

INTELLETNET NEWSLETTER

DECEMBER 2008

Table of Contents

Page

Carino's Corner	1
Know Your Fellow Members	2
New Amendments to the Americans with Disabilities Act.....	2
21 Things I Wish I Had Known When I Started My Investigations Business.....	3
Supervisory Tips for Addressing Employee Concerns	4
Members in the News	5
New Members	6
Retirements and Reinstatements.....	6
Enforcement of Judgments.....	6
Tips on Building Better Client Rapport	9
NCISS Position on Handling Locate Requests	10
Intelletnet Marketing Campaign	10
Canadian Criminal Records.....	11
Signals and Clues in Detecting Deception: A Primer on Reading Body Language.....	12

Carino's Corner

Recently in discussing another matter with an Attorney our conversation drifted into the subject of business development and marketing. I mentioned that my favorite marketing "tool" was serving as a presenter at various business and professional groups and bringing as a handout out something relevant to the core business of the attendees – something the attendees would be likely to retain for future reference/retrieval (this would eliminate business cards or company brochures as the prime handout material).

The Attorney agreed and then focused attention on what he uses as his measuring stick to accept an individual as a business client. He mentioned six points in his evaluation as necessary steps to establish a viable and acceptable business relationship as follows: The potential client has to "know" you. We have frequently heard that initial impressions can be lasting impressions so getting off on the right foot is essential. Secondly, the client needs to like you. If there are options no one likes to do business with a difficult person. His third point was the client needs to respect you, both personally and professionally. This leads to

his fourth and fifth points – the need to project the appearance and reality of being ethically sound and legally compliant in the manner in which you conduct yourself in with regard to the matter at hand.

Assuming you and your client score high in what should be a mutual evaluation, the sixth point is yours to make before you "close the deal" – that is an assessment on the client's ability to pay.

How often do you run a reality check on a potential client in advance? It seems to me that these "standards" as a tool to assess a potential client are worthwhile for us to add to our arsenal of available techniques. Obviously, it should replace a due diligence but it does add a human factor element.

Q: Why did the redneck highway construction worker lose his job?

A: Someone invented a shovel that stands up on its own.

Know Your Fellow Members



James E. Whitaker, CFE, CPP

The Whitaker Group

*Offices in Wooster and Cincinnati, Ohio and
Pittsburg, Pennsylvania*

James E. Whitaker possesses more than 37 years of hands-on experience in law enforcement, management, training, and private sector investigative experience. He received a bachelor's degree in criminal justice administration and a master's in business management (with an emphasis on organizational design) both from Myers University in Cleveland, Ohio. He's a graduate of the FBI National Academy, National Crime Prevention Institute, and ATF Insurance Fire Academy. Besides the Certified Fraud Examiner (CFE), he holds the designations of Certified Protection Professional (CPP), and Certified Insurance Fraud Investigator (CIFI). He is board certified in Security Management and serves on both the Investigations and Insurance Fraud Councils for ASIS International. He has served on the Board of Regents for ACFE and is currently an adjunct faculty member as well.

He served as the Executive Director of the International Association of Arson Investigators in Washington, D.C. and now owns and manages The Whitaker Group, LLC, an investigative services, training, and security consulting firm headquartered in Ohio. His firm conducts training and investigations for insurance carriers, auditors, CPA firms, management personnel, and all size firms. His investigations include internal investigations (theft, embezzlement, ID theft, vendor collusion, etc.); anti-money laundering; workplace violence and sexual harassment; undercover workplace operations; and all insurance investigations.

Prior to launching his own firm he served as an insurance executive with Westfield Group. He directed the special investigation unit among other home office operational divisions. Those included Subrogation; Legal Support; Medical Bill Review; Claims Automation; Agency Claims Service; Colossus; and Administrative Staffing.

Prior to joining Westfield, he retired as a lieutenant from the Forest Park, Ohio Police Department after serving as commander of the detective division. He later served as a full-time police academy instructor and corporate security director for L.J. Hooker International, a shopping mall developer headquartered in Sydney, Australia

Mr. Whitaker has trained and has been a featured guest and instructor for many organizations including ACFE, ASIS International, the National Fire Academy for ATF, and the Association of Special Investigation Units. He has served as a special news consultant for FOX television regarding fire scene investigations and for ABC News as an insurance fraud consultant.

I was married by a judge. I should have asked for a jury.

Groucho Marx

New Amendments to the Americans with Disabilities Act

Elizabeth Imhoff Mabey, Esq.

Business Controls, Inc.

Littleton, Colorado

Reprinted with Permission

Last month, President Bush signed into law new amendments to the Americans with Disabilities Act "ADA". The amendments were a bipartisan effort and compromise between disability rights groups and business groups, including the Society for Human Resources Management, the U.S. Chamber of Commerce, and the National Association of Manufacturers. Overall, Congress made clear its legislative intent of the amendments: to reject certain holdings in Supreme Court decisions that limited the application of the ADA to certain individuals, and to expand coverage of the ADA by making it easier for individuals with disabilities to qualify for protection under the ADA.

The text of the amendments specifically reference Congress' goal of rejecting the Supreme Court's holding in Sutton v. United Air Lines, Inc. and Toyota Motor Manufacturing, Kentucky, Inc. v.

Williams. In general, Congress felt that those decisions narrowed the scope of the ADA with respect to who qualified as “disabled” and was therefore protected from discrimination based on disability. Congress also expressed its expectation that regulations promulgated by the Equal Employment Opportunity Commission will be revised to include the broader definition of “disability.”

To expand upon the definition of “disability,” the amendments kept the ADA’s general definition that a “disability” is a 1) “physical or mental impairment” that “substantially limits: the “major life activities” of the individual; 2) a record of an impairment; or 3) being “regarded as” having an impairment. However, the amendments provide greater guidance on how “major life activities” are defined by including two non-exhaustive lists of such activities. Specially, “major life activities” which may be substantially limited by an impairment (and therefore qualify as a disability under the Act: include: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. While some of these have always been recognized as major life activities under the ADA, some, like reading, bending, and communicating, have not. Further, the amendments lists “major body functions: that are also considered major life activities as: “functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions..”

The other primary change in the amendments is to instruct courts with rules regarding how to determine if someone has a disability under the Act. These instructions include a directive that the question of whether someone is disabled under the Act “shall not demand extensive analysis, “ and that an impairment that is episodic or in remission, such as cancer, which was previously treated as an impairment that was not a disability under the Act when in remission, is now to be considered as if the impairment was active. Moreover, now impairments should not be considered with regard to their mitigating measures, such as medication or assistive technology, except for “ordinary eyeglasses or contact lenses.” This change may allow individuals with insulin-controlled diabetes to potentially be covered under the ADA.

So what does this mean for employers? As the ADA prohibits discrimination based on an individual’s disability, now more employees may qualify as disabled under the ADA and may request reasonable accommodations to perform their jobs. Particularly with respect to the amendments related to mitigating measures and episodic impairments, requests may come from employees who were never previously known to have impairments. Now is a good time to familiarize yourself with the requirements of the ADA, including the interaction process and reasonable accommodations.

Elizabeth Imhoff Mabey, Esq, is Vice President of Professional Services and General Counsel of Business Controls, Inc. This article was first published in Volume 8, Issue 10, of BCInsights.

Only Irish coffee provides in a single glass, all four essential food groups: alcohol, caffeine, sugar and fat.

Alex Levine

21 Things I Wish I Had Known When I Started My Investigation Business

*Joe Dickerson, CPP, CFE, CFI
Littleton, Colorado*

1. Your firm will succeed and prosper if you make a significant number of clients feel that their lives are somehow better than they would have been without your service.
2. Your integrity is your most valuable asset. Without that, nothing else matters.
3. Before starting an investigation, find out what the civil or criminal charge(s) is/are or will be, then read the pattern jury instructions. You will then know what must be proven or disproven.
4. Laugh when something funny happens, whether it’s in your office, in the field or in the courtroom. Keep your sense of humor—life’s too short not to enjoy it. And remember, never get so big you can’t laugh at yourself or you will be the joke.
5. Find out from your clients what he/she wants to accomplish, not what he/she wants you to do.
6. If they will do it for you, they will do it to you. Beware of a prospective employee who will quit their current job without notice to come to work for you immediately. This also applies to many other aspects of life.
7. Everyone you meet knows something you don’t know. Be willing to learn from them.

8. Never accept an engagement without a signed contract or letter of agreement. This shows the client you are a professional, and it eliminates any misunderstanding about the nature and scope of your work and the fee arrangements.

9. No matter how carefully you prepare a case, sometimes strange and unexpected things just happen that have an adverse effect. Get over it and move on.

10. Never write off a portion of your client's bill without letting them know you did so. If a case took too long or you otherwise cannot justify the amount, bill the full amount and show the discount on your invoice. This way the client will (1) know how much you actually put into the case, (2) be thankful for the break, but not expect it every time, and (3) appreciate the fact that you are watching over investigative costs for them.

11. Be more concerned with your character than with your reputation because your character is who you really are, while your reputation is merely who others think you are.

12. The **knowledge** of the problem is key to the solution. (Sun Tzu).

13. The ability to accept responsibility for your actions is a true measure of our character.

14. The difference between great people and everyone else is that great people create their lives actively, while everyone else is created by their lives, passively waiting to see where life takes them next.

15. Unless you hire your personal lawyer, CPA and doctor from the yellow pages—never take a client who just responds to you from the yellow pages. They are shoppers and will have no affinity with you. Their expectations will be greater than your rewards and you will serve them at the expense of good clients. Avoid blind dates—they seldom work out.

16. Never shade the truth or lie to a client, under any circumstances.

17. Real leaders are ordinary people with extraordinary determination.

18. Recognize the four kinds of tasks: (1) important and urgent; (2) important and non-urgent; (3) non-important and urgent; and (4) non-important and non-urgent. If it's not important, don't let the apparent urgency take you away from what is truly important.

19. Listen to war stories that veteran investigators tell; you can learn a lot from other people's experience.

20. Never, Never, Never give up. (Winston Churchill)

21. Always try to be the kind of person your dog thinks you are.

While most of these thoughts come from my personal experience, the seeds for a few came from Gene Summerlin's article published in The Docket and from Harry Beckwith's book, The Invisible Touch which I highly recommend.

Supervisory Tips for Addressing Employee Concerns

*Autumn Lowry
Business Controls, Inc.
Littleton, Colorado
Reprinted with Permission*

Many employee problems may arise in a workplace and, if you are a supervisor, you are the individual to whom the concerns will most likely be reported. According to the University of Arizona Life and Work Connections (2003), there are many reasons employees seek help with problems. For example, employees often report that their supervisors do not take the time to listen to them, do not equally apply policies to all employees, and either micro-manage employees or spend the majority of their time in their office failing to supervise their employees. As a supervisor, you have the opportunity to effectively hear employee concerns and have a positive influence on the workplace atmosphere.

The first step to being a successful supervisor is to evaluate your own behavior. Tensions in the workplace may run high on occasion, but before you speak to others about their concerns, you should always make sure your own behavior reflects the standards to which you expect your employees to adhere. It is important to have clear policies and guidelines that are evenly enforced in all levels of employment, including yourself.

Second, when an employee brings forth a concern, members of management should be very specific in identifying the core problem of the complaint. Management should determine the depth and scope of the problem and evaluate how serious or relevant it is to the work environment. Less serious work-related problems might include minor inconveniences and annoyances in the workplace, such as supply shortages, copy machine issues, or network problems. Often these types of problems can be easily addressed by communicating concerns with the individuals involved or responsible. More serious work-related problems

that require a critical approach would include those that pose a risk to health and safety, violate federal or state workplace laws, or violate company policies.

Finally, management should determine the most direct way to address the problem. As workplace conflicts vary in nature and severity, there is no single approach that solves every situation. However, the simplest solution is often the best solution, or at the very least, a good place to start. If you supervise others and notice a workplace situation occurring, writing a memo to everyone may help address the problem without singling out individuals, particularly when dealing with sensitive issues. The memo should include a statement that management has noticed the problem and outline the solution. When safety of your employees is threatened, you may want to hold a meeting to address the issue promptly. Gather your team together and discuss the problem, and include a brainstorming session regarding ways to resolve the issue. When you ask for input from others, they are often willing to participate in the solution. If the problem is a global issue at the company and not specific e to your team, suggest to upper management that the company address the entire staff.

The following is a list of supervisory tips to aid in the promotion of a successful work environment.

» If you understand that your employees are doing the best they can with the resources and time allotted to them, let them know that you recognize and appreciate their efforts. People can only operate at 100% capacity for a short time before they need a break, so allow for that.

» Even if you don't have a solution, listening to employee concerns communicates that you respect and value their opinion.

» Addressing concerns with the problematic employee, or employees, not only takes care of the problem, but it also sends a message to the other employees that you do care about the work environment.

» Few things create resentment as quickly as seeing others around you being given preferential treatment while you feel ignored. Treat all of your employees with respect. Take time to individually express your appreciation to all of your employees, even the difficult ones.

» Trust your employees to work on their own, but check the work if you have concerns and address problems when they come up. Allow your employees to be creative.

» If you're not sure how to handle a situation or what to say, get some input from your supervisor or a third party source.

Members in the News

Chris Rey, St. Louis, Missouri has been named to the newly created Board of Licensing Examiners. The State of Missouri has recently passed a PI PDA to become effective Spring 2009.

Susan Daniels, Chardon, Ohio, advised than an author named Les Roberts' newest fiction book, "King of the Holly Hop" has a character in that book based on her.

Pawan Ahluwalia, New Delhi, India, and **Jeff Bedser**, Princeton, New Jersey, will be speakers at the ASIS Asia-Pacific Conference to be held in Hong Kong Feb 305, 2009 Feb 09;

Bruce Hulme, New York, New York, will be a speaker at the PALI (PA) Seminar October 28-29, 2008, in Raystown Resort PA.

Dave Ziegler, West Trenton, New Jersey, was elected "Sergeant at Arms" of the New Jersey Licensed Private Investigators Association for the 2008-2009 term. Dave also spoke at the June 2008 meeting of the Vidocq Society.

Jim Whitaker, Wooster, Ohio and **Kevin Ripa**, Calgary, Alberta, Canada, were speakers at the Michigan PI Conference.

Peter Psarouthakis, Chelsea, Michigan, an Intellenet Board Member, is President of the Michigan Council of Private Investigators.

Phil Johnson, Keighley, West Yorkshire, England, has an article on the Sorrento Conference in PI Magazine.

Michele Stuart, Gilbert, Arizona, has a recurring Internet FYI Column in PI Magazine.

Bruce Hulme, New York, New York, **Jim Carino**, Gladwyne, Pennsylvania, and **Bill Blake**, Littleton, Colorado, will be presenters at NCISS Seminar in San Diego, California, in March 2009.

Greg Scott, Greensboro, North Carolina, was elected President of World Association of Detectives.

Steve Kirby, Chicago, Illinois, was featured in a very interesting case in a recent 20-20 TV Program.

Bill Lowrance, McLean, Virginia, and **Joan Beach**, Annandale, Virginia were featured in very favorable Washington Post story on PIs in its November 9, 2008 edition.

Bill Blake, Littleton, Colorado, **Jim Carino**, Gladwyne, Pennsylvania, **Ed Koeper**, Glenside, Pennsylvania, and **Terry Korpel**, St. Louis, Missouri, were heavily quoted in the December 2008 PI Magazine article entitled "Negligent Security Investigations."

Don Johnson, Bloomington, Indiana, has stepped down as Editor of the PI Magazine

New Members

Erick Flores, Caracas, Venezuela; **Eduardo Flores**, Coconut Creek, Florida; **Ellis Armistead**, Denver, Colorado; **Fred Coward**, Honolulu, Hawaii, and Tokyo, Japan; **Jim Gilroy**, Milwaukee, Wisconsin; **David Smith**, Great Falls, Montana, **Michael West**, Little Rock, Arkansas.

Retirements and Reinstatements

Ruben Contreras Collignon, Mexico City, Mexico is now fully retired. Ruben was one of our earliest overseas members.

Ilan Hendelman, Hartsdale, New York, was recently reinstated to Intellenet membership after several months on special assignment in Mexico.

Enforcement of Judgments: A Method of Bank Identification and Location for More Efficient Service of Information Subpoenas and Restraining Notices

*Richard Horowitz, Esq.
New York, New York*

Once a judgment is obtained - after the plaintiff prevails in court and the court orders the defendant to pay a monetary award to the plaintiff,

the plaintiff usually has to "enforce" the judgment. Judgment debtors often do not voluntarily satisfy the judgment, i.e., pay on their own. The judgment creditor therefore has to first find the debtor's assets and then take further legal measures to actually acquire them.

One of the first steps in enforcing a judgment is sending an information subpoena and restraining order to a bank where you think the judgment debtor may have funds. In New York State, this is governed by Section 5222 of the Civil Practice Laws and Rules (CPLR).

The investigative technique described below is a method to more effectively identify banks where the judgment debtor may have an account and to more efficiently serve the information subpoena and restraining order on the bank. It is not intended to teach how to enforce a judgment or the details of information subpoenas and restraining orders.

All banks have a legal department which accepts and deals with subpoenas and restraining orders. Often any local branch can accept the subpoena and will send it to the bank's legal department. Under certain circumstances subpoenas are sent directly to the bank's legal department. Lawyers seeking to enforce a judgment need be proficient in their state's relevant civil procedure and case law. (For a discussion of which branch to serve under New York law, see *Digitrex, Inc., v. Howard Johnson*, 491 F Supp.66 (SDNY 1980); *Therm-X-Chemical & Oil Corp., v. Extebank*, 444 N.Y.S.2d 26 (2d Dep't 1981); *National Union Fire Insurance Company of Pittsburgh, Pa., et al., v. Advanced Employment Concepts, Inc.*, 703 N.Y.S.2d (1st Dep't 2000)).

Investigative Technique for More Effective Bank Identification

Step 1

1. Through a reliable person locator database, download all addresses linked to the judgment debtor.
2. Cut and paste the results into zip code order.
3. In Google, search the term "bank" and a zip code from this address list.

4. Search each zip code separately, and in zip code order.

5. As an example:



6. This search will produce the following result which you can cut and paste into a separate document.-

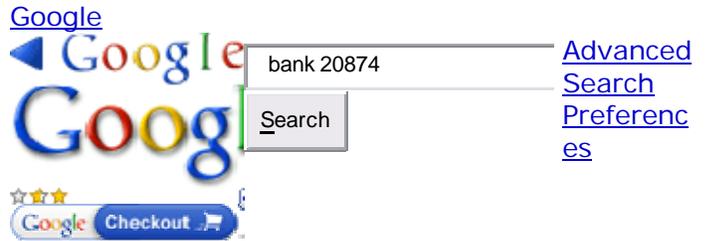
1. [Local business results for Bank near Brooklyn, NY 11223](#)



- A [Bank of America](#)
- www.bankofamerica.com - (718) 375-1032 - [more](#)
- B [WaMu Bank ATM](#)
- www.wamu.com - (800) 788-7000 - [more](#)
- C [Sovereign Bank](#)
- www.sovereignbank.com - (718) 946-0900 - [more](#)
- D [Sovereign Bank](#)
- www.sovereignbank.com - (718) 627-8387 - [more](#)
- E. [Sovereign Bank](#)
- www.sovereignbank.com - (718) 336-4713 - [more](#)
- F. [HSBC Bank USA](#)
- us.hsbc.com - [more](#)
- G [WaMu Bank ATM](#)
- www.wamu.com - (800) 788-7000 - [more](#)

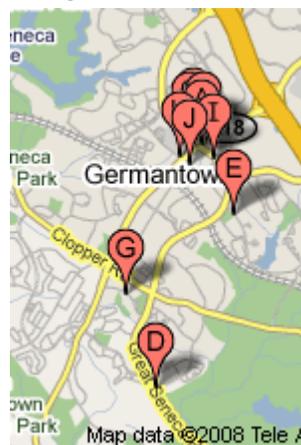
- H [Bank of America: Kings Hwy](#)
- www.bankofamerica.com - (800) 841-4000 - [more](#)
- I. [Richmond County Savings Bank](#)
- www.mynycb.com - (718) 569-3140 - [more](#)
- J. [Capital One Bank](#)
- maps.google.com - (718) 946-5000 - [more](#)

7. Another example:



8. This search produces these results:

1. [Local business results for bank near Maryland 20874](#)



- A [Bank of America](#)
- www.bankofamerica.com - (301) 515-8404 - [more](#)
- B [Wachovia Bank](#)
- www.wachovia.com - (301) 528-2312 - [more](#)
- C [M & T Bank](#)
- www.mandtbank.com - (301) 972-2458 - [more](#)
- D [Chevy Chase Bank: Germantown](#)
- www.chevychasebank.com - (301) 353-8402 - [more](#)

- E. [Sun Trust Bank](#)
- www.suntrust.com -
(301) 515-4912 - [more](#)
- F. [Chevy Chase Bank: Germantown](#)
-
www.chevyCHASEbank.com - (301) 916-8550 -
[more](#)
- G. [Chevy Chase Bank: Germantown](#)
-
www.chevyCHASEbank.com - (301) 540-1000 -
[more](#)
- H. [Chevy Chase Bank](#)
-
www.chevyCHASEbank.com - (301) 428-1901 -
[more](#)
- I. [Harvest Bank of Maryland](#)
-
www.harvestbankmd.com - (301) 540-0243 -
[more](#)
- J. [Davis Connie J](#)
- [WWW](#)

Richmond Sovereign Savings Bank
(3 branches)
WaMu (2 ATMs)

Maryland 20874

Bank of America
Chevy Chase Bank (4 branches)
Harvest Bank of Maryland
M&T Bank
Sun Trust
Wachovia

Step 2

1. You now have a list of banks in the zip codes of addresses linked to the judgment debtor, and in zip code order.
2. Make another list of banks in alphabetical order, then separate the banks into states.
3. Call the bank's general customer service number on its website. Ask to be connected to the bank's legal department.
4. Speak with the bank's legal department. The department's representative will give you the information you need: (a) the proper name of the department to which the subpoena is to be sent; (b) its address; and (c) its phone number. Also, the legal department will tell you what jurisdictions their office covers - for example, the North East, the entire United States, or only the state in which the bank is located. This generally depends on the size of the bank. The legal department will generally answer any questions you have about their rules and procedures.

5. Make an alphabetical list of these banks and their subpoena departments, listing all the information you have obtained

6. Log onto the bank's website and find its "Locations" page - the page where you can locate a bank branch. For example, search Google for Bank of America and you get the following result:

[Bank of America | Home | Personal](#)

Welcome to **Bank of America**, the nation's leading financial institution and home for all of your personal financial needs.

9. As you continue to search for banks according to the zip codes you have from your person locator database, be sure to execute the searches and keep the search results in zip code order.

10. When you finished searching, you now have (a) a list of banks according to zip codes which coincides with (b) your first list of addresses according to zip codes.

11. You may find it useful, in addition to keeping the list of banks according to zip codes (i.e., the examples in numbers 6 and 8), to modify the list by deleting all the information Google provides except the names of the banks. This list will look like this:

Brooklyn,	NY	11223
Bank of America	(2	branches)
Capital One		
		HSBC

[Show](#) [stock](#) [quote](#) [for BAC](#)

www.bankofamerica.com/ - 83k - [Cached](#) - [Similar](#) [pages](#) - [Note](#) [this](#)

[Online Banking](#) [Mortgages](#)
[Locations](#) [Contact Us](#)
[Credit Cards](#) [Viewing your accounts](#)
[Checking](#) [Please Select Your State](#)

7. Click on Locations and you get the following page:
http://bankofamerica.via.infonow.net/locator/atmb_ranch/ListLoadAction.do

8. Repeat this with all the banks on your list. Another example:

1. [Commerce Bank Online](#)
Welcome to **Commerce Bank** - America's Most Convenient Bank.
www.commerceonline.com/ - 27k - [Cached](#) - [Similar](#) [pages](#) - [Note](#) [this](#)

[Personal Banking](#) [Online Banking Sign-Up](#)
[Store Locations](#) [MyCommerceOnline](#)
[Business Banking](#) [Customer Service](#)
[Join Our Team](#) [Apply for a Loan](#)

9. Click on Locations to get:
http://bank.commerceonline.com/information/locations_hours/

10. Hyperlink the locator page of each bank's website to the name of the bank on your alphabetized bank list.

RESULT

You should have the following three lists:

- (a) a list of addresses linked to the judgment debtor in zip code order;
- (b) a list of banks with branches in those zip codes with other information from Google (and possibly a modified list with only the bank's name)
- (c) an alphabetical list of banks containing the bank's legal department information, hyperlinked to the bank's branch locator.

By applying your investigative skills to these lists - identifying patterns, making connections, and developing and following leads, you now have an effective and time-efficient tool to assist in (a) locating banks where the judgment debtor may have an account and (b) identifying the easiest way to serve that bank.

Tips on Building Better Client Rapport

*Rachel Searle
Business Controls, Inc.
Littleton, Colorado
Reprinted with Permission*

Not long ago, business was conducted and sealed with a handshake. Though much has changed over the decades with the addition of legal counsel, contracts, and processes, building client rapport is still immensely important to a business. Building and maintaining strong relationships may increase business but it also provides a cost effective strategy for obtaining new clients by word of mouth.

The best way to develop and maintain client rapport is to make it a prominent value of the company, and place a high priority on satisfying the client. Of particular importance is the sincerity of client interactions. Because most people are sensitive to phoniness, it is important to provide more than "lip service" and a smile. Though it is especially important for employees who have regular client contact to focus on customer care, ultimately it is management's responsibility to develop and imbue employees with the desire and skills to appropriately manage client interactions. This can be accomplished by setting a positive example of answering phones, dealing with upset customers, and exercising patience in difficult situations. Utilizing regular team meetings to address client needs and strategize client interactions is incredibly valuable.

Neil Devitt, training consultant, offered the following tips and strategies which can be implemented on an individual, team or company-wide basis.

» Small talk is an important skill for any employee who has regular contact with existing and potential clients. Successfully engaging in small talk creates a non-threatening atmosphere in which the client can begin to relax and develop a positive relationship with the employee. It is important to understand that the goal is not to become the

client's best friend in the first five minutes of interactions, rather, to put the client at ease as you work in to more relevant matters.

» Demonstrate to the client that you know something about their business—show them that you have done your research. If possible, communicate your understanding of where the company is presently, and where they will be going in the future. For example, does the company have any new projects, markets, or products? Looking at the overall picture can be a great rapport building tool, rather than focusing on the piece that applies to you.

» Attempt to match body language, gestures, and voice characteristics with your client.

Additions tips and tricks to consider:

» A table or desk creates a physical and visual barrier between you and your client. If possible, try to sit adjacent to the client, or meet them on one side of the desk, rather than across it.

» Try to connect on a personal level, such as enthusiasm for hobbies and past times. People have a tendency to offer clues about their interests because they want to be liked and well received.

» When appropriate, take your client out to lunch or to an event. Allowing your clients to see you in an informal and relaxed setting allows them to connect with you on a personal level, rather than business level.

» Follow up! Once you have established a great working relationship with your client, it is important to maintain the relationship by following up on a regular basis. Be sure to make the time to touch base with your client, otherwise you may lose the benefit gained by developing the relationship that has already been established. This includes sending any important business announcements to your previous clients. Newsletters provide an ideal opportunity to connect and maintain contact with clients, and a chance to showcase your business, highlight important topics, or answer questions.

Rachel Searle is a Research Specialist with Business Controls, Inc. This article first appeared in Volume 8, Issue 10, of BCInsights.

We could certainly slow the aging process down if it had to work its way through Congress.

Will Rogers

NCISS' Position On Handling Locate Requests

"A member shall, prior to providing a person any personally identifying or location information of an individual, conduct appropriate due diligence to ensure that the person has a legitimate business or legal interest in obtaining that information. When such due diligence is not possible or appropriate, or if the person appears to not have a legal or business interest, the person shall be informed that their contact information will be provided to the subject they are seeking and the personal identifying information of the subject they are seeking will only be provided to the person if that party consents."

Intellenet Marketing Campaign

Marketing the services and expertise of Intellenet and its membership is progressing slowly but surely. Our marketing efforts are supported by a transportable tri-fold display board, two commercially printed brochures—**Seminars and Training Programs** and **Areas of Expertise**, and several topic specific cut sheets or **Fact Sheets**. The Fact Sheets include "What is Intellenet", "Conduct of Internal Investigations", and "Do You Know Your Employee?"

Our first marketing stop was the Trade Show of the 2008 Conference of the National Association of Paralegal Associations (NAPA). Approximately 150 paralegals, primarily representatives of individual city, regional and state paralegal associations, representing approximately 11,000 paralegals were in attendance. To encourage interaction with the exhibitors, NAPA had a "bingo card" lottery wherein attendees had to obtain stamps on their bingo card from each exhibitor.

During our conversations with the attendees, Jim Carino and Bill Blake were impressed with the professionalism of the attendees and their quest for information to pass along to their association members.

Our discussions revealed several avenues for marketing to the paralegals and ultimately to their employers.

1. Paralegals have a continuing education program to maintain their certification. They expressed interest in training at the local level in the areas of ethics, investigative resources, and investigative specialties. Their current concern was the lack of qualified presenters on pertinent subjects in their localities.

2. Another area of great interest to the paralegals was Intellenet's capability for providing investigative support on a local, regional and national level with an emphasis on providing a reasonable return on their client's investment.

3. While not all paralegals were employed by firms engaging in international business, but those so involved, were extremely impressed with our extensive international network of members.

4. Those paralegals that represented major national corporations were interested in exploring the feasibility of Intellenet becoming a part of their investigative team.

One comment most frequently overheard was the paralegals enthusiastic acceptance of the Intellenet membership requirements. Many expressed that Intellenet standards exceeded the standards of many other investigative associations and demonstrated an increased level of investigative expertise.

The marketing program will eventually increase the exposure of Intellenet to potential clients and provide additional business for our members. The potential for training opportunities will provide an interface with potential clients and demonstrate the qualities and expertise of the Intellenet membership.

What is the expected interaction of the Intellenet members? When a request for training or investigative support is received, the Intellenet members with the appropriate expertise and in the geographical area of the requester will be asked if the member can provide the requested support. If the member is not in a position to provide the support, Jim Carino should be contacted by the member. To refuse a request for training or support without providing an alternative option would be counterproductive to the best interests of Intellenet and tarnish the good will, rapport, competence and trust we fostered at the Conference.

The Intellenet policy for exhibiting is simple: Decisions will be based on an assessment of the potential for business development for the greatest number of members at a reasonable cost. Suggestions from the members for exhibiting are solicited. Some organizations are too costly and their demands on the exhibitors are unacceptable.

Our next marketing adventure will be exhibiting at the National Association of Legal Assistants 34th Annual Convention in San Diego, California, on July 8-11, 2009. The organization is similar to the Paralegal Association and expects to have 300 attendees. Intellenet members in the San Diego area will be asked to assist at the Convention—volunteers are encouraged.

Canadian Criminal Records

*Richard McEachin
Scarborough, Ontario, Canada*

For the Private Investigator, there is no easy way to obtain someone's criminal record in Canada.

Only one central depository of criminal records exists and it is the Canadian Police Information Center (CPIC) run by the Royal Canadian Mounted Police. CPIC records are not accessible to the public. Only police forces have legal access to these records. You may know a friendly police officer, but to obtain a person's criminal record in this fashion is a criminal offence in itself, for both people involved.

In December 2006 a Saskatoon PI, Michael Robinson, plead guilty in Regina to illegally accessing the Canadian Police Information Computer (CPIC) and was fined \$20,000. He also faced similar charges in Saskatoon.

The Criminal Courts

This leaves the court system as the only real source of information about a person's criminal record. If you know the person was charged, and you can find the police officer in charge of the case, you can usually find out when and where the first court appearance was. Most police officers will provide the court and first appearance date if it is convenient to look it up. Most courts will demand that you know an appearance date.

With the date of the first appearance, you will still have to follow the case until the sentencing. Armed with the sentencing date and the courtroom in

which it occurred, you can order a transcript, which will cost between \$0.55 and \$3.20 or more per page. However, if there is an acquittal, or the charge is withdrawn, then the person's criminal past will not be read into the court record unless there was a bail hearing, and this would only occur for a rather serious offence. However, there is an easier way in most parts of the country.

While Canada has one Criminal Code for the entire country, the individual Provinces and Territories have the responsibility of running the criminal justice system in their respective jurisdictions. This means each province and territory maintains a case-management database system.

Some provinces make it easy to access the case-management system and some make it extremely difficult. A look at Ontario's system should make it obvious why this system is important to the Investigator.

The Integrated Courts Offences Network (ICON) is an operational system that tracks Criminal charges and charges under the Provincial Offences Act filed at all locations of the Ontario Court of Justice.

Icon contains demographic, offence, and court decision/disposition information on individuals accused of an offence before the criminal courts in Ontario.

If you can search a system like this by the offender's name and date of birth, then you will find all the offences with which he or she has been charged. Depending on the Province, minor offences are removed from the system on a set schedule. Throughout Canada, a pardon will remove the offence from the system.

With the case numbers, court locations, court dates, etc. in hand, it is easy to order documents. As the criminal law is uniform across Canada, the documents and their content will also be uniform.

In most cases, you will need to order the Information (charge), Recognisance, Bail, and Probation Orders to get a full picture of what happened. Of course, some of these documents may not exist, depending on the case. The Information is the sworn information that the accused committed a criminal offence.

Endorsements on the Information will record the court appearances, the police officers involved,

lawyers, court reporters present, and the disposition.

In Ontario, the summary conviction Informations are only kept for seven years and the ICON entry may also be removed at that time. Indictments are kept for forty years. Trial transcripts are normally kept for three years. However, these limitations are not absolute in every instance and such policies vary from Province to Province.

Signals And Clues In Detecting Deception: A Primer On Reading Body Language

*William C. Butler, PhD
Butler Research, LLC
Evergreen, CO 80439
303-674-8317
Reprinted with Permission*

Everyone lies – it is just a matter of degree. Lying, however, is not abnormal behavior until it becomes compulsive, excessive, and chronic interfering with the individual's ability to cope with life. These compulsive liars are becoming detached from reality and have a major character flaw. About 60 percent of "normal" people tell one lie every ten minutes during a typical conversation. Everyone to some degree deceives by concealing, omitting, distorting, embellishing, exaggerating, or falsifying information or the truth. The amount of dishonesty displayed in our verbal communications is all relative – some people just tell "little white lies" and some people tell "big lies" that later have major consequences. It is not easy or even possible to be truthful 100 percent of the time. All people lie with good intentions – it fulfills a basic need. Tartaglia (1999) suggests that the subtle intention of lying is to be in control. He also states that all children lie to test their parents in order to establish behavioral boundaries. This article, focusing on the more formal interview process, is an introductory insight into the science of reading the physical expressions, gestures and demeanors of people in order to ascertain if they might not be telling the truth.

Lying is fundamental in the human condition and a crucial dimension of all human relationship (Smith, 2004). It follows that everyone is constantly bombarded by new and possibly inaccurate information from various media and through interpersonal relationships. Conversely, everyone practices detecting the deception they know exists

in the world. This plethora of information is therefore automatically, even unconsciously, evaluated for truthfulness. But how do we know what information is accurate and what is not? Among adults, there are vast differences in deceptive abilities – a skill learned early in life (Lewis and Saarni, 1993). We rely on intuition -- which may not always be right -- and non-verbal communication to help in this process of determining truth. More specifically, a fundamental skill for investigators and interviewers operating in a world awash in deception, misinformation, and disinformation is the ability to know something about an interviewee's mindset, such as, the veracity of what they might be thinking, and if they are showing defensive, neutral or aggressive signs.

To know when someone is "cognitively challenged", anxious, and under emotional stress because they are lying, particularly when they are adamant about their truthfulness, has obvious advantages. *It is important to note however that just because a person is under emotional stress does not mean that the stress is due to lying.* Probably two-thirds (70 percent per Inbau, *et. al.*, 2005) of all human communication takes place through subconsciously displayed (involuntary) body language. According to Wainwright (2003), "Body language is nearly always a better guide to the truth than even the most eloquent words". Mehrabian (1971) concluded that only 7 percent of our information-gathering comes from the actual language used in conversation – the rest comes from body lingo and voice patterns, volume, cadence and pitch. Therefore, being able to spot these non-verbal warning signals, indicators, or gestures of deception plays a paramount role in the quality of decisions investigators and security professionals make daily. The problem with detecting lies is that most people are poor lie detectors (lie catchers); studies have shown that unless one is very highly trained in this area, there is only a slightly better than a 50-50 chance of detecting lies by intuition. About a fourth of one percent of the population can consistently detect lies (The Associated Press, 2004). Even judges and law enforcement officers are not much better than the general population at detecting lies (Ekman, 2001).

This focus of this article is neither interviewing techniques nor the formulating of interview questions nor the use of polygraph techniques (Moenssens, *et. al.*, 1995; Ekman, 2001). These are topics expertly covered in Inbau *et. al.* (1986

and 2001); rather, it is a description of the common clusters of non-verbal body signals that individuals subconsciously use when they "talk with their body". This is a brief introduction to the analysis of body language for the purpose of recognizing clues, signals, gestures, and posturing as they relate to the true emotional state and mindset of an individual, and ultimately to the true meaning of their verbal messages. Most people normally use a variety of gestures, such as hands and facial expressions (illustrators), when they speak to assist the listener. In fact, a failure to illustrate speech, or a decrease in the use of illustrators, can show a lack of emotional investment, boredom, disinterest, sadness, or a caution about what is being said, including deceit (Ekman, 2001; Gordon and Fleisher, 2002). It is harder for the average person to lie than tell the truth. In emotionally stressful situations, such as lying, although people obviously conceal their true feelings, they sometimes inadvertently leak and betray them via body movements.

The basic premise of detecting deception is that lying is stressful for most people; this stress is then involuntarily manifested in their gestures. Exceptions are children, the mentally retarded, and a class of individuals diagnosed as being severe sociopathic/psychopathic or EDPs (emotionally-disturbed person), plus individuals under the influence of drugs and alcohol. Gestures are the liars' way of relieving the stress of the lie – they thus become clues to detecting deception. Gestures dissipate nervous energy and are subconsciously intended to make the problem and associated stress go away. Detecting subtle deception using body language, however, is a very subjective art -- there are no formal rules and the guidelines are not foolproof. In order for body language indicators to be reliable, they should manifest themselves immediately in response to, or simultaneously with, a question by the interviewer. Ford (1996) states, "Individuals with antisocial personalities, the very people most likely to lie perniciously, appear to have lower levels of autonomic and subjective anxiety in social situations. Ironically, the very people in whom one may wish to detect deception may be the most difficult to decipher." Also of importance is that some overt body language gestures have different meanings in different cultures and countries; thus, what denotes stress for Americans may not for foreign-born individuals. Contrarily, Stacker (2004) states, "This involuntary body language

transcends cultural, racial, age and gender barriers. It's very consistent."

Dialogue between two individuals consists of both verbal and non-verbal components of the communication. The verbal component, such as the ways people deceive by providing evasive or fabricated answers to questions, and the emotional mindset of liars (anger, depression, denial, bargaining, and acceptance), are not treated in this article. Non-verbal body language should consistently correlate with what is being said (mindset), otherwise there could be an element of deception. Both the verbal and non-verbal components must also be synchronized, otherwise there is again suspicion of deception. And because most body gestures and postures are stress-level indicators, they become irrepressible spontaneous dynamic signs that can be decoded to extract important honesty information from either casual conversation or a formal interview. Physiologically, just as in the "fight or flight reaction" upon telling a significant lie, a liar's adrenaline flow will increase causing perspiration, pulse and blood pressure will increase, and the respiration pattern will become irregular. The principle and operation of the polygraph ("lie detector") is based on these physiological changes.

Although the subjective interpretation of gestures and the reading of body language are not absolute in reliability, the human body, if not pathological, undergoes physiological changes when lies are told and deception is being employed. These changes should create "an index of suspicion" in the investigator's mind. Gestures are the "psychological fingerprint" (Walters, 2003) of the person being questioned. On one level, the individuals in a two-way dialogue, such as in an interview, may show defensive or aggressive or neutral posturing, and on another level be communicating information anywhere from total honesty to total deception.

More than likely, a person who responds to interview questions with exaggerated denials means the person is lying. A person who verbally attacks the interviewer (using the strategy that the best defense is a good offense), or is overly cooperative, or changes the subject, or hesitates in answering, may be lying. A person who says, "Believe me...", "Honestly...", or "To tell you the truth..." is probably not being completely truthful. An analysis of what is said is very important in determining truthfulness, but how it is said is also

extremely insightful into ascertaining the degree of honesty. For example, during body language studies, liars usually talk less, talk more slowly, and make more speech errors and hesitations presumably because they need to plan their answers. Liars also use more negative statements, irrelevant information, over-generalized statements, and fewer words in their responses.

As might be expected, there are gradations in the intensity and frequency of lying from the occasional to frequent to habitual to professional liar. A petty "white lie" in order to be polite may have no adverse consequences, and hence no tell-tale deception signals, as opposed to a lie told to hide a serious crime. For the "non-professional" liar, as the stakes are increased (such as a possibility of punishment if not believed), these tell-tale signs of lying increase due to emotional arousal (Ford 1996). Generally, as the intensity of lying increases to the status of "habitual" and "professional", the level of comfort of the liar increases, the number of inconsistencies of the story increase, and the amount of detail decreases. On the conscious level, words may indicate either the truth or deceit, or more commonly, somewhere in between. A self-serving twisting of the truth, or the holding back of factual information, will not meet the standard of "the whole truth and nothing but the truth". Hence, on the subconscious level, involuntary gestures usually mirror inner feelings, and can therefore be used to help identify deception in the dialogue if there is inconsistency between the conscious verbal and subconscious gesture levels.

Of *critical importance* in assessing deception is the need to analyze the entire set of gestures generated during the dialogue of an interview or conversation. Body language should never be taken out of context. For example, an interviewee who has recently undergone emotional trauma may not present reliable nonverbal deceptive or truthful indicators. *A baseline set of gestures, or pattern of normal physical behaviors, must be established and known in order not to confuse gestures of deception with personal mannerisms.* This can be accomplished by having non-interview-type conversations with the subject prior to the actual questioning. All body language must be evaluated on the basis of timing and consistency, that is, when the indicators occurs and how often they occur. Cumulative temporary deviations or unnatural movements from the baseline set are scrutinized as being possible stress indicators. This

is also true in the detection of deception using polygraph analysis where baseline control questions are presented in a pretest interview. Furthermore, several isolated gestures do not a criminal or a liar make.

Remember, unless one knows the person very well, in order to properly interpret gestures, a baseline set of innocuous questions needs to have been asked; the subsequent sensitive questions that increase stress should thus be apparent. Reading deception clues is similar to a paramedic taking the vital signs of a trauma victim. The taking of only one set of vitals may be insignificant in terms of deciphering cause or severity of the problem; one set only establishes the baseline from which *the changes* can be measured, and hence from which the correct diagnosis can be rendered.

Married couples intuitively know how to read the gestures and body language of one another. Each spouse has a baseline set of normal behaviors that if changed ever so slightly usually sends up a "red flag" that something is not right, or that deception may be operating in the conversation. This leads to further dialogue that is designed to better understand what may be causing the aberration. Although women tell as many lies as men, studies (DePaulo, et. al., 1993) show that women have a superior advantage over men at being able to read non-verbal clues.

There is no unique signal that is associated with telling a lie. Lock (2004) states that, "Liars don't shift around or touch their noses or clear their throats any more than truth tellers do." Likewise, Ekman (2001) states that fidgeting, restlessness, body scratching, squeezing, picking, orifice cleaning and grooming are not clues to deception. Yet Stacker (2004) states, "If you touch your nose, ears, or eyes while speaking, you're probably not telling the truth. This sounds like an urban myth, but is fact." Most interviewers have learned that shifty eyes (Brockenbrough, 2004), perspiration, frequently shifting posture, and fidgeting hands indicate lying. Period. However, Inbau *et. al.* (2001) caution, "There are no unique behaviors associated with truthfulness or deception. The behavioral observations an investigator makes of a suspect do not specifically correlate with truth or deception. Rather, they reflect the subject's internal emotional state experienced during a response. These emotions can range from anger, confidence, and certainty to fear, guilt, apprehension, or embarrassment. Clearly, some of these emotions are more closely associated with

truthfulness (confidence, certainty, conviction) and others with deception (fear, guilt, apprehension, conflict). Behavior analysis, therefore, involves making inferences about a subject's truthfulness based on behavioral observations, none of which are unique to truth-telling or lying." Notwithstanding this precaution, people not trained in interviewing have been taught to better detect deception (Fiedler and Walka, 1993). The best diagnostic cues were: disguised smiling, lack of head movement, increased rate of movements, such as scratching one's head, increased pitch of voice, reduced rate of speech, use of pause fillers such as "uh", and "er", and less harmonic and congruent nonverbal behavior. Professional poker players will readily admit that crucial to their success is being able to decode the opponents' body language while at the same time camouflaging their own and purposely leaking false cues (Ford, 1996).

Generally, typical *attitudes* and *behaviors* of deceptive individuals (Bartel, 2003) include being: impatient; tense; defensive; outwardly unconcerned; overly friendly, polite or cooperative; uncertain; nervous; angry; and, quiet. Nervous behavior may include playing with objects, pulling on clothing, picking at lint, brushing imaginary objects off clothes, swinging legs, or in general, being restless as shown by their incessant fidgeting. Bartel (2003) thus differs with Ekman (2001) on the significance of fidgeting. Basically, liars become very defensive, try to change the subject, and are uncomfortable with long silences; on the other hand, honest or innocent people take the offensive when confronted with accusations. Inappropriate delays in answering questions, asking that a question be repeated, suddenly speaking in a high-pitched voice, or speaking with a sharp increase in the cadence, all show the subject is in a tense situation. Short answers and making no attempt to facilitate the conversation makes it clear that the subject being interviewed is stonewalling and is not interested in the topic being discussed – probably due to guilt. If signs of deception are observed for particular questions, the interviewer should return to those same questions later in the interview. Purposely increasing emotional stress on the interviewee may elicit some of the tell-tale clues of deceit.

Studies indicate that liars tend to move their arms and hands less and blink less. Their speech has more pauses because liars need time to remember what they've said in keeping their stories

consistent. The interviewee who sits on their hands may be indicating a desire to control what they are saying. Clasp the hands in one's lap can indicate insecurity and an eagerness to cooperate. Thinking-type gestures include rubbing the chin, placing fingers horizontally under the nose, and placing the temple of one's eyeglasses in the mouth. These gestures are deceptive if the question requires no thinking about the answer, such as, "Did you steal money from the safe last night?"

An individual who intends to lie or be uncooperative to an interviewer will try to physically distance themselves from the interviewer by slouching, or moving a chair back, or by not facing the source of the stress/threat directly, that is, by not facing the interviewer and having the shoulders oblique to the person-to-person alignment. Barriers are created by the liar by misaligning the chairs and/or by somehow minimizing his exposure to the stress source. Crossed-legs sideways, or legs stretched toward the interviewer, are other ways to create a physical barrier. Arms placed over the back of a chair in a slouched closed-off position with roving eyes usually conveys the message, "I don't want to talk with you." Shrugged shoulders are clearly a sign of indifference. A stiff back and neck could be read as being a defiant gesture. The truthful person will generally assume an open upright position possibly with a slight lean toward the interviewer to show interest. A sudden placement of the subject's feet under the chair (the runner's position) shows stress (Gordon and Fleisher, 2002).

Eyes, eyebrows, nose, ears, face, forehead, shoulders, fingers, legs, and arms all show gestures through movements, expressions, contacts and positions that may provide clues to what a person is thinking. The face particularly shows the basic emotions of sadness, happiness, boredom/indifference, confusion, anger/rage, surprise/shock/fear, and disgust/frustration; however, the deceitful person may try to use false facial expressions (called masks), such as smugness, to conceal the truth. "The face signals nuances and subtleties that language does not map in single words", according to Ekman (2001). Ford (1996) and Ekman (2001) have reviewed research on the types of voluntary and involuntary smiles each representing different reactions. Smiles can be complex having both macro and micro components and combining spontaneous and deliberate expressions. Smile types are: felt,

false, fear, contempt, dampened, miserable, Chaplin, flirtatious, qualifier, compliance, coordination, and listener smiles.

Here are some other simple and common examples of potentially diagnostic gestures. A slightly tilted head may indicate that the person is actively listening to the investigator. A non-tilted head could signify disinterest. If the subject's head is down, that is, sinks toward their chest, the person could be just shy, or there is an implication that the person could be depressed or bored, or just accepting of what is being said and hence possibly ready to admit guilt or wrong-doing. If the head is down but the eyes look up, this usually signifies anger. If the head is up with a jutting chin, the person is showing anger. A constant twitching of the face may mean that stress levels are increasing. According to Bartel (2003), an itching, a touching, or a pinching of the nose definitely indicate stress. Thus, the interviewer should be suspicious if the subject toys with their nose and ears. These areas may itch due to the increased blood flow triggered by stress. Touching or rubbing of the nose and ears might also indicate a lack of understanding of what is being said. Gordon and Fleisher (2002) suggest that a squeezing of the nose means disbelief. Excessive touching of the head clearly reveals high stress and deception. Excessive yawning (a stalling technique), "false smiles", frequent clearing of the throat, frequent swallowing, chewing, dry mouth, hands over the mouth, running fingers through the hair, and biting or licking lips may also indicate high stress and possibly deception. Dry mouth is caused by a lack of saliva which in turn is caused by the automatic triggering of the "fight or flight" response under stress. More specifically, a biting of the lips can be a sign of self-deprecation.

Whether or not a person's eyes are truly a direct path to and mirror of the soul is debatable; nonetheless, eyes are very useful in detecting lies. Bartel (2004) states, "Non-verbal communications is the key to predicting a person's behavior. And when it comes to non-verbal communications, it is through eye movements that we give and receive the most messages." Bartel (2004) also states that roving eyes may indicate agitation; they may be looking for an escape route or a weapon. Glazed or empty eyes may indicate conditions such as drugs, alcohol, or medical problems. This person has a high potential for violence. Erratic eye movements may indicate the person is hallucinating. An excited person's pupils can dilate up to four times their normal size and an angry

person's pupils will constrict. The average person blinks about 8-12 times per minute; those who are lying, however, will double this blink rate. Wainwright (2003) suggests that eye contact and direction of gaze are "arguably the most potent means of non-verbal communication we possess." A person who maintains constant eye contact with the interviewer could either be angry (threatening) or using this as a mask for deception; they may also be ready to negotiate. Exaggerated eye contact is an insult and can mean that the person is simulating sincerity or attempting to be psychologically dominate over the interviewer. Staring can be a sign that the person wants to be assertive and can be a challenging and aggressive act. Too little eye contact shows inattentiveness, insincerity, dishonesty, or shyness. Covering the eyes or looking away in response to a crucial question suggests a desire to escape the question. Rubbing the eyes is a sign of disbelief. Rolling eyes may mean acceptance or confession. If the pupils of the eyes widen or dilate, the person probably heard something they like or believe. When pupils contract the person might not agree with what is being discussed. If eyes narrow or squint, the person may be feeling distrust. Eyes that look up indicate the person is trying to remember. According to Bartel (2003), for a right-handed subject, if they are trying to remember something seen, heard, or felt, the eyes move left – up for what they saw, straight for things they have heard, and down for those things touched or felt. If the subject is *trying to create an answer*, their eyes move right – up for something they say they saw, straight for things they say they heard, and down for things they say they felt or touched. [Reverse right and left movements for a left-handed individual.] Constantly blinking eyes in someone who normally does not repeatedly blink could mean the individual is lying. No blinking probably indicates the person is having an internal conversation with himself (Bartel, 2003).

A classic sign of pain or depression is a furrowed brow. Frowns of course show antagonism. A wrinkled forehead with the head up and raised eyebrows could mean surprise, shock, or disbelief, and a wrinkled forehead with the head down could mean puzzlement. A raised head with only one raised eyebrow shows confusion or skepticism. Eyebrows that are squeezed and lowered indicates anger, worry, and/or confusion (Gordon and Fleisher, 2002). Tapping fingers (drumming) shows impatience or nervousness or hostility. Biting fingernails indicates a person is unsure of

themselves. Hands that show "steeple fingers" (all fingers lightly touching one another) show superiority and an attempt of the subject to dominate the questioner. The higher the steeple, the greater the confidence of the interviewee. Any touching of the questioner by the subject indicates an attempt to bond or dominate. Clenched fists clearly display a sense of anger. Hands at the throat, such as a man loosening a tie, suggest a desire to escape. A woman who places her fingers on her neck is feeling tension. Hands that are clenched in the lap of the interviewee indicate fear and deception.

Unless the subject is very shy, arms folded over the chest is a subconscious gesture of guarding and protection against what is being said. Bartel (2003) notes that the higher the arms are held, the greater the degree of defiance. He also suggests that if the thumbs are displayed while the arms are crossed, it is a sign of arrogance. If the elbows are held tight and close, the subject is guarding, that is, being defensive. If the subject is sitting leaning forward with elbows resting on the thighs and the hands clasped, the position is called the "liar's lean". Elbows held away from the body shows the person is relaxed. Someone who places their hand on their chest is directing attention to themselves and is probably not hiding anything.

A dishonest person being interviewed does not feel comfortable during long silences. An interviewer of a dishonest person may purposefully create pauses. This person will then usually try to fill long pauses with comments and other diagnostic gestures. These comments may be inappropriate or out of context to the subject matter at hand. According to Inbau *et. al.* (1986), a guilty person being interviewed, "...is also more likely to react nonverbally to the suggestion of guilt – fiddling with clothing, crossing and uncrossing legs, squirming in the chair, dusting off clothes or turning the head away as the interrogator talks."

Courting-type gestures are more rare in interviews but they are deceptive and meant to bias the questioner. Examples might be a woman playing with curls of her hair, unbuttoning the top button of her blouse, or touching her lips, and a man combing his hair or straightening his tie or clothing.

Politicians are a special class of subjects when it comes to decoding their gestures because they have been trained in body language. The

interviewer who encounters such a trained person should know what to look for. This subject makes good eye contact, shakes hands with a warm, firm grip, maintains upright postures, restrains head movements, offers slight smiles, speaks with an even pace, and nods their head to show active listening. Politicians are known for deliberately counteracting any signals that might show deception because they know the public normally views them with suspicion and a fairly wide credibility gap. Thus, amid clever word-smithing and evasive answers, attempts are made to conceal this unfavorable image and to seek trust from the constituency. In reality, the truthfulness of politicians is somewhere between less-than-total honesty and not-quite-total misinformation – this is sometimes required to get elected. But the public is wary that politicians seeking election can really deliver what is promised. Wainwright (2003) concludes that in order to appear honest, politicians must, “control the lower parts of their bodies, which is where the tell-tale signals will be given.” These clues include shuffling feet, twitching toes, frequent leg-crossing and uncrossing. He further states, “when sitting, politicians tend to adopt forward lean. This indicates a desire to cooperate with the listener in discussion. They often use more eye contact when they are speaking than is normal – not only to make them appear dominant but also to give them a better chance of controlling or regulating the interaction between themselves and their interviewers. They also try to have the last word in interviews because they realize not only the verbal effect of achieving this but also the non-verbal effect. We tend to believe that the last word on a subject should be allowed to the person of highest status present. When they are standing, politicians use gestures so exaggerated as to put the ham Victorian actor to shame. Demagogues will saw the air wildly as they rant and rave. They will thump the table, point accusingly, raise their arms in appeals to the Almighty and pause dramatically after a particularly felicitous phrase for applause.”

POSTURING

When two individuals are engaged in dialogue, each can exhibit any one or all of the three types of behavior: Defensive, aggressive, and neutral posturing (Rail, 2001). The observer must interpret and decide what each of these postures means in the context of the conversation or interview. These three modes of behavior or mindset can be identified by empirical observations of certain

attributes of speech, eyes, head, arms, hands, and feet. Mixed messages can occur, and thus a single posture is not an absolute indication of any of the three modes; several gestures that deviate from the norm must be combined for maximum reliability in reading a person. Although posture interpretation is a rather intuitive skill for most people, it can be refined. As emphasized above, it is not a rigid formula that one can input values or observations and immediately decide truth or dishonesty or acceptance or rejection of what is being discussed. The basic posturing attributes are generalized below.

DEFENSIVE: This posture conveys insecurity or fear, and the interviewee is subdued, quiet, and “acting nervous”. A person in this mode may have a slowed tempo of speech, or may even mumble. Their eyes may narrow and may not be focused on the interviewer; eyes may be glancing around even when this person is speaking to the interviewer. Narrowed eyes convey distrust. One raised eyebrow also may convey a feeling of distrust or an impossible situation. In the defensive mode, the head is leaning back whether the subject is standing or sitting; their face is not in line with the perceived threat of the interviewer’s questions. Arms may be folded across the chest or held in tight as a protective mechanism. Posture is mechanical or contrived and seems out of place. Hands may be constantly moving and may be clenched if there is extreme fear. Hands may also be on the hips or in pockets; palms are down. Feet show defensive posture when the person is standing and the body weight is leaning backwards. If seated, the defensive person’s legs are usually crossed above the knee.

AGGRESSIVE: In this offensive posture, the person being interviewed may be agitated and becomes more assertive verbally. Gordon and Fleisher (2002) state that yawning serves as a warning of possible aggressive behavior. They further state that a person’s face is “white with rage, red with anger, and pale with fear”. Not surprisingly, these states relate to the amount of blood flow to the face caused by hormones like adrenaline. The aggressive person wants control. The physical distance between two individuals may be decreased as the subject’s voice is raised, the speech cadence becomes faster, and the confidence level of the aggressive person increases. A rigid mouth and flexing jaw clearly suggests this anger and high stress level. Eyes become narrowed and maintain contact with the

other person, or even stare being concentrated on the other person's hands or feet. Alternating eyes may indicate a person is getting ready to attack; his eyes alternate from your eyes to your chest, chin, groin area, or wherever he plans to strike. This aggressive person moves his head forward and faces the threat. Arms are probably bent at the elbows and the hands can be open or clenched and visible, for example, above the table if sitting at one. The hands may be constantly opening and closing; the palms are probably face down and demanding of action in a forceful way. If the interviewee's hands are behind the back, be wary because this person may be hiding an object, including a weapon. Feet are slightly behind the center of gravity, that is, body weight is shifted forward if standing; the strong-side foot will go back as if getting into a set position anticipating an action or quick response. Feet are positioned under the chair if sitting; this results also in a slight forward lean.

NEUTRAL: The purpose of the subject's neutral posture is to seek and obtain cooperation from the interviewer. The neutral person will usually stand erect or sit upright; they will show little or no emotion. This person is relaxed, focused, in control of the situation, and may be in deep thought. Eyes are wide open and looking at the other person. The head is in balance evenly over the body. Arms are relaxed whether hanging to the side if standing, or on the arms of a chair if sitting. They may also be behind the back if the person is or has been in the military. Hands are open with fingers extended and palms up showing that there is nothing to hide. The hands may be resting on a table and clenched if the person is experiencing extreme joy. Feet are supporting body weight by being evenly distributed; if seated, the interviewee's legs are probably perpendicular to the floor.

OTHER BODY LANGUAGE

Gerry Spence (1995, p. 71-73) stated. "I have already spoken of the emerging science of kinesics commonly called 'body language'. We can often tell how someone feels about us when the person does something as simple as shaking our hand. Have you felt the person let loose a fraction of a second before the handshake was complete, a dead giveaway that he or she is anxious about the meeting, or repulsed? Have you noticed whether a person chooses to shake your hand or give you a hug? When you are hugged in a social setting,

have you noticed the way the person holds you, how some withhold their bodies? Do you notice when you pull back from the hug whether the person looks you in the eyes, and, if so, what the eyes are saying? Body language is words heard with the eyes. Bodies reflect fear, boredom, interest, repulsion, openness, attraction, caring, and hatred. Bodies will speak to us, if we will carefully listen with our eyes. And the easiest way to discover what the body language of another is telling us is for us to mimic the *other* and then ask ourselves how we are feeling when we take on the *Other's* body positions. We can listen with the eyes by observing the way people walk. Do they slump? Do they walk as if they are carrying the weight of the world on their shoulders? Is there a sprightly bounce, a swagger? See how they pound the floor with their feet as if they are angry at the very earth beneath them. When I am in court I always have an associate keep notes so that I am freed to watch the jurors walk to the jury box. The manner in which jurors carry themselves is a stamp that life has placed on them. I see people who walk as if they are trudging uphill. I see women hop about as if they are sparrows about to take flight. I see young men prance like stallions in the ring. I see people shuffle, slither, slink, creep, glide, tiptoe – the way people move is their autobiography in motion."

Dr. Butler has been a member of the Professional Private Investigators Association of Colorado (PPIAC) since 1993.