

Investigative Interviewing

6 Assessing credibility and detecting deception

How do I assess credibility?

One of your interview challenges is looking for proof of either truthfulness or deception. Stated differently, you are trying to determine the credibility of your interviewee so you can value accordingly the evidence they give you.

Begin with neutral questions to establish rapport and set the tone for the interview. This tactic will also “norm” the interviewee so you have a baseline of his regular verbal and non-verbal communication patterns to help assess his cooperation, honesty and credibility.

Body language may be a useful indicator of truthfulness because it is often less thought out and calculated. Most body language is involuntary and based on our autonomic nervous system. Behavioral clues become more prominent when questions become more direct and the interviewee’s anxiety increases.

To assess credibility, ask yourself the following questions:

- Was the interviewee present and aware during the incident?
- How well developed are the interviewee’s powers of observation?
- Is what the interviewee telling the investigator logical? Does it make sense? Truthful stories are logical. They do not appear to be scripted. Truthful statements are detailed in their presentation of the setting of an event. They reproduce some of the actual conversations, character and mannerisms of the key players in the story.
- What was the interviewee’s demeanor?
- Did the interviewee make contradictory statements?
- Did the interviewee have a reason to falsify what was said?
- Does the interviewee have any known or suspected bias?
- Does the interviewee stand to benefit in some way from the desired outcome?
- What are the interviewee’s relationships to other interviewees and the subject of the investigation?

Remember to judge credibility. Information learned that appears relevant is useless unless it is also credible.

Is it possible to detect deception by analyzing answers to my questions?

People are not usually complicated, and some of us are terrible liars. Even people who seem to lie effortlessly can be detected if you are alert.

Our mothers taught us that lying is wrong. To lie effectively, therefore, we have to give explanations that sound

believable—we need to convince someone that the lie is actually the truth—but which contain the falsehoods.

When it comes to lying in an interview, it's not just about sweaty palms and shaking legs. There are also common verbal patterns which might alert you:

- Deceptive interviewees tend to deny their wrongdoing specifically while the truthful person will deny the problem generally.
- Deceptive interviewees tend to avoid realistic or harsh language while the truthful do not.
- Truthful interviewees generally answer specific inquiries with direct and spontaneous answers.
- Deceptive interviewees may fail to answer or delay answers. They may ask to have the question repeated or repeat the question asked. This allows them time to think of an answer.
- Deceptive interviewees may have a memory failure or have too good a memory.
- Deceptive interviewees tend to qualify their answers more than truthful people.
- Deceptive interviewees may support their answers with religion or oaths. The truthful rarely employ this tactic.
- Deceptive interviewees tend to be overly polite and it is more difficult to arouse their anger. The truthful will be quick to anger—they believe they are unfairly accused—and any denial will grow stronger.
- Deceptive interviewees may feign indignation or anger initially but will quit as the interview continues.

Effective use and interpretation of deception signs requires training and practice. There are many variables, and these signs are only clues to spur closer questioning. Don't make decisions about interviewee veracity based only on interpretation of the interviewee's body language, without some other evidence.

How many types of lies are there?

During an interview, the interviewee may engage in a variety of different attempts to deceive you. There are five basic types of lies that the interviewee may use.

The first type of lie is the simple denial. Its simplicity might lead you to think that this type would be chosen often. But many people avoid denying the incident directly. Psychologists call this "cognitive dissonance." To avoid this, the interviewee will likely go to great lengths to avoid having to deny it directly.

The second type of lie is the lie of omission. This is the most common type. It is the simplest lie because the interviewee merely tells the truth but leaves out the information that could be embarrassing or incriminating. Because the remaining part of the interviewee's statement is true, it can be repeated consistently. If the interviewee is presented with the omitted information, he can just say he forgot to mention it. A lie of omission can only succeed if you are not prepared to force the subject, for example, by mentioning the excluded information.

The third type is the lie of fabrication. This is the most difficult type of lie because it requires the interviewee to be inventive and have a good memory so that the lie remains consistent. This type of lie also creates the most stress for the interviewee.

Ask questions when this type is suspected to show that the explanation does not hold up to specific questioning. If the investigation can disprove the interviewee's sequence of events or details it may prove as damning as a

confession of wrongdoing.

The fourth type of lie is minimization. Here, the interviewee offers a small admission of fault hoping that you will be satisfied and discontinue any further questioning. When this type of lie is used, it is a strong indication that additional information is being withheld.

The final type of lie is the lie of exaggeration. An interviewee may exaggerate the actions of another person or an aspect of a particular conversation. The lie may be used by someone who wants to increase the value of his information or inflate his own importance. If you maintain a healthy skepticism and question each claim, you should be able to identify any contractions.

Lies told in an interview can be as powerful as a confession. Lying in a workplace investigation likely exposes the interviewee to disciplinary action. You must constantly be aware of the possibility that the interviewee is withholding information or intentionally attempting to deceive.

Finally, the detection of a lie is not the time for a “gotcha” moment. When it happens, first confirm that you understood the interviewee clearly, and that this was what he intended to say. Second, don’t dwell on the topic but move to another one temporarily. (This may lead him to relax, believing that he has fooled you.) Eventually come back to the point and confront him with the details you know. Remember that a lie also leaves you with a factual contradiction the investigation must resolve.

On a related note, if you anticipate that the interviewee may lie to you, try to preempt it by hinting that you already know the answer to your key questions before you ask them. (Of course, this is most effective when interrogating the subject in the final stages of the investigation.) Boxing in the interviewee so he has no alternative but to give you the truth may be your most-effective path to understanding what happened.

Why do people lie?

People lie because they believe that lying will help them more than telling you the truth. You need to convince the interviewee that telling the truth will be better for him than lying through the interview.

Lying is not a natural human behavior. It has to be done consciously. Consequently, it can be observed. And don’t jump to conclusions about the reasons the interviewee may be lying. Liars have plenty of reasons for what they do.

Do truthful people act a certain way?

Generally, yes. Because the interviewees are not afraid of the true facts about which you are asking, there is no need for them to be unusually anxious or respond in a convoluted way. Their answers are simple, direct and usually responsive to the question. Look for these characteristics in a truthful interviewee, which will bolster the credibility of his information:

- Maintains direct eye contact
- Is audible and clear spoken
- Speaks directly to you
- Answers questions without excessive requests for clarification
- Responds to the questions you ask

- Appears relaxed and composed
- Demonstrates interest and concern
- Is cooperative
- Doesn't try to rush the interview
- Answers quickly without too much thought about the answer
- Is open with answers and body language
- Volunteers information
- Can repeat the same answer or give the same answer if you subsequently ask the same question in a different way.

What do I do if I suspect an interviewee is lying?

If you believe an interviewee is lying, try to identify the reason for it. Does the interviewee have a friendship with or hostility towards the subject or the reporter? Does he fear consequences for telling the truth and implicating the subject? Could the interviewee be a participant in similar misconduct who now fears detection?

If your suspicions prove correct, ask yourself why you think he would want to lie. People lie because they believe it benefits them more than than telling the truth. So what is that benefit?

Focus specifically on the part of the interview where you suspected the lie. There is something in those topics that are triggering the behavior. Go over the story again and attempt to identify points that can be verified by documents or other people. When the interviewee attempts to deviate from your questions, interrupt and focus the question back on your topic. Ask for an explanation of the facts surrounding the discrepancy.

No discrepancy should go unchallenged. Point out each one and request an explanation. You may find it useful to confront the interviewee directly with the fact that the answers provided are inconsistent with the facts as you know them. Confronting, however, does not mean departing from your calm, business-like demeanor. Becoming hostile surrenders both your professionalism and effectiveness. It makes for good television but bad investigations. You also expose yourself to an ethics claim.

Can I prevent someone from lying to me?

Lying interviewees pose two risks to an investigator. First, the falsehoods deny you relevant information and may send you off pursuing leads in the wrong places. Second, proven falsehoods on one or more interview topics destroy the credibility of the interviewee for those topics on which he might have been telling you the truth.

People will lie to you if they believe that lying helps them more than telling you the truth. It stands to reason, therefore, that a good way to get the truth in an interview is to persuade the interviewee that telling the truth is more beneficial than lying.

Lying is not a natural human behavior. Lying is intentional. If you suspect an interviewee is lying, don't jump to conclusions about the reasons. Liars have plenty of reasons to do it. But try to understand what motivates the lies so you can overcome them. Is it a fear of getting involved? Is the interviewee lying because he fears retaliation from the subject or being labeled a "rat?" Does the interviewee have some minor culpability that he now fears you will link to the larger problem under investigation? If you can understand the motive, you might be able to

overcome it and get truthful testimony.

A zero-tolerance towards lying in an investigation is good as a basic rule—as with similar rules, who in your company leadership would oppose it? But it has limited practical value. If you are investigating issues so you can explain them and offer business-focused assistance, firing someone for lying, however justified, won't get you that information. You need to see a lying interviewee as a challenge, not an opportunity for a “gotcha” moment to get him fired.

If you cannot overcome the interviewee's desire to lie to you, the integrity of the investigations process requires you to address the falsehood. But you will still have to prove the lie. You will need sufficient facts to show that the interviewee made a deliberate misstatement of fact that was intended to deceive or mislead you. This can be done by assembling sufficient contradictory testimony or circumstantial proof to show, by a preponderance of evidence, that the interviewee's statement was knowingly false.

Either way, a lying interviewee does not help you gather the relevant facts to give business-focused advice. You must try to sidestep it or stamp it out. It's better to encourage the interviewee to rationalize his behavior in some factual context—like the proverbial hangover caused by a night of drinking, which seemed like a good idea the night before—rather than fight the lie. Admissions of fact would show misconduct, however rationalized. These admissions will bring you closer to your objective.

Does interpreting body language really help you identify whether an interviewee is lying?

Forget body language. There may be a better way to detect deception. Studies have found that attempts to detect deception from body language and facial expressions are more often little better than chance.

The problem with trying to interpret body language is the range of human behavior. If you know someone well, you might be able to tell when they are being truthful. But there is no universal standard of body language.

To identify whether an interviewee is trying to deceive you, consider these factors:

- **Use open questions.** This forces the interviewee to keep explaining until the lies are exposed.
- **Use the element of surprise.** By asking unanticipated questions, you may confuse the interviewee and make it harder to maintain a façade.
- **Watch for small, verifiable details.** This allows you to test his knowledge.
- **Observe changes in confidence.** When you confront the interviewee, you may be limiting his comfort zone, causing him to stop speaking if he fears losing control of the conversation.

The aim is a casual conversation rather than an intense interrogation. Under this gentle pressure, however, deceptive interviewees will give themselves away by contradicting their own story, or by becoming obviously evasive or erratic in their responses.

Clever interviews designed to reveal holes in a deceptive interviewee's story are far better than trying to identify tell-tale signs in body language. Using tactical questions to probe the interviewee's stories will help you find a deceptive interviewee.

Remember to keep an open mind and not to jump to conclusions. Just because someone looks nervous, or struggles to remember a crucial detail, does not mean they are guilty of anything. Instead, look for more general inconsistencies. Eventually, you will find the truth.

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