



## Looking for Lying in All the Wrong Places

by Bill Grimes

*Editor Note: An update on the deception research. For years, we've tried to figure out who is lying and who is telling the truth and it's been quite a conundrum. Here's an overview of the more recent research on deception responding to the age old question: "Are we there yet?"*

**L**YING IS PART of everyday life. We lie to escape punishment: "I had no idea I was going over the speed limit, Officer." We lie to protect others from being hurt: "Honey, does this outfit make me look fat?" Lying even helps regulate various aspects of society, such as the judicial system: "Despite what you think of lawyers you can be fair and follow my instructions, can't you?"--"Yes, your honor." Despite our familiarity with untruthfulness – or maybe because of it – we seem to be on an endless quest to unmask the deceiver. This is easier said than done. The research is surprising.

- Even the professionals aren't very good at catching people in a lie.
- When we do catch a lie, it's often not for the reasons you

may expect.

- There is no "Pinocchio's nose". That is, there is no single verbal, nonverbal or physiological cue uniquely related to deception.

### **To Catch a Liar: Easier Said Than Done**

In 2006, two of the premier researchers in the field of deception detection, Charles Bond and Bella DePaulo, re-examined the results of over two hundred studies on how well people detect lying. They found that people were able to detect lies 54% of the time. You'd get 50% right by pure chance, so that's not very impressive ([Bond & DePaulo, 2006](#)). Another study tested 13,000 people to see how many of them were good at spotting lies ([O'Sullivan, 2008](#)). Thirty-one were good at it. That is 2-tenths of one-percent (.02%), again, not very impressive.

For years it was thought that the reason most people are so bad at catching liars was because many of the "cues" people had been relying on were in fact *not* reliable. When two thou-

sand people from all over the world (Bond, 2000) were asked how they spotted liars, the most common answer was, “Liars won’t look you in the eye”. But studies have shown time after time that people who are telling the truth have poor eye contact about as much as liars do. The same is true with fidgeting, face touching, clearing the throat, speech rate and other cues thought to be red flags of deceit. Studies show that liars and truth tellers do those things with fairly equal frequency. Behavioral differences between liars and truth tellers are small (Vrij, 2008).

Research also shows that lie experts – police interrogators, customs agents, even lawyers – aren’t any better at detecting lying than anyone else (Bond & DePaulo, 2006). Decades of research show that lie detection is a near-chance game.

### **Cues: True and False**

The problem becomes that focusing on false cues causes people to miss real ones. But which are the real cues to deception? The highly motivated liar is going to do everything possible to keep from being discovered. The best way to do that is to appear honest. What makes lie detection so difficult is that truth tellers have the same motivation – they want to appear honest.

Several studies indicate that effective deception detection is not based in what liars *do*, it’s based instead in what they *don’t do* (Bond & DePaulo, 2008; Vrij et al, 2004; Colwell et al, 2006). When lying, people tend to move around less, blink less, have longer eye contact, make fewer speaking errors and do not try to backfill omitted details. In other words, the liar is trying to make us think he or she is being honest. Motivated liars, in an attempt to control their body language, may overdo it and appear more rigid than usual, and show a reduction in hand and arm movements (gestures) in trying to appear calm (*The Truth About Lies* 2010).

### **The Dual Tracks of Lying**

Keep in a mind a couple things as we go through this, the research is pretty clear that we are not very good at detecting deception. However, that does not mean people don’t *think* they’re good at it. People gauge truth-telling in their daily lives and throughout the judicial process. Attorneys need to be able to gauge prospective juror’s honesty in jury selection. Attorneys want to know if their witnesses are telling the truth. Jurors want to know the same thing. Are they able to? Probably not, but ‘perception is reality’. If jurors think your witness is being deceitful, it doesn’t matter if he or she is or not since the jurors have made up their minds.

Actual and perceived judgments require lying to be observed on dual tracks. You have to look at it from the perspective of the liar and the perspective of the observer who judges the lying.

- One track requires a focus on what liars actually do – actual behavioral cues.
- The other track focuses on what judges of lying think liars do – the perceived behavioral cues.

Some very interesting findings emerged from a meta-analysis of over two hundred studies done a few years ago (Hartwig & Bond, 2011). What people say indicates lying to them (e.g., what they observe in others) is remarkably consistent. For example, the belief in a link between gaze behavior (e.g., direct eye contact) and deception was the most frequently reported. But, there are limits to what we know about ourselves. The behaviors we say tip us off that someone is lying may not actually be what we use to conclude they are being deceptive (Nisbett & Wilson, 1977). It is quite possible that we are unaware of the basis for our truth-telling assessments. When we say, “I knew he was lying because he wouldn’t look us in the eye,” or “He couldn’t sit still,” it is only a reflection of stereotypical deceptive behavior that has little impact on actual decision-making.

The behavior of liars and truth tellers shows that cues to deception are scarce and that many subjective cues are unrelated to deception. We discussed gaze aversion and the lack of a relationship to actual deception. In addition, the assumption that liars are more nervous, which is characterized by fidgeting, blushing or speech disturbances, is not linked to deception.

Most of the past research on lying relied on what people think indicates deception. When Hartwig and Bond took another look at decades of research, they wanted to account for the fact that people exist in an uncertain environment and that judgments and inferences about what’s going on around them are made on the basis of uncertain information. For example, a musician may play the same tune but with different emotions (e.g., anger, sadness, happiness) each time (see Juslin, 2000). A listener may be able to identify the tune being played, but have a difficult time judging what emotion the musician is attempting to convey.

What people actually rely on to detect truthfulness is different than what had been thought in large part because we are not very good at describing why we think someone is lying. It is more of a feeling, not unlike what former U-S Supreme Court Justice Potter Stewart wrote about hardcore pornography, “It’s hard to define, but I know it when I see it”. The cues tend to be impressions such as indifference. This shows that our intuition is more accurate than previously thought.

### **How Does It Feel?**

Hartwig & Bond’s analysis placed less emphasis on self-reporting – because we aren’t very good at it and often articulate what sounds logical, such as poor eye contact – and placed more reliance on indirect lie detection tasks. Individuals were not asked whether they thought someone was lying and what made them think so. Instead they were asked if a person displayed certain

characteristics. For example, did they look “uncomfortable”, “uncertain”, “positive” or “spontaneous”? Did their story sound plausible? The results show that actual cues to truth-telling (and thus to detecting deception) are not single behaviors, such as the liar not sitting still, but instead, more global impressions from the observer. The theory is liars might be less familiar with and have less emotional investment in what they are saying, so they come across as indifferent and ambivalent.

Here are some of the prominent cues to actual deception identified in the Hartwig & Bond analysis:

Deception Detection improves when we ask the right questions of the observer	
DECEPTION	TRUTH-TELLING
Uncertain	Positive
Indifferent	Consistent
Ambivalent	Cooperative
Implausible/Illogical	Realistic
Few sensory details	Spontaneous

Notice that eye contact is not a prominent cue for deception or truth-telling. People think it is, even when describing their own lying behavior, but we may have limited insight into our own cognitive processes (Strömwall, Granhag, & Hartwig, 2004). Those judging liars have a more intuitive reaction. They don't seem to know what behaviors indicate truth-telling, but they react more suspiciously when watching a deceptive statement than when watching a truthful statement. For example, as illustrated in the visual above, observers will see the liar as more indifferent, uncertain or ambivalent and the truth-teller as more consistent, realistic and spontaneous.

### Group vs. Individual

A very recent study indicates groups do a better job of detecting lying than individuals (Klein & Epley, 2015), which is a boost to the jury system. To be precise, the study found that the dynamic of group discussion rather a collection of individual responses – for example a poll or survey – accurately detected deception a greater percentage of the time. However, this author suggests a healthy dose of skepticism in these findings since the increase was not overwhelming (even though statistically significant). Here are the percentages of time groups and individuals were correct in identifying lying. Remember 50% would be as good as a guess.

### Conclusion

While it is important to know the real indicators of deception, it is equally important to know what people, such as jurors, *perceive* to be indicators of lying. When preparing a witness, it

Experiment	Accurately detects lying	
	Groups	Individuals
1	62%	54%
2	60%	54%
3	53%	49%

is prudent that he or she be positive, consistent, cooperative and spontaneous because observers (jurors) intuitively attribute those characteristics to honesty. This opens up a new area to explore in jury research.

Explore mock jurors' reactions to witnesses in focus group debriefings, “What did you feel as you watched/listened to this juror?”. Prepare prospective jurors in voir dire not to ignore their intuitive feelings as they listen to a witness. Instead, teach jurors to ask themselves different questions in assessing credibility and work in witness preparation to help your witnesses tell their truth effectively.

It is also important that the witness exercise effective eye contact, avoid fidgeting, face touching and clearing the throat because, while not reliable cues to deception, people explicitly think they are reliable and watch for them. (By the same token, don't assume a member of the venire is untrustworthy because she won't look you in the eye, fidgets and is constantly playing with her hair. Research shows people telling the truth do those things with similar frequency as those who are lying.)<sup>16</sup>

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