
A Comprehensive Theoretical Discourse of Truth Detection – not Lie Detection - in Forensic Interviewing: The Advantage of Focusing on Truth

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Forensic interviews serve the purpose of determining the truth while simultaneously documenting case relevant statements in a manner that allows the courts to place the results of the interviews into evidence. Accordingly, Nesca and Dalby (2013) summarized the requestor and/or the recipient of forensic interviewing results are often the courts and subsequent involved legal parties (p. 16). The goal of this article is not to examine strategies and tactics to successfully complete a forensic interview. This article’s objective is the interpretation of an interviewee’s statements in light of truth detection as the very essence of forensic interviewing, while simultaneously making lie detection a secondary goal of the interview process. Why is this approach of importance?

Daly (2016) argued in context with judicative matters that the Writers of the Constitution “sought to impose limitations on the government’s power over people and their lives” (p. 19). These limitations serve as protections against unjustifiable rulings over citizens. The prosecution can only overcome these protective measures when the courts find and establish truth and apply it to a specific case; otherwise and “[…] without findings of fact that generally accord with truth, the underlying policy, goals, or norms of the law could not be served” (Summers, 1999, p. 497). Hence, the sole occurrence of lying, defined by Sakama, Caminda, and Herzig (2010) as dishonest human attitudes which still require intelligence and thinking (p. 286), should never be an argument
to support the interviewer’s cause during judicial proceedings. Inherently, the accused is merely standing in court for a lack of honesty and truthfulness during an interview, but because he/she allegedly violated social norms and laws. The often-heard universal conclusion that innocent minds do not lie is not only erroneous at best and can lead to false confessions at worst, but may, as this article will discuss, create a dangerous trap for the interviewer.

It could be argued that focusing on lie detection is perilous, because, as Mahon (2015) showed there was no universally accepted definition of a lie (para. 1), other than that a lie must contradict the truth (Sakama, Caminada & Hertzig, 2010, p. 287). Zulawski and Wicklander (2002), on the other hand, found “five basic types of lies a suspect might use” (p. 206). Recognizing that there are numerous valid and certainly scientifically established explanations and definitions for lying, a very basic description offers a pragmatic foundation: the purpose of lying can be found in protecting ourselves, our interests, images, resources, and/or others (Lickerman, 2010, para. 3). Carson (2006) articulated, among other factors, that the very essence of lying includes the phenomenon that “the liar cannot believe that the statement he/she makes is true” (p. 284). Maybe even more basic but still valid is the definition of the purpose of a lie as a shield that is used by an individual to protect him/her from unpleasant truth (Feldman, 2016, slide 13). Providing acceptable explanations to lower an interviewee’s shield and protection and simultaneously increase willingness to admit and confess are often used in theme developments which are defined as […] “reasons offered to the interviewee for committing the crime that will psychologically justify his/her behavior” (Reid, 2001, p. 53).

A lie has therefore a component of awareness, reason, and purpose, and can be differentiated from an individual’s other answers “which might not be lies but mistaken perceptions due to poor memory, or bias for any number of reasons” (Zulawski & Wicklander,

To evaluate the significance of truth with a secondary focus on deception for the forensic interviewer, a philosophical discourse into the definition of this unique term *truth* is required: (1) truth as a belief system, (2) elusive truth, (3) absolute truth, and (4) relative truth.

**a. Truth as an Absolute and a Belief System**

The Correspondence Theory defines truth as a belief system which exists with an appropriate entity (Sandford University, 2013). In other words, a belief is only true when it corresponds with a fact. If an inflexible fact equals truth, then the absence of any manipulation, lie or, for example an omission, must subsequently result in *absolute truth*. It seems *absolute truth* has components of unquestionable purity in which a person - willingly or unwillingly - refuses to accept alternatives, because the individual applies the conclusion of Baghramian (2015) who wrote “truths or values in the relevant domain apply to all times, places or social and cultural frameworks (para 1.2). However, the debate between a theist and an atheist, both defending their very own facts and truths, will most likely never lead to *absolute truth*, and could easily end with the universally accepted peace offering statement that both agree to disagree. The theist and the atheist do not have ill intend and do not lie, but wholeheartedly believe in their commitments and may even provide their very own evidence to support their position. Hence, both debaters tell the truth. This conclusion, from a logical standpoint, seems unbearable because only one of both arguments can be true, whereas the opposing one must be false. This debate, can be examined with *relative or elusive truth*; a concept which could also be of benefit for the forensic interviewer to establish credibility in court, and to provide an unbiased and complete reflection of the interview result during court hearings.
b. Truth in *Relative and Elusive Measures*

Pardi (2015) challenged his readers by first defining truth as factual reality and “as a statement about the way the world actually is” (para. 2). However, he then pointed at so-called *elusive truth*, and proffered the example of a red apple that is described to a person who is color blind. The visually impaired person can choose to trust and believe that the apple is red; but could also decide to believe and conclude that the apple is, for example, green in color. Hence, an individual’s physical and mental abilities, but also his or her very own commitments, choices, and decisions define truth with the absence of a lie. Pardi’s visually impaired person does not have the intention to lie, but also lacks the ability to detect the color red. Based on missing facts and evidence, the color-blind person cannot determine the accurate color of the apple. The visually impaired person must subsequently justify his or her decision to either believe the visually non-impaired person, or to refuse accepting the apple’s color as proposed. Since no omission or lie is present, *elusive truth* should be accepted by the forensic interviewer as possible truth from the interviewee’s perspectives.

Pardi’s definition of *elusive truth* is comparable with the term *relative truth* and certainly often interchangeable. Baghramaian (2015) compared *relative truth* to the statement that “[…] it is wrong to sell people as slaves comes out true relative to the moral code of the United Nations Charter of Human Rights and false relative to the moral code of ancient Greece” (para. 1.3). *Relative truth* is therefore *relative* because it is not universally accepted but filtered, rationalized, and maybe even created through an individual’s physical and mental conditions, biases, perspectives, assumptions, historical experiences, and socioeconomic circumstances. *Relative truth* assists with explaining different philosophical points of view and is acknowledged or denied within specific social contexts and personal environments. For example, a mentally impaired
person who suffers from delusions and hallucinations as a condition of his or her diagnosis, might report the presence of voices or shadows during the forensic interview, and honestly reports truth without lying about observations and experiences. A useful summary and examination of criteria of truth is provided by Perron (2002), who evaluated eleven approaches to determine truth as experienced by an individual. Perron’s findings can serve the interviewer as a foundation when attempting to understand truth through the eyes of the interviewee, and not as defined and experienced by the interviewer. Why is this theoretical discourse of importance?

c. Practical Application of Truth in Forensic Interviewing

Detecting deception seems to be the common goal amongst interviewers, but, as Lee, Chung and Walker (2018) concluded, interviewers often seem to differ in deception detection performance. Whatever the case may be, it is without doubt that certified forensic interviewers are eager to produce an ethically, morally, and lawfully sound interview result; in other words, an ideal result, which can be defended and presented to a jury and to the courts. To reach this goal, the forensic interviewer should ask what truth is elicited during the interview, from whom the information is obtained in regard to the interviewee’s perspectives, circumstances, and abilities, and first and foremost, which truth is later defined for and explained to the court by the forensic interviewer after analyzing and evaluating the interviewee’s statements. Zulawski and Wicklander (2002) rightfully added in their book’s preface that “thoughtful criticism is always of value, as it causes one to examine long-accepted positions and attitudes”. Hence, the following hypothesis might be of interest for a forensic interviewer.

Could the hypothesis be made that if the interviewer focuses on lie detection instead of truth detection, then the interviewer naturally focuses on catching the interviewee in a lie in accordance with the correspondence theory by measuring a statement’s relation to a given fact?
Subsequently, the forensic interviewer would focus on absolute truth: a pure and linear statement-fact-correspondence validation process. This approach is certainly valid and useful in some cases; however, in more complex incidents and multifaceted investigations which will likely be scrutinized in a criminal court, one should be careful providing absolutes to case participants.

Nesca and Dalby (2013) summarized that, amongst other features, the forensic interviewer focuses “on issues of immediate relevance to the courts” (p. 16). It must be included that the courts do not require absolute truth either. The standards of the burden of proof, required by the legal system to determine guilt or innocence is not absolute but must, for example in accordance with the Supreme Court decision In re Winship (397 US 358, 1970) be proven beyond a reasonable doubt in both juvenile and in adult criminal cases. In other words, a guilty verdict does not require a decision based on absolute truth, but on the decision whether the court and/or a jury believe any reasonable reviewer of presented evidence found that evidence fulfils the elements of the crime beyond a reasonable doubt (Griffin v. United States, 112 US 466, 1991).

In summary, the goal must always be to obtain the purest statement from the interviewee, which must not only withstand legal scrutiny, but which must, without exception, always be ethically, morally, and lawfully sound. However, the interviewer should not search for absolute truth nor should he or she ever defend such absolutes in a court of law. Instead, the focus should remain on relative truth and elusive truth to educate the court and to provide a comprehensive, fair, and unbiased interview result. This approach consists of two steps. First, it is obvious that statements regarding relative truth and elusive truth can only be obtained if an unbiased interviewer focuses on the perspectives and the personal circumstances of the interviewee, and not on lie detection as a linear and factual comparison of statements. Only in a second step, the made
statements must be weighed, analyzed and evaluated in light of lie detection processes, taking into account that some statements might not be lies, but relative and elusive.

References


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Previously suggested techniques for detecting deception in text reach modest accuracy rates at the level of lexico-semantic analysis. Certain lexical items are considered to be predictive linguistic cues, and could be derived, for example, from the Statement Validity Analysis (as in [23]). C. Is there a subset of RST relations that can be used as a predictor of truth or deception of the news; and if so, how accurately? 4.2. Data Collection and Data Source. Obtaining reliable positive and negative data samples is one of the challenges in automated deception detection research and requires careful selection of training and test data. In This Article Lie Detection in a Forensic Context. Introduction. General Overviews. History of Lie Detection. Theories about Lie Detection. Counter-Interview Strategies. Laboratory and Field Research and the Ground Truth Problem. Nonverbal Lie Detection. Facial Expressions of Emotions. With more than 1,100 references included, this book presents a comprehensive overview of lie detection tools and research, particularly in the areas of verbal and nonverbal lie detection. It contains chapters on pitfalls and opportunities in lie detection and will be of interest to academics, practitioners, and a lay audience. Wilcox, D., ed. 2009. The use of the polygraph in assessing, treating and supervising sex offenders: A practitioner’s guide.