewed for theft could not sit still. There was a jug of water and a glass on the table, and the suspect continuously poured some water and took a sip before answering questions when she had to "fabricate" the answers.
- One participant from sample 'A' referred to an interrogation of a suspect in a theft matter, where the suspect was defensive and sat with his arms folded in front of his chest throughout the interview.
- Participant C2 explained that a person who is under unusual stress would display a rigid posture. He also added that a person who is being deceptive will appear as if they are going to collapse and requires support, caused by the stress of the deceit or because the subject is trying very hard to appear calm and relaxed.
- The rest of the participants did not mention posture in their response to the question of what clues could be detected from a person's body language to detect deception. Because the responses to this question were long discussions and the researcher did not lead the participants, many of them may have forgotten to mention posture. However, the omission could also be due to limited knowledge.

The responses of these participants are in agreement to the literature about the body movements and posture of a deceitful person. Both refer to a deceptive person being restless, defensive and unable to sit still. They also mention that a deceiver's movements are closer and inward, whereas

the movements of an honest person are open and outward. Unfortunately only less than half of the participants in the research mentioned these important clues.

### **3.6.3.1 Eye movements in detecting deception**

According to Gilbert (2004:86-88), eye contact can indicate that a person is honest or it may expose their deceit. This author believes that an honest person will look you directly in the eye when communicating, whereas a dishonest person will find it difficult to maintain eye contact. On the other hand, according to this author, some people are experienced liars and are therefore able to maintain eye contact even when lying, however they will still be unable to conceal their discomfort when doing so. This author also explains that some people are naturally uncomfortable with eye contact and that failure to maintain eye contact is not always a sign of deceit. He believes that an interviewer should also take note of “what” the person looks at during the interview as well as their eye movement when asked a specific question. This indicates to the researcher that determining whether a person is being honest or deceptive based on their eyes and eye movements alone will not be reliable.

Zulawski and Wicklander (2002:143-147) explain that good eye contact is a sign that a person is being honest. They, however, warn that liars are aware that good eye contact indicates truthfulness and they will therefore consciously maintain eye contact during the interview so that they are perceived as being honest. Just as too little or no eye contact may indicate deceit, too much eye contact could also be abnormal and indicate that the interviewee is being dishonest. Holloway (2009) believes that it is actually easier for a liar to maintain unbroken eye contact because he or she does not need to “retrieve information” from his or her memory and there will therefore be little or no eye movements. Liars want to convince the interviewer that they are being truthful and will therefore consciously maintain eye contact.

Bhanji and Melhem [s.a.] and Brougham (1992:17) believe that deceitful persons tend to avoid eye contact and usually look at the floor. Rubbing of the eyes is also a common reaction of liars. Vrij (2008:60) however explains that there is a worldwide misconception that a liar will look away when they talk to a person. This author is of the opinion that a person’s gaze is not an indicator of deceit. He explains that the eyes are extremely important in communication and

conveying messages, and therefore people are able to control their eye movements and gaze. Therefore, the eyes are not a reliable indicator of deceit. Vrij (2008:60) further explains that there are several other factors that can affect and influence a person's gaze and eye contact, which include whether they like a person or not, whether the person they are speaking to is of a high or low stature, and whether they are seated close to or far away from the person that they are talking to. Certain emotions, such as embarrassment or shyness, can also cause a person to look away from someone. It is therefore not accurate to conclude that because someone is failing to maintain eye contact, they are being dishonest.

The interviewer should be able to judge the sincerity of the interviewee by examining the interviewee's eyes. An honest person will have warm sincere eyes whereas a deceitful person's eyes will be "cold and hostile". The dishonest person's eyes will reveal fear and stress even though they may try to conceal it (Zulawski & Wicklander, 2002:143-147).

Neurolinguistic eye movements are also important in detecting deception. This is when a person's eye movements are an indication whether something is being fabricated or whether the interviewee is recalling something that actually happened (Zulawski & Wicklander, 2002:219-222). Holloway (2009) explains that a right-handed person will usually look up and to the right when they are visually recalling something, but he or she will usually look up and to the left when "creating or imaging". Although looking up and to the left does not always mean that the person is fabricating or making something up, it is nevertheless a good indicator. This author together with Layton [s.a] mentions that a baseline of a person's behaviour should be determined before trying to interpret what their nonverbal responses and reactions may mean. This author also provides that if a person is remembering something, their eyes will move to the right but if they are thinking something up or fabricating something, their eyes will move to the left.

Brougham (1992:17) points out that under normal circumstances a person will blink once every few seconds, but if a person experiences stress (usually when they are lying) they tend to blink more often like two blinks per second. This author further explains that if a person is experiencing internal stress, their eyes will open wider than usual.

The researcher questioned all the participants to the clues that can be picked up from a person's body language to detect deceit. The responses of the participants that were relevant to eyes and eye movements included: All thirty-two participants from sample 'A', 'B' and 'C', were of the opinion that failing to maintain eye contact is a way to tell if someone is being deceitful. Nine of these participants (three from sample 'A', four from sample 'B' and both from sample 'C') furthermore mentioned, however, that many people know that they have to maintain eye contact to appear truthful and for this reason they will intentionally look the interviewer in the eye. However, this type of eye contact will be unnatural because it is "forced". Two participants from sample 'A' additionally explained that if a person looks up and to the right they are probably recalling something, but if a person looks up and to the left then they are probably "creating" or fabricating something. Participant C2 also pointed out that the pupils of an aggressive person will become smaller. A person may become aggressive when they do not approve of the interviewer's line of questioning or even if they feel that the interviewer is not "buying" their deception.

The literature speaks vastly about the eyes revealing a lot of information about a person's state of mind, personality and deception. All the participants also mention that the eyes can reveal a person's emotions, and whether they are being deceptive. Nine of the participants were able to explain that the eyes are not the only sign of deception because people know that if they look away it could indicate that they are lying. Therefore, deceptive people will tend to force eye contact, which can be noticed by the interviewer. This viewpoint of a few of the participants is in agreement with the literature. None of the participants mentioned that an interviewee's background, culture, knowledge and personality should be considered before a conclusion can be drawn that the lack of eye contact can be attributed to deceit. Since two of the participants mentioned neurolinguistic eye movements, it is apparent to the researcher that some form of information and knowledge regarding forensic interviewing, behaviour and detecting deception has been passed on to the participants at some stage during their time as investigators.

### **3.6.3.2 Verbal behaviour in detecting deception**

According to Zulawski and Wicklander (2002:149), merely evaluating the spoken words of the interviewee cannot help the interviewer in detecting deception. The interviewer must examine the "verbal behaviour" of the interviewee by observing and listening to the interviewee's tone of

voice, speed of speech, how loud the interviewee may be talking and also their choice of words. These authors explain that the interviewer must know what the normal speech patterns and behaviour of the interviewee are. For example, the interviewee may generally speak very fast, therefore this will not necessarily indicate that they are stressed or being deceitful. This is also the opinion of Brougham (1992:17) who further adds that deceptive persons will tend to stutter and will not be as fluent as normal. He explains that when a person lies, their replies to questions asked by the interviewer will be longer, will contain more “fillers” and will also contain more broken phrases. Liars also tend to repeat phrases in their replies.

Bhanji and Melhem [s.a] are of the opinion that although what a person says classifies as verbal communication, the manner in which they say it can actually be classified as nonverbal communication, since a person’s speech patterns and tone of voice can reveal their true feelings that may not always match the actual words being spoken. Deceivers also often speak in one tone with very little expression for fear that their voice will reveal that they are lying. Vrij (2008:43) explains that because liars are aware that hesitations, pauses and errors whilst talking could indicate to the interviewer that they are being deceitful, they may deliberately and consciously speak extremely fluently and smoothly. However, when a subject’s speech is too fluent and smooth, it can indicate that they are being deceitful and that this speech-pattern is being faked because in normal conversation, a person should make pauses and mistakes.

Bhanji and Melhem[s.a.], Walters (2003:35)and Holloway (2009) share the opinion that vital information can be revealed by taking note of certain clues that are exhibited verbally by a subject. These clues range from the choice of words used when answering questions, the length of the answers as well as the interviewee’s tone, pitch and speed at which they speak. A liar will usually speak with a higher tone and pitch. They may pause before answering a question, may speak monotonously and without emphasis and may also speak softly with incorrect grammar and syntax. Walters (2003:35) explains further that it is easier for a person to control their verbal responses than it is to control their body language. He explains that although verbal clues occur less frequently than nonverbal clues, they are easier to identify than nonverbal clues and are also more helpful. According to this author, the voice quality of the interviewee (tone, pitch, volume, speed and clarity) is extremely important during interviewing, as it can reveal the emotions of the

interviewee and whether they are feeling stressed or nervous when talking about something or answering a specific question. An interviewer should determine a behaviour constant of the subject, at the start of the interview and also during the course of the interview, when assessing body language, as well as a constant or baseline when assessing verbal responses (Layton [s.a], Zulawski and Wicklander (2002:107) and Walters (2003:10) explain that the baseline behaviour is determined by asking casual questions that allow the interviewee to access different parts of his brain. Layton explains that during the initial conversation the interviewer attempts to win the trust of the interviewee by using a casual tone and asking casual questions). Burgoon *et al.* (1996:448) are also of the opinion that a person's vocal quality can reveal more about their true feelings and emotions than other forms of body language, as it is more difficult for a person to control their voice, and therefore, more leakages can occur vocally. This will enable the interviewer to determine whether the interviewee is being deceitful or is trying to conceal important information.

Vrij (2008:110) explains that a person's speech and speech content are extremely important in detecting whether they are being dishonest, yet it is not focused on in manuals on detecting deception. This author explains that in the past, not much importance was placed on verbal clues in detecting deception, because it was believed that a person can easily control his or her speech and will therefore not give any signs of deceit through his or her speech and speech patterns. According to this author, this is not true because although a person may know what message they are trying to convey, they may not be able to control the exact words that are uttered. This will result in minor changes in their speech, which could indicate deceit.

Deceitful persons tend to cover their mouths while talking and telling lies (Holloway, 2009). Bhanji and Melhem [s.a.] and Waltman and Golen (1993) concur with Holloway (2009) on this point as they explain the covering of the mouth is done by the deceiver as if trying to hide the words or prevent them from escaping.

The researcher asked all the participants what clues could be picked up from a person's body language to detect deception. The responses relevant to verbal behaviour included: Twenty-seven of the participants from samples 'A' and 'B' (thirteen from sample 'A' and fourteen from sample

'B') did not mention anything about the verbal behaviour of a person as a sign of deception. Two participants (one from 'A' and one from sample 'B') replied that usually people who are telling lies tend to cover their mouths when they speak. The participant from sample 'B' also stated that a deceitful person will stutter and will struggle to vocalise his or her responses clearly and audibly. They also "mumble" and speak softer than usual. Participants C1 and C2 discussed the intonation of a person's voice. The pitch and tone of a person's voice can reveal their feelings. A deceptive person's voice may reach a higher pitch when they are deceiving, or their voice could get softer (as if ashamed of the deception).

Although only about ten per cent of the participants mentioned verbal behaviour in detecting deception, the responses of these three participants are in line with the literature in respect of speech errors, expression, tone and volume as well as the tendency of a deceitful person to cover his or her mouth when talking. There are contrasting views in the literature regarding whether a deceptive person will intentionally speak fluently and smoothly or whether he or she will stutter and mumble. However, the literature constantly refers to understanding the personality and determining the normal behaviour of the interviewee before assessing his or her nonverbal responses. The literature mentioned that manuals on detecting deception do not discuss verbal clues, since the belief that verbal behaviour is easy to control and fake. This could also be the impression of investigators, therefore not much emphasis is placed on verbal behaviour during the forensic interview. Some of the literature does emphasise the importance of the clues given by verbal behaviour of an interviewee, and it is the researcher's opinion that understanding and being able to interpret verbal behaviour is a necessary step in detecting deception. During an interview, it is important to focus on both what the interviewee says, and how they say it.

### **3.6.3.3 Physiological indicators in detecting deception**

Gordon and Fleisher (2006:30) state that the fear of detection will cause the deceitful person to exhibit various observable physiological changes. Zulawski and Wicklander (2002:120) and Brougham (1992:17) claim that when a person feels threatened, afraid or stressed, his body reacts to the emotions that can be noticed through certain physiological changes. These changes cannot be controlled and an interviewer will be able to detect the changes. Physiological indicators are bodily changes such as an increased heart rate, changes in breathing, perspiration, flushing of the

skin, dry mouth and tongue, excessive swallowing, licking of the lips and thickened speech. Physiological changes in the body are helpful as indication to the interviewer that the interviewee may be deceptive and that they are afraid of being caught out. Hoffman (2005) also refers to skin tone, perspiration and breathing as physiological indicators of stress. He explains that sometimes the interviewee may even break out in “red splotches like hives or rashes” on their arms, face and neck. This author also gives a valuable tip by stating that a person’s heart rate can be observed by looking at the carotid pulse on his or her neck.

An example of a physiological indicator that may imply deception is when the person breathes very quick and short, and takes a very deep breath every now and again in between the short breaths. A liar also often experiences stress, which results in a dry mouth and frequent clearing of the throat (Bhanji & Melhem, [s.a]). These authors also explain that very slight and subtle clues that can also indicate stress and deception are dilation and contraction of the pupils, muscular twitching, “flushed cheeks” and perspiring. Gordon and Fleisher (2006:21) explain that the body’s autonomic nervous system causes the physiological changes that can be observed when someone feels threatened or afraid. These changes happen involuntarily and the observable changes occur such as the rate at which a person’s heart beats, breathing patterns, contractions of muscles and the operation of certain glands, which may cause changes such as a dry mouth or excessive perspiration.

Other physiological clues, as explained by Holloway (2009), are:

- the interviewee’s hands and face will become pale because not enough blood is travelling to these parts,
- the interviewee’s breathing will become deeper and even louder and
- the interviewee’s heart rate will increase.

The researcher asked all the participants from samples ‘A’, ‘B’ and ‘C’ what clues can be picked up from a person’s body language to detect deception. The participants responses that were relevant to the interviewee’s physiology included: Four participants from sample ‘A’ and three participants from sample ‘B’ answered that a deceitful person will perspire a lot and will appear uncomfortable and nervous. According to participant C2, a person who is being deceptive may

experience stress that will cause his or her heartbeat to increase. This increase in the heart rate is noticeable when looking at the arteries in the person's neck. The person may also experience an increase in breathing rate due to stress and nervousness. The other twenty-four participants did not mention any physiological indicators as clues that someone may be being deceitful.

The literature is very clear that physiological clues are important during the interviewing process as they can reveal that the interviewee is experiencing stress, nervousness and tension. Less than twenty-five per cent of the participants in the research were able to mention the importance of physiological signs in detecting deceit.

It has been determined from the research so far that body language can convey important and vital information. However, the reliability and accuracy of the interpretation of body language becomes questionable in situations where interviewers are dealing with subjects who may be faking their nonverbal reactions and behaviour during an interview. The faking of body language will be discussed next.

#### **3.6.4 Faking body language during an interview**

It is not always possible to interpret a person's body language correctly all the time (Bhanji & Melhem, [s.a]). Sometimes the clues displayed by a person's body language can be misleading, especially when interviewing "professionals such as salespeople, politicians and lawyers" who have vast experience and are able to change or hide their nonverbal responses, thereby making them harder to study.

Zulawski and Wicklander (2002:108) hold the opinion that generally a person who is lying is unable to successfully behave in a manner that makes them appear to be truthful. Although this person may try to fake that they are being truthful, at some stage, they will drop their facade and reveal their deceit through their body language. It is difficult to fake behaviour, as a person will subconsciously reveal their actual thoughts and feelings even though they may consciously try to conceal it. These authors explain that the only time that an interviewee will be able to fake their body language and cover up deceit is when the interviewer is not observant or when the interviewee's body and behaviour cannot be seen.

According to Vrij (2008:41), a person is not usually aware of his or her “normal” behaviour that is exhibited in ordinary situations because they do not see their own behaviour, unless they look in the mirror or videotape themselves. Therefore, it is difficult for a person to control their behaviour at all times. A person will therefore be unaware of his or her body language, especially the subtle clues and changes that can occur in their body language. These are the subtle clues that can indicate to an observant interviewer that the subject is lying. This author explains that another reason why behaviour is usually difficult to control is because people mostly communicate through words, and therefore they will concentrate more on the words that they are saying and less on their body language and behaviour.

Waltman and Golen (1993) explain that different types of nonverbal clues escape from a deceitful person, even if such person is trying to control their nonverbal behaviour in order to appear truthful. These clues are called “leakages” and will manifest themselves even if the deceiver is an experienced liar, trying to control them. Wainwright (1993:45) explains leakage by using the example of a person being unable to control their foot movements when they are trying to hide their true feelings, or are trying to conceal information or are being deceitful. This author explains that the uncontrolled foot movements of the subject is what is termed “leakage” as the subject is attempting to hide something, but is not succeeding, as his or her body language is revealing their true intentions. Zulawski and Wicklander (2002:107) also state that leakage is what happens when a person verbally communicates something but their true feeling are revealed through body language which they cannot control.

Pease (1981:21) holds the opinion that it is almost impossible for someone to fake their body language because body language occurs subconsciously and our bodies react irrespective of what we say verbally. Holloway (2009) speaks of ‘incongruence’ that occurs when a person’s spoken word does not match their body language or facial expression. An example thereof is when a person nods their head but says the word ‘no’. Another sign of deceit is the person’s delayed nonverbal expression of something that is said; the person says something but their action and body language to match what was said only takes place after a time delay. Bhanji and Melhem [s.a] concur with Holloway on the point of congruence. These authors indicate that if there is no congruence (correspondence) between the verbal and nonverbal responses of a person, it is likely that the person is telling a lie.

According to Bhanji and Melhem, [s.a]) and Holloway (2009), fake smiles are also often used by deceptive persons to reduce suspicion. A fake smile can easily be differentiated from a genuine smile as a genuine smile causes the entire face and facial muscles to react whereas a fake smile only affects the lower part of the face and is limited to the person's mouth. No emotion reflects in the eyes.

All the participants from samples 'A', 'B' and 'C' in this research were asked if they thought that it is possible to fake body language. Twenty-five of the participants (ten from sample 'A', thirteen from sample 'B' and both participants from sample 'C') replied that it was very possible to fake body language because they are aware that some people are good at lying, or are very experienced liars. Participant C2 mentioned further that some nonverbal behaviour can be learned and exercised, like actors that have to mimic the body language of the character to fit the role that they are playing. However, no matter how much a subject practices and prepares, they will still exhibit unconscious signs and behaviour that cannot be controlled. The other seven participants said they did not believe that it is possible to fake body language. They believed it is easy to tell a lie, but not so easy to hide the fact that they are being deceptive.

The researcher also posed the question to the thirty-two participants whether they had ever been in a situation where someone had faked their body language to them. The participants were also asked if they would be able to tell if someone is faking their body language. Twenty-four of the participants (thirteen from sample 'A' and eleven from sample 'B') replied that no one had ever tried to fake their body language to them and even if someone did try, they would be able to pick up that they are faking their nonverbal responses. Eight of the participants, two from sample 'A', four from sample 'B' and both participants from sample 'C', replied that they had indeed been in situations where the interviewees tried to fake their body language and that they knew that the interviewees were putting up a front. Two of these eight participants (from sample 'B') further pointed out that they have encountered interviewees who had become "experts" in faking their body language. This was because they had been interviewed on so many occasions and knew exactly what aspects of their body language to control to convince the investigator that they were being sincere. These two participants also mentioned that no matter how hard a person tries to control their body language, they would still "slip up" and give certain clues away about their

true feelings and thoughts. All eight of these participants also mentioned that there are certain bodily functions that are beyond our control, such as perspiring and an increased heartbeat. They pointed out that an observant investigator will be able to detect these signs and will know that the interviewee is feeling stressed or anxious even if he or she tries to hide it outwardly. Participants C1 and C2 also explained that observing unconscious behaviour as well as clusters of behaviour makes it possible for them to detect that the person was faking his or her body language. Participant C2 explained that patterns and groups of responses and behaviour are called clusters, and these can indicate to the interviewer whether the subject is lying or being honest.

The responses of the participants as well as the information contained in the literature are largely in agreement with each other. Both the participants and the literature mention that body language can be faked, but an observant person will detect even the slightest nonverbal signs. Every person who fakes body language is bound to drop their guard at some stage and exhibit behaviour that will indicate to an observant interviewer that they are not being genuine. Certain thoughts and feelings occur subconsciously and are often beyond a person's control. It is these thoughts and feelings that a person will find difficult to conceal.

### **3.7 SUMMARY**

Humans communicate through verbal and nonverbal means and messages. Although words are extremely important to express ourselves, our body language can enhance our verbal communication and add meaning, depth, completeness and emphasis to what we say. A person's body language will display their exact thoughts and feelings, even if they are trying to hide it or deceive the receiver of the message. During communication, a person's body language should match and complement what he or she says. Doubt is created to the truthfulness of what has been said when body language does not match the words that are spoken. Body language adds depth and completeness to the spoken word. It was found that if a person's spoken words differ from his or her body language then we tend to believe the body language rather than the words.

Nonverbal communication consists of several elements such as gestures, facial expression, posture, eye movements and eye contact, and head and body movements. They also include verbal behaviour such as the pitch, tempo and tone of a person's voice as well as the type of words that are used.

Most forms of nonverbal communication happen involuntarily and are therefore difficult to control. Even if an interviewee tries to control their body language, they will still display certain nonverbal clues and signals because “leakages” will occur in their body language. Leakages occur unconsciously and involuntarily and can give a true reflection of what the subject is really feeling and thinking, no matter how hard he or she tries to hide it. There is no universal meaning for any specific type of body language. Each nonverbal response must be assessed based on the specific person being interviewed; his or her personality, cultural background and possible involvement in the crime being investigated.

During a forensic interview, it is important for the interviewer to observe the interviewee’s verbal and nonverbal behaviour right from the outset when the basic questions are asked. This will enable the interviewer to ascertain the baseline behaviour of the interviewee. In turn, this will assist the interviewer to observe any changes in the behaviour patterns of the interviewee when the important questions are asked, and thus enable the interviewer to attribute these changes to various factors such as fear, arrogance and most importantly, deceit.

Behaviour pattern recognition is based on the premise that the human body is a truth register and being able to interpret and understand body language is necessary when an interviewer is trying to gauge the truthfulness of an interviewee’s responses. All behaviour during an interview is significant and it is important for the interviewer to be able to observe, analyse and interpret all forms of nonverbal and verbal behaviour exhibited by the interviewee.

When evaluating a subject’s nonverbal behaviour, the interviewer must ensure that the behaviour exhibited can be attributed to what the subject is feeling and recalling in relation to the incident under investigation. No factors, which are unrelated to the incident (such as the setting of the interview, mental capacity of the interviewee, skills and training and cultural factors), should influence the behaviour of the person being interviewed. No single behaviour must be considered and evaluated in isolation. An interviewer should observe clusters of behaviour exhibited by the interviewee and should interpret this behaviour in the context of the incident under investigation, the interviewee’s possible involvement in the incident as well as his or her personality.

Observing the body language of a subject can assist investigators in detecting deceit and is an extremely important skill to possess, especially during interviews for investigation purposes. People who lie tend to experience emotions such as stress, fear, nervousness, internal conflict and guilt. These emotions are usually difficult to conceal and they cause the interviewee to display physical clues in his or her body language.

There are people who are able to control their body language, as well as deceitful people who do not experience stress when deceiving. These people are able to exhibit nonverbal clues and responses that will mislead the interviewer. Although experienced liars may know how to hide and fake their body language, they will still, at some point during the interview, drop their guard and reveal their true feelings and emotions. Thoughts and emotions are exhibited subconsciously and therefore, are not possible to control and fake all the time.

# CHAPTER 4

## FINDINGS AND RECOMMENDATIONS

### 4.1 INTRODUCTION

The researcher decided to conduct this research because of the awareness of the importance of successful interviewing in the investigation process. A forensic interview can be summarised as a communication process aimed at exchanging information and gathering information and facts relating to the crime under investigation. The investigator of a crime communicates with various persons involved in the crime such as witnesses, complainants and victims as well as questioning suspects. To ensure that all the available information is obtained during an interview, the interviewer must apply various scientific techniques to the interviewing process. One of these important techniques is the observation, analysis and interpretation of the interviewee's nonverbal behaviour. The researcher wanted to determine what research was done on this topic and whether investigators are knowledgeable about the importance of body language during the interview process.

The aim of this research was to determine the importance of body language (behaviour pattern recognition) during forensic interviewing.

In order to achieve the aim of this research, two research questions were asked. These questions were:

1. What is forensic interviewing?
2. How can body language (behaviour pattern recognition) be utilised during forensic interviewing to obtain information?

The researcher made use of a target population that consisted of all the investigators from the South African Police general detective services in East London and all investigators from the Special Investigating Unit in East London. Although all the members of the target population are

investigators who conduct investigations and interviews, the researcher does not consider it to be representative of the entire population of investigators in the country, because the target population was the researcher's own choice based on convenience and cost-effectiveness. The target population was not selected scientifically. The researcher also interviewed two individuals who can be regarded as experts in the field of investigation, behaviour pattern recognition and veracity.

The focus of this chapter is what was discovered during this research. The findings relate to the research problem, the research aims and the research questions. Recommendations will be made based on these findings.

## **4.2 FINDINGS**

The findings below were derived from information that was obtained from literature, both national and international, as well as from responses received from the interviews conducted on the samples that were chosen.

### **4.2.1 Primary findings**

The primary findings answer the main research questions of this study.

#### **4.2.1.1 Research Question 1: What is forensic interviewing?**

The aim of the research was to determine what a forensic interview is, the purpose of conducting a forensic interview, the interviewing techniques that are relevant to body language, what an interrogation is as well as the difference between interviewing and interrogation. It also sought to determine the qualities that an interviewer should possess and the legal and ethical aspects that should be considered during interviewing. The following was found:

- A forensic interview is a face-to-face conversation with persons who have knowledge about a crime, where scientific techniques are applied and is aimed at ascertaining the facts and truth about a crime under investigation. An interview is an objective search for the truth regarding the crime under investigation and is an important tool for gathering reliable information. The majority of the participants referred to a forensic interview as

the questioning of persons to gather information, which is in agreement with some of the literature. Most of the literature consulted, however, defined an interview as a conversation aimed at gathering information.

- The responses of the participants as well as the literature indicated that the main purpose of a forensic interview is to gather accurate information and facts that can reveal the truth about what happened in a crime situation, and that can assist in identifying the perpetrator of the crime. During an interview, witnesses, complainants and even the suspects can furnish essential information regarding the crime under investigation, and this information may substantiate and support other physical evidence that may have been gathered during the investigation.
- Different techniques can be applied during an interview, which are aimed at optimising memory retrieval of the interviewee, provoking behaviour and detecting deception. There are various types of interviewing techniques. The type of technique to be applied will depend on the nature of the crime being investigated, the involvement in the crime of the person being interviewed and the interviewee's background, mental ability and skills and personality. During a behavioural interview, behaviour-provoking questions are asked of the interviewee, the aim of which is to determine the veracity of the interviewee. A third of the participants had never heard of a behavioural interview and could not explain the term. A kinesic interview is one where the interviewer searches for nonverbal clues. Kinesics is the study of body movements. These body movements can expose what a person is feeling and thinking even if he or she tries to hide it. Two thirds of the participants could not explain what a kinesic interview was, as they had never heard of the technique. This finding highlights the limited knowledge of the participants in the field of forensic interviewing.
- An interrogation is the controlled and formal questioning of a person under investigation who is suspected of perpetrating the crime. The aim of an interrogation is ultimately to get the suspect to explain his or her involvement in the crime.
- Interrogations differ from interviews. Interrogations are accusatory in nature and suspects are usually interrogated, whereas interviews are non-accusatory in nature and are conducted with subjects who can provide information about the incident. Interviewing and interrogation both have the same purpose, which is to gather all the facts and to find out

the truth about what happened. The interviewee and his or her involvement in the crime will indicate whether an investigator should conduct an interview or an interrogation.

- A successful interviewer be professional, patient, respectful and must have empathy. A successful interviewer will also be intelligent and knowledgeable and will uphold the rights of the interviewee. Apart from the qualities, the literature and some participants also mentioned important skills that a successful interviewer should possess. It was mentioned that a successful interviewer should have good communication and observation skills. The literature as well as the participants in this research agreed on the qualities of a successful interviewer. The participants in this research were all of the opinion that they possessed the important qualities of an interviewer and that they had no shortcomings. However as this study progressed it became clear that one very important quality, that is that a good interviewer will be knowledgeable, was lacking among most of the participants.
- An interviewee or person interrogated during an investigation has certain fundamental rights. The investigator should guard against violating such rights during the questioning. These include the right to silence as well as the right to human dignity, equality, freedom and privacy. Legislation in South Africa that provides guidelines on how interviews should be conducted is the Constitution of the Republic of South Africa and The Criminal Procedure Act. Judges Rules, although they do not have the force of law, provide guidelines on the questioning of suspects in a manner that will ensure that the evidence received during such questioning will be admissible in court. All the participants in this study were able to discuss South African legislation that is relevant to interviewing.

#### **4.2.1.2 Research Question 2: How can body language (behaviour pattern recognition) be utilised during forensic interviewing to obtain information?**

In answering this research question, the researcher sought to determine what body language, and the various types thereof, are. The application of body language in forensic interviewing and the evaluation of body language (behaviour pattern recognition) were explored. Factors related to body language that could aid an interviewer in detecting deceit were also researched. The following was found:

- According to the literature and the participants in this research, body language refers to communication and conveying a message by means of more than just words. Although words uttered by a person convey factual messages, body language conveys messages regarding a person's true feelings and thoughts. Body language gives a deeper meaning to the spoken word, because it enhances and strengthens the communication.
- Both the literature as well as the participants indicated that the different forms of body language are facial expressions, gestures, posture, eye contact, body contact and body movement.
- Body language does not occur by chance and it is therefore very important for an interviewer to observe and understand body language. A person's body language is a true reflection of his or her intentions, of how he or she feels and of what he or she thinks and can reveal important information on the mood or mental state of the interviewee. This information can be very important during the investigation and interviewing process. An interviewee's body language during a forensic interview could be an indication to the interviewer whether the interviewee is being honest or deceitful. The view of all the participants in this study was that understanding body language is important during forensic interviewing.
- All behaviour, whether verbal or nonverbal carries some meaning. Determining what this meaning is can add significant value to the forensic interview and ultimately the investigation. This was expressed in both the literature and the participants in this research. Before being able to evaluate a person's behaviour the interviewer needs to establish his or her behaviour patterns. This is called the baseline of behaviour, and is important, because it indicates the interviewee's normal behaviour patterns and will assist the interviewer to pick up when the interviewee's behaviour changes when a specific question is asked. The literature indicated that baseline behaviour is determined by asking casual questions which trigger different parts of the interviewee's brain. The best time to do this would be at the start of an interview when the general and introductory discussions are had and the general questions are asked. However, a subject's baseline behaviour will also be gauged during and throughout the course of the interview. None of the participants in this research mentioned baseline behaviour in their responses during the interviews.

- An interviewer who has the skills and knowledge of body language will be able to detect deceit during an interview. Interviews should be conducted in locations where there is little or no distraction and where the subject's body language can be observed. A deceiver will consciously modify his or her body language to convince the interviewer that they are being truthful. Dishonest subjects experience stress, nervousness, fear, anxiety and guilt that can present nonverbally during questioning and, although they may try to conceal their deceit, leakages may still occur in their body language. Leakage is, when a subject involuntarily exhibits certain nonverbal signs. These signs may be very slight so it is important for the interviewer to be observant and alert during the interview. None of the participants mentioned the term "leakage". Experienced liars do not experience stress and anxiety when lying and this may make it difficult for the interviewer to detect signs of deceit. The literature and the participants explained that although it is possible for a person to fake their body language, an observant interviewer will notice even the slightest clues that a subject exhibits subconsciously that could indicate that the subject is faking their body language and that can tell the receiver that they are being disingenuous or untruthful. Popular signs of deception that can be exhibited by body language are lack of eye contact or too much of eye contact, defensive posture, stiff and rigid body movements, unusual voice pitch and verbal behaviour as well as physiological indicators such as high pulse rate, perspiration and dry mouth (all associated with nervousness and increased stress levels). When a person's body language does not complement their body language, we tend to believe the body language rather than the words, because whilst they may be able to control their words, it is not always that easy to control their body language, since most nonverbal communication is involuntary, spontaneous and occurs subconsciously.

#### **4.2.2 Secondary findings**

The secondary findings do not directly answer the main research questions, but are based on important aspects and are derived from discussions in each chapter.

#### **4.2.2.1 Frequency of interviewing during the investigation process**

Interviews are conducted daily by investigators and during all stages of the investigation, from the start of the investigation (when the incident is reported) through to the final stages where a suspect is identified and the matter is referred for prosecution. The participants as well as the literature shared the same views regarding the frequency of interviews and the interviewees.

#### **4.2.2.2 Body language is unique**

A view held by the literature and the majority of the participants was that each person is different and will therefore not exhibit the same nonverbal reactions in the same situations and when asked the same questions. The literature emphasises the importance of observing the behaviour pattern of the subject being interviewed. This is done by observing all behaviour exhibited by the interviewee from the moment that the interview begins, before the important questions are asked. This will enable the interviewer to gain an understanding of behaviour that is constant to the interviewee (based on the interviewee's personality and state of mind). The interviewer will thus be able to ascertain the baseline behaviour and behaviour patterns of the interviewee. Thereafter any changes in the interviewee's behaviour patterns can more accurately be attributed to stress and anxiety, which may be caused by deceit.

#### **4.2.2.3 Factors that can influence a person's body language**

Before a subject's body language can be evaluated, the interviewer must be sure that the nonverbal signs exhibited can be attributed to the interview, the questions asked and the way the interviewee feels about the incident being investigated, and not to other unrelated factors. Both the literature and one participant emphasises the importance of considering other factors that could influence a subject's body language before attributing certain signs to deceit. These factors are the level of education of the subject, stature, personality and the cultural background of a subject. For example, while some cultures regard eye contact during a conversation as important other cultures regard it as disrespectful. An interviewer must have an understanding of the type of body language that is common and acceptable by the general population to which the interviewee belongs before placing specific relevance to any type of behaviour exhibited by the interviewee.

#### **4.2.2.4 Disregard of body language by interviewers**

The responses by the participants to the questions posed to them for this study indicate that they, most of the time, understand the importance of observing a subject's behaviour during an interview. They explained that body language is especially important in detecting whether the interviewee is being honest or deceitful. All the participants in this research also indicated that they believed that they could detect deceit most of the time. However, when the participants were asked to describe a situation where they had to read a person's body language, only less than a third of the participants could relate such a situation which was an indication that their responses that they believed that they could detect deceit was inflated. It was found in this research, that observing body language is important for all investigators and for every interview that is conducted. All the participants indicated that they conduct interviews every day in the execution of their duties. Therefore, since the majority of the participants in this research could not refer to any such situation is an indication that although they understand the importance of behaviour and body language during an interview, they often disregard, and do not apply this technique when conducting interviews.

#### **4.2.2.5 Training**

Only one third of the participants who were interviewed for this research indicated that they had received some form of training on body language. However, all the participants were of the opinion that they should receive more comprehensive training on all aspects of body language and its importance during forensic interviewing. Despite the shortcomings in training as indicated by the participants, a large number believe that they can accurately interpret body language, however at least a third of the participants felt that they are not able or equipped to interpret body language accurately. The majority of the participants were also unable to name the important indicators in body language that show deception.

### **4.3 RECOMMENDATIONS**

The following recommendations are made to improve the understanding and application of body language in forensic interviewing:

#### **4.3.1 Research question 1 finding: Forensic interviewing**

- It is recommended that investigators receive training on forensic interviewing and the various techniques that can be used in different situations. This training should be conducted at commencement of their careers, and on a continuous basis throughout their careers. Techniques such as kinesic and behavioural interviewing should form an integral part of all training curricula and manuals for investigators.
- It is further recommended that law enforcement agencies invite experts in the field of forensic interviewing to train investigators. These experts can be used to lecture as well as provide and coordinate practical training and role-playing for forensic interviewing. Role-playing is important as it will indicate their weaknesses and problem areas to investigators, and thus assist them in improving their forensic interviewing skills.

#### **4.3.2 Research question 2 finding: Application of body language in forensic interviewing**

- It is recommended that law enforcement agencies develop and implement detailed training curricula dealing with body language and its application during forensic interviewing, specifically:
  - reading and understanding body language,
  - determining baseline behaviour and reasons why it would change during an interview,
  - factors that can affect and influence body language,
  - nonverbal clues to detecting deception.
- It is further recommended that investigators should receive comprehensive theoretical and practical training on the importance and application of body language in forensic interviewing on a continuous basis throughout their careers. Employers should introduce refresher courses to ensure that investigators are current and up-to-date on developments in this discipline.
- It is also recommended that experts in the interpretation of body language and the detection of deception be invited to assist with theoretical and practical training on the application, understanding and interpretation of body language during forensic interviewing. Experts who can relate real life experiences on the importance and

successes of applying body language during forensic interviewing can be very valuable, as it will serve as a motivation to investigators.

#### **4.3.2 Secondary findings: factors that influence body language, value of body language in everyday execution of duties by investigators and training**

- It is recommended that investigators continuously update and refresh their knowledge on factors that may affect a subject's body language. It is especially important that they understand, and constantly research and read about different cultures and population groups. This will improve their understanding of the influence a person's background and culture can have on their behaviour.
- It is also recommended that training of investigators include body language and its value during forensic interviewing, as well as on the importance of applying this knowledge and skill with every interview they conduct.

#### **4.4 CONCLUSION**

This research intended to determine the importance of body language and behaviour pattern recognition in forensic interviewing. It was conducted to determine whether interviewers apply this technique during all interviews that they conduct during the investigation process, and to highlight the training needs in this discipline. The researcher was able to answer these research questions through the research design and methodology that was used. National and international literature on this topic was consulted and discussed. Interviews were conducted with thirty investigators from two different law enforcement agencies, namely SAPS and the SIU. The researcher also received information from two experts in this field.

The application and understanding of body language in forensic interviewing, forms an integral and fundamental component in the investigation process. Being able to conduct effective interviews depends greatly on an investigator's ability and skill to understand nonverbal communication. An interviewer can use knowledge and skills in body language to better understand the subject being interviewed, and especially to detect when a subject is being untruthful or withholding information that could be vital to the investigation.

This research has revealed that investigators conduct interviews more often than any other investigation technique, and yet they do not always apply their knowledge and understanding of body language all the time, and in every interview they conduct. This discipline needs to be mastered by investigators through continuous training and application to ensure successful investigations.

## LIST OF REFERENCES

- Ainsworth, P.B. 2001. *Offender profiling and crime analysis*. Devon: Willan Publishing.
- Anonymous. 2011. '*Speak English with body language*'. From:  
<<http://www.usingenglish.com/articles/speak-english-with-body-language.html>>  
Accessed: 2011-04-06.
- Atkinson, A. 2009. '*Kinesic interview techniques*'. From:  
<[http://www.ehow.com/way\\_5679135\\_kinesic-interview-techniques.html](http://www.ehow.com/way_5679135_kinesic-interview-techniques.html)>  
Accessed: 2010-08-19.
- Bailey, K.D. 1987. *Methods of social research*. (3<sup>rd</sup> ed.). New York: The Free Press.
- Bennett, M. & Hess, J.E. 1991. 'Cognitive interviewing.' *Law Enforcement Communication Unit FBI Academy*, 9(March):18-22.
- Bernard, H.R. 2013. *Social research methods. Qualitative and quantitative approaches*. Thousand Oaks, California: SAGE.
- Bhanji, I. & Melhem, J. [s.a.] '*Detecting lies using non-verbal cues during an interview*'. From:  
<[http://wiki.telfer.uottawa.ca/ci-wiki/index.php/Detecting Lies Using Non-Verbal Cues During an Interview](http://wiki.telfer.uottawa.ca/ci-wiki/index.php/Detecting_Lies_Using_Non-Verbal_Cues_During_an_Interview)> Accessed: 2012-01-17.
- Birdwhistell, R.L. 1970. *Kinesics and context. Essays on body-motion communication*. Pennsylvania: University of Pennsylvania.
- Blaickie, N. 2003. *Analysing qualitative data*. London: SAGE.
- Botha, C. Information through communication. In Van Der Westhuizen, J. (Ed), 1996. *Forensic criminalistics*. Isando: Heinemann.

- Botes, A. 2003. *Validity, reliability & trustworthiness: To sum up*. Pretoria: Van Schaik.
- Breakwell, G.M., Hammond, S. & Fie-Schaw, C. 1995. *Research methods in psychology*. London: SAGE.
- Brougham, C.G. 1992. 'Nonverbal communication: can what they don't say give them away?' *FBI Law Enforcement Bulletin*, July:16-17.
- Buckwalter, A. 1983. *Interviews and interrogations*. Boston: Butterworth.
- Burgoon, J.K., Buller, D.B. & Woodall, W.G. 1996. *Nonverbal communication. The unspoken dialogue*. (2<sup>nd</sup> ed.). New York: The McGraw Hill Companies Inc.
- Carte Blanche [TV Programme]. 14 February. MNet. 2010.
- Colwell, K., Hiscock, C.K. & Memon, A. 2002. 'Interviewing techniques and the assessment of statement credibility.' *Applied Cognitive Psychology*, 16(February):287-300.
- Creswell, J.W. 1998. *Qualitative inquiry and research design. Choosing among five traditions*. (8<sup>th</sup> ed.). Thousand Oaks: SAGE.
- Creswell, J.W. 2013. *Qualitative inquiry & research design*. (3<sup>rd</sup> ed.). London: SAGE
- Denscombe, M. 2002. *Ground rules for good research: A 10-point guide for social researchers*. Philadelphia: Open University Press.
- Du Preez, G. 1993. Criminal investigation. In Van Der Westhuizen, J. (Ed), 1996. *Forensic criminalistics*. Isando: Heinemann.

- Frank, T. 2005. '*Suspects' body language can blow their cover. USA Today*'. From:  
<[http://www.usatoday.com/news/nation/2005-12-27-body-language\\_x.htm](http://www.usatoday.com/news/nation/2005-12-27-body-language_x.htm)>  
Accessed: 2010-04-16.
- Gilbert, J.N. 2010. *Criminal investigation*. (8th ed.). Upper Saddle River: PrenticeHall.
- Gilbert, S.V. 2004. *Interviewing and interrogation: the discovery of truth*. Belmont:  
Wadsworth/Thomson Learning.
- Gordon, N.J. & Fleisher, W.L. 2006. *Effective interviewing & interrogation techniques*. (2<sup>nd</sup> ed.).  
Elsevier Academic Press Publications.
- Heathfield, S.M. [s.a.] '*Listen with your eyes. Tips for understanding Nonverbal Communication.*'  
From:  
<[http://humanresources.about.com/od/interpersonalcommunication/a/nonverbal\\_com.htm](http://humanresources.about.com/od/interpersonalcommunication/a/nonverbal_com.htm)  
> Accessed: 2010-02-03.
- Hess, J. 1989. 'The myths of interviewing.' *FBI Law Enforcement Bulletin*, July:15.
- Higgins, C. 2010. '*Techniques for interviewing suspects*'. From:  
<[http://www.ehow.com/list\\_6681197\\_techniques-interviewing-suspects.html](http://www.ehow.com/list_6681197_techniques-interviewing-suspects.html)>  
Accessed: 2010-11-04.
- Hill, C.E. 2009. '*Police interviewing techniques*'. From:  
<[http://www.ehow.com/about\\_5499232\\_police-interviewing-techniques.html](http://www.ehow.com/about_5499232_police-interviewing-techniques.html)>  
Accessed: 2010-08-19.
- Hoffman, C.D. 2005. '*Investigative Interviewing: Strategies and Techniques*'. From:  
<<http://www.ifpo.org/articlebank/interviewing.pdf>> Accessed: 2010-02-03.

- Holloway, A. 2009. *'How to read people'*. From:  
<<http://howtoreadpeople.blogspot.com/2009/02/detectingdeception-via-body-language.html>> Accessed: 2011-01-17.
- Iantosca, A. 2010. *'The truth about deception detection'*. From:  
<<http://www/iafei.com/deception-detection/>> Accessed: 2012-01-17.
- Inbau, F.E., Reid, J.E., Buckley, J.P. & Jayne, B.C. 2015. *Essentials of the Reid Technique: Criminal interrogation and confessions*. (2<sup>nd</sup> ed.) Jones & Bartlett Learning: USA.
- Joubert, C. 2001. *Applied law for police officials*. (2<sup>nd</sup> ed.). Lansdowne: Juta law.
- Kumar, R. 2011. *Research methodology. A step-by-step guide for beginners*. (3<sup>rd</sup> ed.). Thousand Oaks: Sage.
- Layton, J. [s.a] *'How police interrogation works'*. From:  
<<http://people.howstuffworks.com/police-interrogation.htm/printable>> Accessed:  
2010-04-16.
- Leedy, P.D. & Ormrod, J.E. 2001. *Practical research: Planning and design*. (7<sup>th</sup> ed.). Upper Saddle River: Merrill Prentice Hall.
- Leedy, P.D. & Ormrod, J.E. 2005. *Practical research: Planning and design*. (8<sup>th</sup> ed.). Upper Saddle River: Merrill Prentice Hall.
- Leedy, P.D. & Ormrod, J.E. 2013. *Practical research: Planning and design*. (10<sup>th</sup> ed.). Upper Saddle River, New Jersey: Pearson.
- Levinson, H.J. 1998. *'Forensic Interviewing for Deception. Journal of the American Chiropractic Association'*. From:

[http://findarticles.com/p/articles/mi\\_qa3841/is\\_199807/ai\\_n8804092/pg\\_2/](http://findarticles.com/p/articles/mi_qa3841/is_199807/ai_n8804092/pg_2/)>

Accessed: 2010-02-05.

Littky, M. 2010. 'Ways kinesics is used in criminal justice interviewing'. From:

<[http://www.ehow.com/list\\_6006488\\_ways-used-criminal-justice-interviewing.html](http://www.ehow.com/list_6006488_ways-used-criminal-justice-interviewing.html)>

Accessed: 2010-08-19.

Marais, C.W. & Van Rooyen, H.J.N. 1990. *Crime investigation*. Silverton: Promedia Publishers.

Mason, J. 1998. *Qualitative researching*. London: SAGE.

Maxfield, M.G. & Babbie, E. 1995. *Research methods for criminal justice and criminology*.

Boston: Wadsworth.

Memon, A. & Stevenage, S.V. 1996 Interviewing witnesses: What Works and What doesn't?

*Psychology*, 7(6).

Merrill, W.J. 1995. 'The Art of Interrogating Rapists.' *The FBI Law Enforcement Bulletin*.

January 1995.

Miner, E.M. 1984. 'The importance of listening in the interview and interrogation process.' *FBI*

*Law Enforcement Bulletin*, June 15.

*Miranda v Arizona* 1966 US 384.

MNet. 2010. *Carte Blanche* [TV Programme]. 14 February.

'Monash University Research Data Policy'. From: <[http://ands.org.au/guides/what-is-research-](http://ands.org.au/guides/what-is-research-data.pdf)

[data.pdf](http://ands.org.au/guides/what-is-research-data.pdf)> Accessed: 2014-07-10.

Mouton, J. 1996. *Understanding social research*. Pretoria: Van Schaik.

Mouton, J. 2001. *How to succeed in your Masters and Doctoral studies. A South African guide and resource book*. Pretoria: Van Schaik.

Nel, F. & Bezuidenhout, J. 1995. *Policing and human rights*. Lansdowne: Juta & Co. Ltd.

Noaks, L. & Wincup, E. 2004. *Criminological Research: Understanding qualitative methods*. London: SAGE.

Nowicki, E. 2001. 'Body Language'. *Wilmette*, 49(8):27. From:  
<<http://0proquest.umi.com.oasis.unisa.ac.za/pqdweb?did=78485620&Fmt=4&clientId=27625&RQT=309&VName=PQD>> Accessed: 2011-04-05.

Participant C1 – An ex-investigator with twenty nine years experience. Managing Director and Senior Advisor of an international company that is involved in the development of advanced and non-invasive investigation and security tools, fraud prevention solutions, CRM applications, consumer products, and psychological diagnostic tools. Answered interview questions, 19 August 2014. Pretoria, South Africa

Participant C2 – An ex-investigator with thirty three years experience. Self-employed as a Veracity Assessor. Answered interview questions, 27 August 2014. Pretoria, South Africa

Pease, A. 1981. *BODY LANGUAGE – How to read other's thoughts by their gestures*. North Sydney: Camel Publishing Company.

Pinizzotto, A.J. & Deshazor, G. D. 1997. 'Interviewing erratic subjects.' *FBI Law Enforcement Bulletin*, November:1-5.

Reid, J.E. 1951. 'The role of eye contact during interpersonal communication'. From:  
<<http://policelink.monster.com/training/articles/1951-the-role-of-eye-contact-during-interpersonal-communication>> Accessed: 2010-02-03.

Retief, H. 2011. *Byleveld. Dossier of a serial sleuth*. Cape Town: Umuzi.

Robertson, G. 2010. 'Witness interview tips in criminal investigation'. From:  
<[http://www.ehow.com/list\\_6502062\\_witness-interview-tips-criminal-investigation.html](http://www.ehow.com/list_6502062_witness-interview-tips-criminal-investigation.html)> Accessed: 2010-08-19.

Ryals, J.R. 1991: 'Successful interviewing.' *Law Enforcement Communication Unit FBI Academy*, 7:12-17, March.

Schloss, P.J. & Smith, M.A. 1999. *Conducting research*. Upper Saddle River: Prentice Hall.

Schollum, M. 2005. 'Review of investigative interviewing'. From:  
<https://admin.police.govt.nz/resources/2005/investigative-interviewing/index.html>  
Accessed: 2010-11-05.

Schurink, W., Fouché, C.B. & De Vos, A.S. 2014. *Qualitative data analysis and interpretation*.  
In De Vos, A.S., Strydom, H., Fouché, C.B., & Delpont, C.S.L. 2011. *Research at grass roots: For the social sciences and human service professions*. (4th ed.). Pretoria: Van Schaik.

Sennewald, C.A. & Tsukayama, J.K. 2006. *The process of investigation: Concepts and strategies for investigators in the private sector*. (3<sup>rd</sup> ed.). Oxford: Elsevier.

Shearer, R.A. 2005. *Interviewing: theories, techniques, and practices*. (5<sup>th</sup> ed.) Upper Saddle River: Pearson.

Singleton, R.A. Jr. & Straits, B.C. 1999. *Approaches to social research*. (3<sup>rd</sup> ed.). New York: Oxford University Press.

South Africa. 1996. *The Constitution of the Republic of South Africa Act 108 of 1996*. Pretoria: Government Printer.

South Africa. 1997. *The Criminal Procedure Act 51 of 1997*. Pretoria: Government Printer.

South African Police Service. 2006. *'Introducing the child witness.'* Police Training Manual. Pretoria: SAPS.

Stanton, N. 2004. *Mastering communication*. (4<sup>th</sup> ed.). Basingstoke, Hampshire; New York, Palgrave Macmillan: Open University.

Taylor, R.B. 1994. *Research methods in criminal justice*. Sydney: McGraw-Hill.

*The PEOPLE of the State of New York v. Samuel KAHN*. From:

<<http://wings.buffalo.edu/law/bclc/web/website/casecomptopic.html>> Accessed: 2012-18-10.

Thomas, E. [s.a.] *'Behavior Pattern Recognition by the Human Mind'*. From:

<<http://www.effective-mind-control.com/behavior-pattern-recognition.html>>  
Accessed: 2010-03-23.

Tredoux, C., Foster, D., Allan, A., Cohen, A. & Wassenaar, D. 2005. *Psychology and law*. Lansdowne: Juta.

University of South Africa. 2007. *'Policy on Research Ethics'*. From: <<http://www.unisa.ac.za/>>  
Accessed: 2010-04-15.

USA Today. 2004. *'Federal Marshals to use Behavior Pattern Recognition at Logan'*. From: <[http://www.usatoday.com/travel/news/2004-01-27-logan-security\\_x.htm](http://www.usatoday.com/travel/news/2004-01-27-logan-security_x.htm)>  
Accessed: 2010-04-14.

- Van Aperen, S. [s.a.] '*Behavioral Interviewing Techniques*'. From:  
<<http://www.nettrace.com.au/content/nta10004.htm>> Accessed: 2010-02-03.
- Van Damme, G. 2008. *Truth verification: Interviewing and interrogation techniques using LVA*.  
Netanya (Israel): Nemesysco.
- Van Der Westhuizen, J. 1996. *Forensic criminalistics*. Isando: Heinemann.
- Van Marwijk, F.[s.a.] '*The importance of body language*'. From:  
<[http://www.selfgrowth.com/articles/Van\\_Marwijk.html](http://www.selfgrowth.com/articles/Van_Marwijk.html)> Accessed: 2011-04-06.
- Van Rooyen, H.J.N. 2001. *Practical guide for private investigators*. Wierdapark: Henmar.
- Van Rooyen, H.J.N. 2004. *Investigation – The A-Z Guide*. South Africa: Henmar Publications.
- Vrij, A. 2008. *Detecting lies and deceit. Pitfalls and opportunities*. (2<sup>nd</sup> ed.). West Sussex: John  
Wiley & Sons Ltd.
- Wainwright, G.R. 1993. *Body language*. Illinois: NTC Publishing Group.
- Walters, S.B. 2003. *Principles of kinesic interview and interrogation*. (2<sup>nd</sup> ed.). Florida: CRC  
Press LLC.
- Waltman, J.L. & Golen, S.P. 1993. 'Detecting deception during interviews - Great  
Communicators'. *Internal Auditor. Lifestyle Newspaper Collection*. From:  
<[http://findarticles.com/p/articles/mi\\_m4153/is\\_n4\\_v50/ai\\_14506773/pg\\_2/?tag=content;  
coll1](http://findarticles.com/p/articles/mi_m4153/is_n4_v50/ai_14506773/pg_2/?tag=content;coll1)> Accessed: 2010-02-03.
- Welman, J.C. & Kruger, S.J. 1994. *Research methodology*. (2<sup>nd</sup> ed.). Cape Town: Oxford  
University Press.

- Welman, J.C. & Kruger, S.J. 1999. *Research methodology for the business and administrative sciences*. Cape Town: Oxford University Press.
- Welman, J.C. & Kruger, S.J. 2001. *Research methodology for the business and administrative sciences*. Cape Town: Oxford University Press.
- Welman, J.C. & Kruger, S.J. 2002. *Research methodology*. (2<sup>nd</sup> ed.). Cape Town: Oxford University Press.
- Welman, J.C., Kruger, S.J. & Mitchell, B. 2005. *Research methodology*. (3<sup>rd</sup> ed.). Cape Town: Oxford University Press.
- Williamson, T. 2006. *Investigative interviewing: Rights, research, regulation*. Devon: Willan Publishing.
- Zinn, R.J. 2005. Information note on crime intelligence. Technikon SA, Florida.
- Zulawski, D.E. & Wicklander, D.E. 1993. *Practical aspects of interview and interrogation*. Boca Raton: CRC Press.
- Zulawski, D.E. & Wicklander, D.E. 2002. *Practical aspects of interview and interrogation*. (2<sup>nd</sup> ed.). Boca Raton: CRC Press.

**ANNEXURE A: Interview Schedule (Samples 'A', 'B' and 'C')**

## **“Body Language (Behaviour pattern Recognition) in Forensic Interviewing”**

The aims of this research are to determine what forensic interviewing and body language or behaviour pattern recognition entail. The main aim is to determine how body language can be used to obtain information during forensic interviewing.

This research most importantly is aimed at the importance of body language in forensic interviewing and the researcher must determine whether investigators have knowledge of this important investigative technique and whether they are able to apply it during the execution of their duties.

By using the qualitative research approach, the researcher intends to obtain first-hand information from the participants. It will enable the researcher to have insight into their real life experiences and practical knowledge of the research topic.

The researcher will focus on the following research questions during the interviews.

- What is forensic interviewing?
- What is body language/behaviour pattern recognition?
- How can body language be utilised during forensic interviewing to obtain information?

I, Participant \_\_\_\_\_, give permission to be interviewed, and the information I supply may be used in the research.

## **SECTION A - Historical Information**

1. Are you an investigator?
2. Who is your current employer?
3. What position do you currently hold within your organisation?
4. For how many years have you been conducting investigations?
5. Which crimes/offences do you specialise in?
6. Have you received any training in forensic interviewing?
7. Have you received any training in the interpretation of body language during forensic interviewing?
8. Specify the training referred to in questions 7 and 8.
9. Do you have any experience in the interpretation of body language during forensic interviewing?
10. If the answer to Question 9 was yes, please specify.

## **SECTION B - Forensic Interviewing**

11. What is forensic interviewing?
12. How often do you conduct interviews in the execution of your duties?

13. Who do you conduct interviews with?
14. What is the purpose of Forensic interviewing?
15. Name the different type of interviewing techniques that you are aware of.
16. Briefly discuss these techniques.
17. What do you understand by the term 'behavioural interview'?
18. Explain the meaning of the term 'kinesic interview'.
19. What important qualities should an interviewer possess?
20. Why should an interviewer possess the qualities mentioned in you answer above?
21. Do you believe that you possess these qualities?
22. If your answer to question above is 'No', explain what shortcomings you believe you have.
23. How can your shortcomings be addressed?
24. What legal aspects should be considered when conducting an interview for investigation purposes?

### **SECTION C - Body language in forensic interviewing**

25. Define 'body language' and 'behaviour pattern recognition'.

26. In your opinion, why is it important for an investigator to be able to understand body language?
27. Name the different forms of nonverbal communication.
28. Briefly discuss the different forms of nonverbal communication.
29. Do you believe that people exhibit exactly the same behavioural responses as each other in the same situation?
30. Explain your answer of the above.
31. Do you believe that understanding body language during forensic interviewing is important?
32. If your answer to the previous question was 'yes', please provide reasons for your answer.
33. Do you believe that your employer has given you adequate training on this technique how to report on body language or to recognise behaviour patterns?
34. In your opinion, what are the training needs as far as body language in forensic interviewing is concerned?
35. Do you believe that you are able and equipped to interpret a person's body language accurately?
36. Have you ever been in a situation where you had to read someone's body language?
37. If your answer to the previous question was 'yes', briefly explain what the situation was.
38. What type of information can a person's body language reveal during an interview?

39. Are you able to detect from someone's body language that they are being deceptive?
40. Explain what clues can be picked up from a person's body language to detect deception?
41. Do you think that it is possible to successfully fake body language?
42. Have you ever found yourself in a situation where someone attempted to fake their body language?
43. If the answer to the previous question was 'Yes', were you able to tell that the person was faking their body language? Explain how.

**ANNEXURE B: APPROVAL TO CONDUCT RESEARCH**

## **APPROVAL FROM SIU**

**From:** Shantell Naidoo  
**To:** Peter Bishop  
**CC:** Helloise Le Roux  
**Date:** 9/7/2011 8:50 AM  
**Subject:** Fwd: PERMISSION TO CONDUCT INTERVIEWS AS PART OF RESEARCH  
**Attachments:** PERMISSION TO CONDUCT INTERVIEWS AS PART OF RESEARCH

MR BISHOP

I am currently busy with my Dissertation for the MTech in Forensic Investigation. I now need to conduct interviews with investigators to gather more information on my topic.

I have attached a letter requesting permission to conduct interviews with 15 investigators at the SIU (East London office). [I will also be conducting interviews with members of the SAPS].

Attached also find my interview schedule.

I understand that you are very busy and I will appreciate your assistance in this regard when you have the time.

Thank you and kind regards.

Shantell Naidoo  
Forensic Investigator  
SIU, East London

**From:** Peter Bishop

**To:** Shantell Naidoo  
**CC:** Helloise Le Roux  
**Date:** 9/14/2011 3:29 PM  
**Subject:** Re: Fwd: PERMISSION TO CONDUCT INTERVIEWS AS PART OF RESEARCH

Hi Shantell,

Not sure if I have responded as yet, if not. Permission is granted to proceed as requested.

Good luck!!

Peter

# PERMISSION FROM SAPS

G.P.-S. 002-6222 SAP 21

SUID-AFRIKAANSE POLISIEDIENS  SOUTH AFRICAN POLICE SERVICE

Privaat/ Private Bag 004

Reference No / Verrekening	3/18/5 (2014/15)
Name / Engenas	Col J Schnetler Lt-Col GJ Joubert
Telephone / Telephone	012-360 3177/3118
Faksnummer / Fax number	012-360 3176

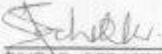
**SUB-SECTION STRATEGIC PLANNING  
STRATEGIC MANAGEMENT COMPONENT  
HEAD OFFICE  
PRETORIA**

**MS Shantell Naidoo  
MEYERSPARK**

**RE: APPROVAL OF RESEARCH IN THE SAPS: MASTERS-STUDY: UNISA: THE USE OF  
BODY LANGUAGE (BEHAVIOUR-PATTERN RECOGNITION) FORENSIC  
INTERVIEWING: MASTERS-DEGREE: UNISA; RESEARCHER: MS S NAIDOO**

1. Your application for approval of your above mentioned study, as well as the correspondence on the permission granted to you by Col MR Mqotyana, (Commander: Detective Service, East London) refers.
2. Your research request is hereby approved in terms of National Instruction 1 of 2006 (see NI attached) and you may proceed with final arrangements with UNISA with regard to the completion of your study.
3. After completion of your study, please supply this office with a copy of the final report (preferably an electronic version).

With kind regards,

 **COLONEL  
HEAD: STRATEGIC MANAGEMENT**

**J SCHNETLER**

## **APPROVAL FROM EAST LONDON DETECTIVES**

**From:** "EC:East London Detective Head" <EASTLONDON-CID@saps.org.za>  
**To:** "Shantell Naidoo" <snaidoo@siu.org.za>  
**Date:** 9/9/2011 8:12 AM  
**Subject:** RE: PERMISSION TO CONDUCT INTERVIEWS WITH SAPS MEMBERS

Good day Shantell

This is to confirm that you are welcome to visit the East London Detectives to conduct interviews.

I have arranged that you can interview the members on the 15th September. The members will be available from around 08:00.

On your arrival you can call on me at room 205, Fleet street Police Station

Kind regards,

COMMANDER : DETECTIVE SERVICES, EAST LONDON.

COLONEL M R MQOTYANA

-----Original Message-----

From: Shantell Naidoo [<mailto:snaidoo@siu.org.za>]

Sent: 07 September 2011 08:51

To: EC:East London Detective Head

Subject: PERMISSION TO CONDUCT INTERVIEWS WITH SAPS MEMBERS

GOOD MORNING MR MQOTYANA

My name is Shantell Naidoo. I am a Forensic Investigator at the Special Investigating Unit in East London.

I am currently conducting research for my Dissertation towards the MTech in Forensic Investigation through UNISA (student number – 3162-066-3).

As part of my research, I need to interview 15 Detectives in the Unit under your command. In order to do so, I require your written consent.

Attached please find a formal letter regarding this request as well as the questions that I intend to ask.

I will appreciate it if you could assist me in this regard.

Please contact me if you need any clarity regarding this request:

Cell: 084 514 3143

email: [snaidoo@siu.org.za](mailto:snaidoo@siu.org.za)

Kind regards.

Shantell Naidoo  
Forensic Investigator  
Special Investigating Unit  
East London

**ANNEXURE C: EDITOR'S CERTIFICATE**

25 February 2015

I, Elsabe van der Westhuizen, ID 620806 0159 087, hereby certify that the master's dissertation, **THE USE OF BODY LANGUAGE (BEHAVIOUR PATTERN RECOGNITION) IN FORENSIC INTERVIEWING** by Shantell Naidoo, has been edited by me according to the referencing method used by UNISA.



---

Elsabe van der Westhuizen  
BA (UP)  
Member: PEG (Professional Editors' Group)