

Misconceptions about Eye Movements

We had the opportunity to listen to a presentation by Dr. David Matsumoto on micro expressions at the Certified Forensic Interviewer Elite Training Day seminar in November. To establish the difficulty of identifying truth or deception, Dr. Matsumoto had everyone evaluate a series of videos and make judgments of the person's truthfulness. He then asked for the reasons why the person was ranked truthful or deceptive by the observers.

Some of the attendees made their decisions based on the individual's verbal response, others used emotion, some word choice, but many focused on physical behavior to reach their conclusion. It was interesting to hear what people were observing, but clearly the observations were at chance level of us making a correct judgment. There was no behavioral norm for us to observe, no real threat of punishment for the subject if he was caught lying, no strong emotion to conceal, no ability to question, so the deck was stacked against the observer.

What was most interesting, however, was the number of people who mentioned the individual was lying or telling the truth because he was looking right or left when he answered. These responses from the attendees appeared to be making reference to neuro-linguistic eye movement.

Dr. Matsumoto correctly called these observations into question, noting that twenty-three of twenty-four research studies showed no support for eye direction being a predictor for truth or deception. We were inundated with questions from participants about how these studies contradicted our training. In fact, there is no contradiction between our training and the studies quoted.

Let's take a step back and look at where these ideas originated and developed over the years.

Neuro-Linguistic Programming

Back in the early 1970s, Richard Bandler and John Grinder began to observe therapists who had unique abilities to connect with and change their patients' patterns of behavior. The observations they made were codified into what became known as Neuro-Linguistic Programming™ or NLP™. It was a method of therapy to resolve the patient's problems or create a structure for repeatable success. The method relied on communication techniques, reframing, and anchoring to bring about change. If you have heard of Anthony Robbins, he became wealthy using these principles to teach people to be successful through positive change. Today, he leads programs with thousands in attendance to learn his approach.

Bandler and Grinder originally postulated that people have a primary basis of communication—visual, verbal, or feelings and

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emotions. While we can communicate on all these channels, we often have a preference for one. Visual people may use words like, "I don't like the looks of that" or "When you see someone say" to represent their preferred communication channel. The auditory might say, "I don't like the sound of that" or, perhaps, "That doesn't ring true." Those where feelings dominate use tactile phrases, grappling, "Sinking my teeth into it" or "Wrapping my head around it."

NLP suggests using the same channel as the person you are talking with in order to increase rapport and further your communication with them. The group also suggested that when people look left they are recalling something and right they are creating something not experienced. They also look in different places if they are communicating visually, verbally, or emotionally.

Neuro-linguistic eye movement is either recall or creation, and our job is to validate which it is and what that means.

Law enforcement trainers took these ideas and used them, often incorrectly, by concluding if the person is creating, he is lying, or if he is recalling, he's truthful. The law enforcement trainers also made the blanket statement that when people look to the left they are recalling and when they look to the right they are creating. This was also incorrect since some people reverse the two or don't do it at all. Thus, these incorrect assumptions that creation is lying propagated a false, wide-spread belief throughout the law enforcement and loss prevention community.

Today, there are a number of trainers who point out the incorrectness of these assumptions and dismiss the idea that there is any value at all to this observation of the eyes. Their lack of understanding leaves a valuable tool out of the investigator's toolbox.

Determining Recall vs. Creation

Let's examine the movement of the eyes. In general, eye movement assists us in locating information in the mind. Much like movement and gestures, which also assist in the recovery of memories and speech, eye movement establishes that there is a memory search and additional thought taking place. This additional thought could either be of a creative or recall nature. There is no way to establish whether this is the recovery of a truthful detail or the creation of a deceptive

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component of the story. Shane often says that neuro-linguistic eye movement is either recall or creation, and our job is to validate which it is and what that means.

Recall and creative eye movement alone has nothing to do with truthfulness or deception. It simply tells us the person is doing additional thinking. The question then becomes, should this extra thinking be required for the person to answer the question?

The first step in making eye movements a useful tool is attempting to establish whether or not the individual has a pattern of eye movement associated with recall and creation. During the interviewer's establishing of the behavioral norm, he is attempting to identify patterns relating to short-term memory recall, long-term recall, and creative narratives by the subject. People have individual patterns that must be established before one can determine recall or creation.

Information used frequently is kept readily available in our memory, such as our name, address, date of birth, and other useful information. Less useful data is stored and requires a memory search to retrieve it from storage. Asking about the individual's date of hire or his job history requires a more in-depth search of the memory. We might also ask a question of an individual that requires the creation of an answer. For example, tell me three things that you would change about your job to make you more effective? Clearly, the three things offered could be truthful or untruthful, but we can generally establish they were created. However, if the subject had been asked the question previously or had anticipated the question and created an answer he simply had to retrieve it from his memory.

A lie previously created is simply recalled from memory and repeated to remain consistent. If we agreed to tell a story about playing cards with a group last night when we did not, it would

be a lie. If questioned we simply retrieve the agreed-upon alibi. An observer would expect us to use our eyes in a recall fashion to retrieve the outline of our deception. However, as he probes for details of a false story, it requires creation of new information.

The details of our lie have been agreed upon only in general terms, and those established details are stored in our memory. When the interviewer begins to question other aspects of the alibi that had not been created, it requires additional thought and creation to construct the answer.

In the alibi relating to playing cards the previous evening, nothing else in the way of details have been agreed upon. The subject must create each and every component of the story making sure that it does not contradict other information available to the interviewer. In this situation asking the subject what type of card game they played should result in a creative effort by the subject to expand the details of the story. Follow-up questions such as who sat to your left and right, who was the big winner and loser, could additionally validate the creative nature of the person's response. The person should not have to create information if he is responding truthfully.

Once a deception has been created, it now merely has to be retrieved accurately from the subject's memory and repeated consistently. The use of the mental searching technique is most effective when obtaining that first untainted story from the subject and then probing for details. Once a story has been told several times, the need for creation diminishes, and it is more likely the individual will simply recall the details already created and accurately repeat them.

The context of the story, the question type should tell the interviewer whether or not it is necessary for the subject to engage in a creative response. In our next column we will examine question types that can encourage a recall or creative response from the subject and discuss how to evaluate the response. ■

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