

FACE to FACE...with an ICON



by
Jeff Baile
Certified
Forensic
Interviewer

There he stood lifting his glasses just a bit to study a painting hanging in the training center lobby. I remember the woman in that painting was showing an intense gaze. I could only imagine what Paul Ekman, one of the top fifty behavioral scientists in the world was seeing in those eyes, in her expression.

It was my psychology professor who urged me to contact him many months earlier. "Those behavioral guys are really quite earthy," he said. "Just tell him what's on your mind and I bet you hear back."

What was on my mind was training. I wanted to sit face to face with the man who had written a dozen books and authored a hundred scientific papers on expression and deception; the man who discovered that facial expressions were universal; the icon whose research is (now) the inspiration for the television series *Lie to Me*.

Those four words

I wasn't sure the e-mail address I had belonged to "the" Ekman, so I just sent a general inquiry with the subject head: Confirming Identification. Seven hours seventeen minutes

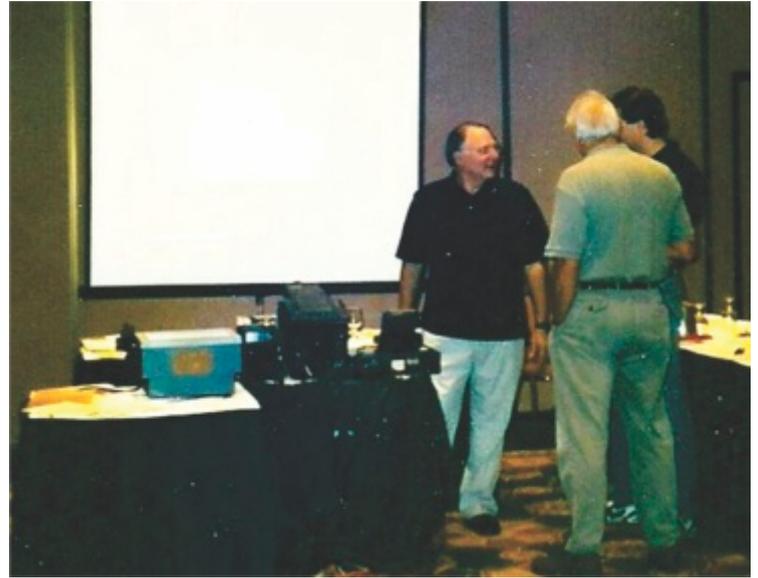
later I had my answer. Those four words "I am the one" would forever change the way I talk with people. He not only responded but later even invited me to one of his workshops in Los Angeles. No charge.

Dr. Ekman was having supper at the training center when I spotted him scrutinizing the painting. I nervously introduced myself thanking him for allowing me a once in a life-time opportunity. "Oh that's fine young man," he replied as he stood up to greet me (that was weird). His autographed copy of his seminal book reflected matching humility.

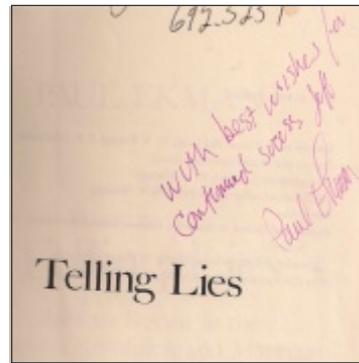
Space does not allow me to fully relay the vast quantity and quality of material I learned from that class. I share, though, the two main concepts he presented.

At the time, it was my belief liars were successful because they're good at it, especially prepared liars. According to Ekman's research this is not true.

He had barely introduced himself on the first day's training when he began pacing the class emphatically shaking his finger asking, "Do you know why liars get away with their lies?" No one dared answer because of that



Paul Ekman (left) discusses facial expressions with a student. An off chance e-mail to Dr. Ekman landed me face to face with one of the top lie detection researchers in the world. Dr. Mark Frank (far right) is another deception researcher from Buffalo State University.



finger I'll tell you that.

"Liars succeed because all of you are really bad at spotting them. Simple as that."

He explained that only 2% of formalized police training is devoted to scientific truth and lie detection. Ekman said there are no schools that teach people how to be better liars; it's the lie catcher that's the problem. Lies are not spotted because we are under-

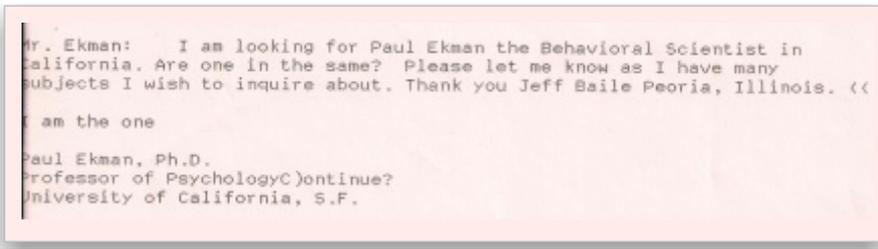
trained in detecting them not that people are good at telling them. Before anyone could explore that profound statement he started with that finger again.

"An even more overarching reason lies succeed is that you don't spend enough time with them. You don't give them a real chance to reveal they are lying. The more people talk the more likely it is they will make a mistake."

I wish I could have met Dr. Ekman at the beginning of my career because these concepts were impressive. After adopting them my interviewing style changed dramatically which helped me solve hundreds of cases.

Rest the concepts on your shoulders. Make them a part of every interview and see if you don't get more information from people. Andrew Lundin and Andrew Keil did.

More information about Dr. Ekman can be found on my website at www.jbaile.com.



TATTLE TALES

An anonymous voice mail in December, 2009 sent **Andrew Lundin** rocketing over to David's house. "Look at the hole...that's a clue" was the only thing Andy had to go on the huge buck David had taken recently was killed by gun not bow. A quick check through the Wisconsin deer check system showed the suspect didn't even have a bow tag.

"He was home and stated he did shoot a big 11 point buck behind his house," fourth year warden Lundin said. When Andrew pushed asking to look at his bow he said he didn't own one, supposedly borrowing a friend's. But that quickly changed to his friend had actually shot the deer. David finally yelled out with resignation, "All right I shot the...with my 12 gauge" stating he then tagged it with his wife's archery tag. Andy later confiscated the deer from a taxidermist and sure enough it had a bullet hole in it. Andy was pleased with the confession and how quickly it came.

But the real story began when he pulled the wife's archery stub from the vendor.

The day before David's deer was registered another hunter "Frank" also checked in a big buck. Andy's interest went into overdrive when he read "12 pt. 200 plus" scribbled on the stub and that the hunter shared the same last name as David. The same last name turned out to be coincidence, however, other sources later confirmed Andy's hunch Frank's deer was indeed illegal.

Frank's interrogation

Andrew questioned him six months later at his home. Frank said he had killed the 12 pointer in the back yard with his bow as he sat on a chair by a wood pile. But the way he told the story during the 20 minute interview

bothered Andy. Especially that Frank never did ask why Andy was asking about the deer. Here is an excerpt of the interrogation

► What you're telling me isn't exactly the truth... I didn't just show up here by accident... If a guy made a mistake I give him an opportunity to talk about it... Frank you seem like nice guy... You haven't even had a traffic ticket... You invested a lot of time deer hunting and you didn't see deer... And clearly you are trying to feed your family... And you're not a guy who wastes anything... You're a sportsman aren't you?... Most sportsmen have a hard time not telling the truth... That's what a sportsman is... There are a lot of things you haven't done wrong here... The truth will never hurt you unless you tell it too late... I know you didn't kill the deer like you told me... There is more to it ... I don't want to leave here knowing you're a liar ... Everybody does things for different reasons, frustration, desperation, do things in the heat of the moment... Now I'm not sure which one of these happened but I know you haven't told me the truth... You have been a complete gentleman to me... I just didn't end up here by accident... Can you stand here and honestly tell me that you can put this on the wall and be proud and tell a story about it to your son that is completely not true?... Can you feel good calling yourself a sportsman?... I don't think this is typical of Frank... I can show you a picture of 30 illegal deer poachers killed and those deer went to waste... I know you would never waste a deer... There are two categories of people I



Andrew Lundin holds the "Frank" deer he seized following a 60 minute interview and interrogation.

deal with... Criminals who live a life of poaching... And people who sometimes make a mistake in the heat of the moment..."

Andy then asked three quick questions: "This isn't something that happens all the time does it?" Frank responded, "No." Is it something that was planned?" Frank responded, "No." Had you been drinking?" Frank responded, "No."

Andy said he could tell his message was affecting him as Frank stared downward for a full 38 seconds completely mute.

"Okay you want the truth, I'll give you the truth," Frank finally blurted out as he slowly raised his head to face Andy. "My dad shot it, he filled my tag. I didn't want him to get in trouble for using my tag so I said it was my deer. He shot it with his crossbow. The reason I lied to you was because I didn't want my dad to get in trouble, that's it." ◀

David pled guilty to hunting deer in closed season. He was sentenced to 10 days jail and three years revocation of all licenses.

His wife was also fined \$300 for loaning her permit. Frank and his dad paid \$500 between the two for the permit loaning violation.

What Did Andy Learn?

- Number one is to start out being friendly, not accusatory.
- Limited information requires us to be vague. Don't act surprised when the person tells you something that doesn't fit your thinking. Be ready and just nod your head when they say something completely different than what you are expecting.
- Always follow up on a tip.
- Frank confessed because he told lies and he knew that I caught him in those lies. Let people talk.
- David confessed because rapport with him was high and he thought I knew it all.

My observation is that neither person asked for an attorney nor asked Andy to leave. That meant he still had a chance to get the confession. Andy didn't give up and didn't run out of things to say, he outlasted them. Andy can be contacted at andrew.lundin@wisconsin.gov.

■ You may remember **Andrew Keil's Tattle Tale** which appeared in the Spring 2008 issue. He was able to convince a hunter to confess killing a huge buck despite little evidence. The subject was fined over \$400 and forfeited his crossbow. A professional interviewer is always looking for an edge and Andrew thought if he talked with the man again he may find out even more about what happened. Sometimes people are very candid about their transgressions when asked about it well after the event

and this is what Andrew was hoping for. He was trying to find out everything possible about the violation – including what finally made him decide to tell the truth. Over a year from the disposition (yes a full year) he set up a “post-confession interview” with the hunter. The entire interview lasted only twenty minutes but was quite revealing. Here are selected highlights:

Andrew: If you were the warden should I have done anything differently?

Suspect: Number one you handled yourself very professionally... you were very calm... you were very consistent in your questioning to arrive at the right answer... not that you were pushy but you just kept at it.

Andrew: If you were to pick one thing what do you think



Iowa conservation officer recruits listen as seven-year veteran Andrew Keil discusses the benefits of conducting a post confession interview.

it would have been that caused you to tell the truth?

Suspect: Probably... and you repeated this several times... the gist of your message was that you (I was) were an honest person and you (I) would feel better if you (I) come truthful... and you said that several times.

I guess that along with my own conscience of evaluating were the factors...but I do remember that you repeated that several times. But I think it was not only in the wordage that you used but the way you presented it... once again you were not arrogant... you know here's this DNR officer...so that along with the words, not just the words itself, but it's how you presented it.

We can see this person was swayed mostly not by Andrew's words but the way he said those

words. Evidently he was also affected by Andrew's replication of the message itself. Once again a recurring message emerges in law enforcement:

The words we say are often less important than how we say them.

What Did Andrew Learn?

- How important it is to treat people professionally and carrying yourself professionally.
- Just like an initial interview, ask yourself what you want out of the post-confession interview. What I wanted was a true and accurate reason why he had confessed to help me down the road in getting more confessions. Try to talk with people after the incident. I just called him out of the blue and look at the information I can use in my future cases.

Andrew can be contacted at: andrew.keil@dnr.iowa.gov.

Pop Quiz (T or F)

1. Male teachers are better at spotting lies than female teachers.
2. Liars tend to say more than truth-tellers.
3. Lawyers can spot a lie better than a secret service agent.
4. Liars pay more attention to their words than their gestures.
5. Children who talk with arms and hands recall more information.
6. Asking yes/no questions tends to encourage a liar to be truthful.
7. Men decode nonverbal communication better than women.
8. People lie 3 times every ten minutes.
9. If a person does not know they are lying then they are not lying.
10. Children with higher IQ's lie more.

for answers go to: www.jbaile.com

Jeff Baile is a 26-year veteran of the Illinois Conservation Police.
Home: 309.692.3251 Mobile: 309.370.2580:
E-mail to: jeffreybaileandassociates@comcast.net
or www.jbaile.com