

SUGGESTIBILITY IN INTERVIEW AND INTERROGATION – THE SMILE

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Abstract

The author develops a discourse on suggestibility, on how smile can be used to guide the behaviour of people investigated, about how the presence of smile, jokes and laughter in the conduct of the person interrogated can be interpreted.

Key words: *criminal investigation, interview and interrogation, smile, jokes, laughter*

Introduction

Suggestibility in judicial hearings/interrogation, why did we consider necessary an approach to such a subject?

Because the topic is considered taboo and is treated superficially in the specialized doctrine and practitioners do what they can about it. In principle, they sway, from case to case, from being persuasive with an amazing haste, impatience and ignorance, to being fearful, hesitant, awkward in formulating and delivering questions to the person they are hearing, while eagerly avoiding any non-verbal signs that might betray their beliefs, position or the strategy they intend to use in the development of the investigation they are conducting.

The written instructions seem clear enough – the investigator should avoid, the investigator is prohibited from resorting, within the hearings, to suggestive questions that might distort the statement of the person examined.

In judicial hearings, suggestibility is explained as being given by the extent¹ to which a person having come into the hearing room, during the hearing, accepts messages conveyed by the investigator and appropriates them – possibly even enriches them – with a consequent damage to all subsequent statements given during the investigation.

Well, inter-human communication involves the exchange of messages and, consequently, their acceptance or rejection. It is normal, in the first instance, to agree with the content of certain messages, to take them on, to internalize and accept to promote them as representing us, individually, as well. In the second case, that of rejection of the content of certain messages, theoretically things become clear in the sense that we do not accept, we repudiate that content, but... we may develop an interest, which we consider important and which might cause us to... make concessions and, as such, to accept, to internalize and promote something that does not represent us, with a content that we disagree with, but which can help us achieve our interest, and what could possibly be more important than our personal interest?

¹Gudjonsson, G.H. and Clark, N.K. (1986). Suggestibility in police interrogation: a social psychological model. *Soc. Behav.*, 1, pp. 83–104.

Of course, “higher” interests may come up in the first case too and, in such a situation, the person in question will try to refrain, to abstain from commenting, saying he does not know, he has no idea, was not concerned, did not realize that, etc.

Returning to inter-human communication, it should be accepted that it is absolutely normal to exchange messages, to influence each other, to accept or reject the suggestions that are conveyed to us and that we perceive. In fact, isn't suggestibility a component of human communication? Of course IT IS.

In these circumstances, a serious problem arises: how to neutralize the negative effects of suggestibility on the investigation?

First of all, let's see what the positive and negative effects are, how suggestibility can influence in a positive or negative way the results of judicial hearings and, why not, of the entire investigation.

We have already shown that, by communicating, we exchange messages. In the hearing room, the person interrogated states something, therefore it is natural, normal for any communication, that the investigator should have a position, express his acceptance or rejection of the message content, show that he is interested or not, require details about one or another of the related aspects.

How can he do this?

Through verbal expression, through non-verbal manifestations or, exceptionally, in writing. Should we consider as erroneous the assertion that the person making the statement will continue his/her exposition, being obviously conditioned by the message – verbal, non-verbal or written – passed on by the investigator? The answer is definitely negative; there is no error in the statement. The suggestion is obvious, the level at which it acts, the suggestibility potential of a message, the degree of suggestibility of a person can be variable, but this does not change the conclusion, namely that suggestion operates in the context of an undeniable normality.

The problem of whether this is right or wrong is false! Human behaviour is suggestive the messages we send are suggestive – they are quite objective findings and if something is right or wrong, then “this is it”, we cannot influence anything.

So, where does the danger lie, what can bring about the failure of a hearing and of the entire investigation, if suggestibility is normal?

In my opinion, it lies in the way we, as investigators, convey suggestion and the object of suggestion.

The way we convey suggestion becomes dangerous when it becomes imperative (you must...), when it includes a credible threat (if you don't..., we'll...), when it conditions the good (if you want...).

The object of suggestion is a danger when dealing with false, unrealistic versions, arising from the investigator's vanity, based on an ignorant interpretation of past experiences or, worse, as a result of interests having to do with corruption, with finding the guiltless as guilty, with the erroneous resolution of the case.

What are the means by which we can send suggestive messages, suggestions? We have made an overall reference to verbal, non-verbal and written communication. Given the limited space of this article, I will only further refer to smile, as a means of transmitting suggestion.

What is a smile? An expression of the face, which can be supplemented by various gestures and postures, which is interpreted as a positive response of the person – even more than a positive response, as it includes a component related to satisfaction – in relation to a state, situation or person.

With regard to its origin and development, we can say that it emerged as an adequate response of children from an early age to the expectations of their parents or, perhaps, as an

adaptive response of the prehistoric man to difficult situations, when dealing with animals possessing qualities superior to his own.

With regard to the way a smile emerges, what a natural smile, a fake smile looks like, etc., a lot has been written and things are clear².

I decided on the topic of smile because I was amazed by the suggestion ability of this means. It all started from a conference held in Rome, Italy, in which I participated as a guest. I didn't know Italian very well then, nor do I now. I presented my ideas by reading a text in Italian from a sheet I had carefully prepared. My accent was not great but I was assured that the scientific message I had tried to transmit had been understood. At the dinner that followed, on the terrace of a fancy restaurant in Rome, as normally expected, each participant attempted to socialize, meet people with similar scientific concerns, make themselves agreeable. Everyone was smiling. "Large" smiles, "dry" smiles, "believable" smiles, "unreliable" smiles, "quick" smiles, "long" smiles, etc. What I found interesting, beyond the diversity of smiles displayed, was that the smiles evolved.

In terms of the scale of smile, it seems we are provided with a sort of "potentiometer" that allows us to increase or diminish our smile depending on whether the presence of the person or people around us and what they say or do corresponds or not to our expectations. Our smile may enlarge when the person we consider necessary is next to us, and if they leave or only give signs that they want to leave, our smile will lose intensity or simply suddenly disappear. The same happens when the smile evolves according to what the person or people around us say or/and do.

In an investigation, if the person we are hearing offers plausible information that corroborates with what we have gathered as evidentiary material, our smile is wide, we ourselves become complacent. Each deviation generates automatically, at an instinctual level, more abrupt or slower changes of the smile, in the sense of diminishing it, with the possibility of returning to a positive appearance, of course, if the person in front of us starts to provide information valuable for the course of the investigation.



² See, for example, the Romanian edition of Paul Ekman's work, "Telling lies...", translated as "Mincinile adulților...", Trei Publishing House, 2009, pp. 178 and following.

³ pshiholy.blogspot.com



All these changes from “bad” to “good” and vice versa offer suggestions strong enough for the person interrogated to realize when what he/she says is “right” or “wrong”. What is “wrong” for the investigation is everyone’s tendency to “comply”. Most of us accept that if there is no question of immediate loss, of some imminent danger, it is preferable not to contradict the expectations of the person we have in front of us, especially if he/she has a position of superiority.

Now and here is the place to admit that both in daily communication and in an inquiry, we can use our smile to guide the behaviour of the person we are communicating with. In the hearing room, all we need to do is check how the person we are hearing shapes his/her conduct in response to the changes in our smile and the “game” may begin. If h/she wants to comply or, on the contrary, to defy us, the verbal and nonverbal behaviour of the person examined will go through evolutionary processes based on how our smile evolves. It is important for the investigator to make sense of the way the person inquired reacts, and the rest may become a formality.

Analyzing investigative practice, we have found that there are situations when using smile to direct the behaviour of the person interrogated towards compliance is easier. Such situations are:

1. In the case of young people – they are inexperienced, keener on social interaction; tend to approach many social situations they come in contact with in a conflicting manner. They should not be treated as miniature adults, their inner processes and emotions are different from those of an adult. Often, they do not realize all the consequences of their statements – and many of their statements are poorly substantiated – they may consider themselves mature enough to use certain gestures, words or phrases without being aware of all the interpretations they can be given.

There is a real possibility for a skilled investigator to deceive them, not to mention that they can very easily give in under conditions of confrontation with an adult displaying

⁴ hypeupyourday.wordpress.com

minimal persuasiveness. They come to seek help, to ask, to beg for help from the adults present who seem approachable.

Children are experts at reading non-verbal language when it comes to understanding what the expected response is, the answer the adult asking the question wants to hear. Things might get serious in the conditions in which children are particularly suggestive, being tempted, almost instinctively, to conform to the behaviour expected by the people around. If, in addition, the investigator proposes, with an appropriate smile, a response to the question he asks, the child will give an answer biased by the investigator's intention, an answer that he/she might assimilate and believe to be true, possibly enhancing its credibility through behavioural manifestations, especially if it contains less ordinary issues.

Regardless of whether the child makes a statement voluntarily or under an adult's pressure, his/her statement undergoes an evolution in volume depending on the investigator's insistence and how he uses his smile.

For example: Malicious father requests his daughter: "be careful what you tell the police... you must say that he waited for you on your way back from school and raped you in the forest grove near the well without a bucket".

Investigator: Last night, when you came back from school, did a man approach you and rape you in the woods?

M: Yes, he waited for me on my way back from school and raped me in the forest grove near the well without a bucket.

Investigator: Did he pull his pants down?

M: Yes, and then he had me do him a blow job.

Investigator: Well... he didn't need to pull his pants down for oral intercourse, unless there was a vaginal or anal intercourse, too.

M: Well... yes.

Investigator: Did he penetrate your anus, too?

M: Yes.

Investigator: More than once?

M: Yes.

Investigator: During the anal intercourse, did he keep his eyes open?

M: Yes...

Investigator: Yes... where is your anus located?

M: What do you mean? Between my legs, but you should know that I'm a virgin...

This is just an example, not necessarily a theoretical one. In practice, things may take other turns, sometimes can accept references to bizarre aspects, horrible crimes, group sex, satanic rituals, etc.

What is the mechanism by which smile can control children's statements?

Children's statements are obviously conditioned by the pressure of adults, children are particularly interested in the adults' expectations, knowing that often the answers considered as wrong generate nuisance, prompt verbal punishment. Investigators should be aware that when interviewing minors, they have an obvious position of superiority; they can dominate children both physically and mentally. Considering the matter of the credibility of minors' statements under these circumstances, we find that we have no fixed reference point – as it always happens when trying to assess and predict human behaviour, the approach enters the realm of relativity, because we can't reach certainty through some laboratory experiments, since real life cannot be reproduced in artificial conditions. Some studies⁵ have concluded that the suggestibility of the smile displayed by investigators, as well as other mistakes they make may result in false statements in an alarming proportion – between 50% and 80% – the

⁵ Underwager, R, Wakefield, H. (1990) – *The Real World of Child Interrogations*, Springfield, Illinois: Charles C. Thomas, p. 29.

amount of false information obtained thus becomes amazing, even for experienced investigators.

2. In the case of people with reduced memory and intelligence levels – it is estimated in practice that these people are prone to be influenced and give false information. Without any question of chance equality or discrimination of any kind, it is recognized that people who use drugs, alcohol, neuro-stimulating drugs, coffee, and tea excessively have problems with their memory, concentration, and intelligence level⁶.

The difficulty stems from the fact that these people don't have a memory independent of the action of the neuro-stimulating substances consumed. They can accept that they have done what they haven't if the interviewer says so and convinces them, including through his smile, that there is evidence in this regard. Everything is based on an instinctual approach to delicate situations that can be best seen in people with mental disabilities or children up to 6 years. To them, smile and compliance are the cornerstone of survival. This is how they gain acceptance from their peers. In such circumstances, the answers to questions that are important for the investigation (sometimes they may not understand the meaning of all the words in the question or perhaps not even the question) are guided by the investigator's smile responding to the smile that accompanies the inquired person's answer.

The evolution of the smile – smile relation has consequences on the answer of any person inquired; in the case of vulnerable people, that I have made reference to, the consequences are more pronounced. Also, it can be seen that vulnerable people and/or those who feel and develop a specific vulnerability during the hearing will try to disguise a lack of understanding of the question or of words or phrases contained in the question by artificially increasing the confidence they seem to have in the answers they give.

Compliance has its roots in the socialization process at an early age. Whenever the child's behaviour was in compliance with the parent's expectation reward occurred, when, on the contrary, it was not as expected the penalty occurred which was sometimes corporal and violent. Compliance was strengthened over time – every time the child said or did something wrong, the adult's facial expression (there was always someone who had a position of superiority towards us) hardened⁷, goodwill and understanding were diminished until we "came back to our senses" and said and did what was expected.

What may be interesting and paradoxical at the same time is how fast we accept that what we do or say is not right and, consequently, our promptitude to take the blame on us. It is possible that some of us may have made more mistakes in the process of socialization or, rather, that the adult may have been more attentive and prompter in sanctioning non-compliant behaviour. Well, whoever made more mistakes, or, in fact, whoever was punished more – and the punishment came quickly and certainly – is prompter and more willing to conform to expectations. In fact, admission of guilt in a criminal investigation may result from the desire to conform to the investigator's expectations, not from a feeling of guilt or from any hidden agenda of hiding something or getting some material benefit from the process.

Memory problems accompany any diagnosis regarding a lesion in the brain. Individuals with normal intelligence are far from having lesions in the brain. As for children⁸, who, just as it happens with many people with disabilities, it is the manner of asking questions, the gestures, facial expressions (smile is all-important here) and the overall state of the person who asks the questions that matter in order to shape the answer. Not only do

⁶ A/N – the human capacity to understand easily and quickly the changes in the surrounding reality and to adequately react to those changes.

⁷ A/N – see also approaches specific to transactional analysis.

⁸ **Dent, H.R.** (1982) The effects of interviewing strategies on the result of interviews with child witnesses. In A. T. Trankell (Ed.), *Reconstructing the Past*. Deventer, The Netherlands: Kluwer, 279–298.

children listen carefully but they are also tempted to copy words and/or gestures of the one asking the question out of their desire to give the “right” answer. If the investigator uses questions – and we know very well that the questions without being accompanied by smiles and other non-verbal signs are just mere strings of words – to guide the person interviewed, he will shape the statement of the latter so as to obtain the version he wanted.

There is the possibility that the person interviewed might accept the investigator’s position just to “keep it simple” – meaning that once the investigator has explained his point of view on how things are, the person inquired accepts it simply because he/she has no arguments against it and because he/she feels the investigator’s position of superiority.

In terms of behaviour, memory problems hide behind benevolent smiles which usually mask helplessness and beg for acceptance. Such a smile can only be false as it is the usual smile behind which such a person hides during every second of their public appearance.

3. Persons who are unable to understand abstract thinking – Having evolved for thousands of years, mankind has reached a level of abstraction in human communication that socialized individuals are hardly aware of – we communicate effectively and quickly because we were taught so and because these are the expectations of our social environment, of the people we meet or with whom we have to deal at work or in our personal life. To realize how complex human communication is at present, you should think of the many shades of meaning of a word or phrase, the different meaning they can take depending on the tone of voice, emphasis, a certain type of look, certain gestures, etc.

People with low intelligence, lacking minimal (relevant) experience on the characteristics and habits of the socio-professional environment in which the communication takes place find it very difficult to decipher the message, the investigator’s smile being the only tool that could help them. Periods of “silence” may occur, accompanying the effort to decipher the communication, the blinking rate might increase, their gaze wander to the ceiling or the floor. If the interview takes place at an alert pace and there is no time to evaluate the investigator’s smile and adapt the answer to it, the person will display a serious attitude and will provide determinate answers, being ready to substantiate them, if necessary, based only on the literal interpretation of the investigator’s question. For example:

Investigator: Are you in school?

The person interrogated: No, I'm here with you!

or:

Investigator: Yo', you know you're screwed?

The person interrogated: No, I'm not! There's no screws here!

Suggestibility and compliance are clearly likely to affect the truth of the facts stated. It is still a matter of thought to determine the extent to which human communication, the interaction between the investigator and the person interrogated, by its very nature, is able to produce, to generate reciprocal influences, with the direct consequence of influencing the performance of both during the hearing. We have to accept that things can get another turn in circumstances where there is a potential for suggestibility that varies from person to person – any of us can influence one or more people depending on several factors, one of the most important being personal potential.

In the investigation, it becomes important in this context for the investigators not to confuse lies with false information provided as a result of the assimilation of information, ideas, opinions, etc., suggested by the investigator. It is possible that the person interviewed might simply want to cooperate, for the good of the investigation, to achieve the purpose of justice and, in these circumstances, assimilate the suggestion, without realizing it, or believe it is normal to admit a lie in order to stay out of trouble, accepting the course that the investigator wants to give to the research.

Suggestibility appears and develops also depending on the interview and interrogation strategies the investigator uses when there is not enough information or no information at all about an issue considered as important to the investigation. There is a possibility that the person interrogated might not know the correct answer to one or another of the questions asked by the investigator or only know the answer partially, in which case he looks for any clue that would allow him to give an answer that would not put him in a difficult situation – knowing that, under certain circumstances, it is hard to accept that someone doesn't know an answer that, in the general opinion, he ought to know.

The suggestibility level of a person also depends on the level of confidence that the person has in the investigator. If the investigator manages to gain the trust of the person interrogated, the latter will be willing to do almost anything, convinced that the investigator will help him escape, get out of trouble. If, on the contrary, the person interrogated "feels" that something is wrong, that the investigator supports the interests of others, is lying or manifests violently, communication will decrease in volume, increasing the resistance and persistence in promoting refusals to cooperate in finding the truth. It is known that interrogating those who have had criminal convictions is more difficult than interrogating a person who has never had to deal with the presence of an investigator because of the suspicion of a person already sentenced with regard to anything having to do with the judiciary.

The result of suggestive behaviour from the investigator's part is that the person interrogated adapts his/her conduct to meet the investigator's expectations – somebody accepts to do something and will do it without believing in what he/she does. The risk is that the investigator might "influence" the memory of the person interrogated by "introducing" information, perhaps even prejudices, which will affect the outcome – the statement that will ultimately matter in the judge's forming an opinion. Certainty in such a situation is also given by the tendency of many people – after all we are all taught to avoid conflict, to appear agreeable in society, to please those around us – to conform to different situations, accepting, for this, personal losses and, in the investigation, such "losses" turn into recognition of acts that were not committed, lies about the involvement of other people in the illegal activity, about its preparation, and so on

The investigator's smile may encourage smile, laughter and jokes from the part of the person interrogated. Under certain conditions, laughter may be a manifestation of stress specific to a lying behaviour. The following considerations may help an investigator to interpret laughter or jokes told by the person heard, to interpret their meaning in relation to the person's conduct in the investigation.

Use of jokes - When a suspect who is telling the truth is asked about the illegal activity carried out, most times he/she is very serious and concerned. There are cases – when the suspect heard is dominated by fear – when such a person deals lightly, with a certain lack of seriousness, "jokingly", with important issues, things that are not to joke about, in an attempt to defuse, to get rid of the nervous tension specific to the situation. For example, at the beginning of a hearing, a person who agreed to tell the truth, when asked "How do people close to you call you?", answers, laughing or with a visible note of amusement, "Most call me Jan, except my wife who, when she's angry at me, only calls me *bastard, son of a bitch, stinky...*". Throughout the hearing it is possible that the person interrogated should not make any effort to diminish the good mood displayed. The fact that the person interrogated treats "jokingly", with a certain detachment, his/her own statement, must be accepted as an attempt to escape the pressure of the moment, to free himself/herself from the fear generated by the possible consequences that may occur, rather than a specific manifestation of a symptom of lying.

There is also the possibility of the appearance of humor in the behaviour of the person interrogated later in the course of the hearing. For example, at about 40 minutes after the start of the hearing, the interviewer might ask: “If you have to undergo the lie detector test, what do you think the result will be?” The interrogated suspect might answer, “Sir, I am so upset that I am a suspect in this that it is needless to say that all the sensors will disrupt and that machine, smart as it may be, will break down!” – everything accompanied and continued by roars of laughter. The moment humor occurs in the performance of the person interrogated, together with the assumption that he will make the lie detector break down, may lead to the conclusion that the person heard is lying.

Another way to use humour during the hearing is through laughter or sarcastic jokes. Sarcasm often expresses a hidden truth. For example, if a man is asked, “Have you ever thought of raping a woman?” and he replies with a laugh, “Yeah, sure, I think all the time about raping a woman, about how she would laugh or cry satisfying my cravings...”, the answer involves, of course, a denial, but..., the unprovoked complementing most often contains a dose of truth.

Smile evaluation – A forced or insincere smile is often used to disguise a dislike or worry. Imagine the meeting of two lawyers who meet to resolve the dispute between their clients – they adopt a posture with their hands in view, after which both shake hands with their counterpart uttering the familiar words, “Glad to meet you...”, “It’s a pleasure/honour to meet you...”, “I am sure we’ll solve the problem...”, “I hope we’ll find a reasonable solution...”, all accompanied by an artificial smile. Such a smile appears only for 1-2 seconds and does not imply a complex and compelling mimicry, as in the case of a natural smile, it is rather vague, unconvincing.

On the other hand, a natural, genuine smile reflects acceptance and appreciation. A sincere smile will involve a complete separation of the lips and will last long enough to provide satisfaction to the person smiling and at the same time to be noticed by the person to which it is addressed. An important element in assessing the sincerity of a smile is the context in which it manifests itself. For example, once a professor at the university has delivered a remarkable lecture in terms of information, effective communication, relationship with students, has received feedback and has adapted his scientific discourse accordingly, has finished by thanking for their attention, and so on, a student’s smile will reflect admiration and high appreciation.

However, smiling in the course of judicial hearings is something special. Some time ago, after preparatory activities, I found that it was time to go to the hearing room to interview a person against whom there was evidence demonstrating her involvement in the activities of a group dealing with drug trafficking. Studying the file, I found I was to interrogate a woman who had been my fellow at the summer courses of a university three or four years before. How she had come to be related to drug trafficking and how I had come to investigate her case God only knew. I wondered how she would react after I got into the hearing room and I prepared several variants of action. As I entered the hearing room, she stood up and, with a bold smile, offered me her hand decidedly and after shaking hands as a greeting, she addressed me in a special way: “It is a great pleasure for me, sir... to meet you again. You have an interesting job and, although it may seem out of place, I want to tell you that you look great”.

I instantly realized I was dealing with a woman who had a liar’s behaviour. No person (guilty or innocent) has any reason to be glad to meet with an investigator in the hearing room. Her smile and tone of addressing me were likely to draw my attention to the fact that what I was presented with was false, I had a feeling comparable to that of someone meeting a second hand car dealer who, although he knows that he is trying to sell a wreck, talks and gestures as if he was selling the best car in the world.

In another order of ideas, we must not forget the grin that any investigator with some experience must have had the opportunity to see. It is a “partial” smile, lips are usually closed, with their edges oriented upwards. Most often when a suspect grins, the investigator considers this as a form of defiance, a “declaration of war” against the investigation, being tempted to react decidedly. In fact, the suspect thinks he is displaying a slight smile, whose significance is, rather, one of acceptance of the accusation, of guilt. He is close to the moment of admitting his involvement in the illegal activity investigated – and this should be known by the investigator and exploited as such.

Laughter evaluation – Psychologically speaking, laughter relieves restlessness, concern, anxiety, much more than a simple smile and transmits much more powerful social signals. Studies show that laughter lowers the level of blood pressure and stress hormones that mutual laughter builds stronger interpersonal relationships and that people who laugh easily are believed to be more accessible and reliable than people who rarely laugh. With regard to the issue of identifying lies during a hearing, an investigator should consider three important reasons that may cause a suspect to laugh.

The first cause is related to the natural pressure of the activity, the unrest caused by the investigators’ suspicions. The nervous suspect, whether guilty or not, will look for any reason to laugh, thinking that this will get him rid of this unpleasant state. For example, when the investigator asks the person interrogated to present his ID, because of his emotional state, he might drop the wallet and, when picking it up, say in a special tone, laughing, “I’m sorry, I’m a little nervous, sorry...”. Laughter in the circumstances allows for ambiguous interpretations and can be associated with the behaviour both of a sincere person and an insincere one.

A second issue that may cause laughter during a hearing is associated with natural humour. For example, the interrogator asks the suspect: “What do you think will happen to the man who robbed young S.E.?” and the suspect answers laughingly: “If only I got my hands on him first...”; then he continues: “I think prison is the best place for him”. Laughter appears here as a manifestation of the unusual situation where the person heard had the opportunity to apply a penalty based on their own perception about the serious crime committed. At least in principle, the laughter that occurs under these conditions is not related to a liar’s behaviour.

The last cause, the most important in terms of association with lying behaviour, is unnatural association, inadequate to the moment it manifests itself. On a psychological level, it is considered that this behaviour can be useful to change the meaning of a statement. To become positive about it, it is good to watch carefully the non-verbal behaviour of the person heard – when realizing they have begun to say what must not be said, they blink or “wink” or bring their hand to the mouth, as though trying to stop the words they said unvoluntarily.

Just as with all behavioural manifestations, when assessing laughter as a means to change the meaning of the facts stated, the investigator should evaluate when laughter occurs. Take for example the following dialogues:

A. – Who do you think stole the 1,000 euros?

S. – I do not know. I did not know they stole 1,000 euros (suspect laughs).

A. – When I complete the investigation, what do you think will happen to you?

S. – Nothing. I have nothing to do with what you say (laughs suspect).

A. – Did you ever think of having sex with a girl of 10-11 years old?

S. – No, such a thought would make me sick (suspect laughs).

That is the case when laughter occurs before or during an endorsement is made without any special significance. In such a case the investigator should avoid making any connection with a possible change of meaning of the claim. For example:

A. – How do you feel being investigated for the theft of 1,000 euros?

S. – (laughs) A little scared, I think. I've never experienced anything like this before.

A. – Have you ever been suspected of stealing any money?

S. – Never. That's why I find this whole thing (laughs) so embarrassing.

It is very important that the investigator, when finding that the person interrogated has an unnatural laugh during the hearing, should wonder about the cause of the laughter. Whenever laughter occurs after or even before a claim relevant for the investigation, the person leading the hearing should bear it in mind that he might have to do with a lying behaviour.

In another order of ideas, laughter during a hearing should almost always be considered inappropriate. Investigators should note that by accepting such manifestations, the importance of the issues to be clarified and the seriousness of the professional approach could be called into question. From a tactical point of view, even in the case of innocent suspects, it is not good to accept the possibility of releasing tension through laughter – it is preferable, on the contrary, that the suspect who is really innocent should be determined to release tension by expressing vehement anger and frustration.

In conclusion, because laughter and humour helps to lower emotional tension, it is expected to occur both in the case of guilty persons and innocent ones. The simple display of laughter and humour should not be accepted as a manifestation of false behaviour. However, considering the time and context in which such behaviour occurs, laughter or attempted humour can be a significant symptom of lying. In the context of an interrogation, laughter or lack of seriousness are inadequate and must be associated with lying behaviour.

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