

# Behavior Symptom Analysis During Roadside Interviews

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Many serious crimes have been solved as a result of a traffic stop or chance encounter with a police officer: A vehicle is stopped for running a red light and it is determined that the occupants just held up a liquor store or burglarized a warehouse; a driver is pulled over because of an equipment violation and, through questioning, the officer learns that the other occupant in the vehicle is wanted on a felony warrant. The media use these stories to show how stupid criminals are. What the stories really illustrate, however, is the importance of conducting effective roadside interviews.

The officer conducting a roadside interview is in a unique position to develop incriminating information. Because the initial stop is for a forfeiture offense, Miranda warnings are not required. Most of these stops are the result of probable cause so the suspect already knows that he or she has been caught doing something wrong and this awareness makes it easier to acknowledge other transgressions. Finally, these suspects are caught off guard without the opportunity to create a credible alibi or dispose of incriminating evidence that may be in the vehicle.

While it might be tempting to grill every motorist pulled over for speeding to find out if he has sexually molested any children or has a dead body in the trunk of his car, there are moral and legal restrictions placed on expanding the scope of roadside questions beyond the initial traffic violation. For example, some states have ruled that, without reasonable suspicion, it is illegal to ask a person pulled over for a traffic violation permission to search the trunk of his car.

In many of these cases, officers cite "gut feelings" or "instincts" as causing them to expand the scope of their questions beyond the initial traffic stop. These officers have stopped hundreds of motorists and know what a normal person's behavioral response is under that circumstance. When a subject exhibits abnormal behavior, the officer may expand their questioning. While John E. Reid and Associates' expertise is limited to behavior symptoms that occur in a controlled environment during a structured interview, some of those basic principles certainly carry over to a roadside interview.

It must be remembered that people stopped for traffic violations are, for the most part, guilty of the offense for which they were stopped (speeding, equipment violation, failure to obey a sign, etc.) and will certainly exhibit symptoms of anxiety as a result of being caught. In this sense, people stopped for a traffic violation are "guilty" of the violation. However, they may exhibit behavior symptoms of guilt or deception because of involvement in some unrelated criminal activity or because they lied to the police officer's questions, e.g., "Where are you coming from? Whose car is this?"

For the purpose of this article, the terms "guilt" and "deception" are used to describe subjects who are involved in something other than the traffic violation for which they were stopped. The following are general guidelines that may be useful to establish reasonable suspicion. In other words, these are indications that it may be appropriate to expand the scope of questioning beyond the initial purpose for the stop.

## **#1 Nervousness does not equal deception**

Especially during the initial contact with a police officer, most subjects will experience nervousness (hand tremor, eye blinking, dry mouth). As a recent incident illustrated, a subject may appear agitated and anxious because of a medical emergency. However, extreme nervousness, or fearfulness that increases during the course of questioning may be an indication of guilt to something beyond the initial traffic violation. Symptoms of extreme anxiety include excessive physical movement (pacing, crossing, uncrossing arms, constant hand movements) and mental blocks (inability to recall simple information like an address or an inappropriate response to a simple question).

## **#2 Truthful suspects offer reasonable cooperation and are helpful during questioning.**

Subjects with nothing to hide pull to the side of the road when the officer activates lights and siren; when at home, they answer the door when the officer knocks on it and respond to questions without objection. Conversely, it is a classic symptom of guilt for a suspect to run from the police in response to an effort to stop his vehicle or question the suspect at his home.

During questioning, guilty suspects may engage in behaviors that are the equivalent of alluding the officer. The suspect may be guarded, answering most questions with only a one or two word response. A key deceptive behavior symptom associated with guarded responses is that the suspect does not take time to think about the officer's question. Often, these suspects respond to the officer's questions too quickly or even before the officer finishes asking the question.

The deceptive suspect may evade a direct response to the officer's questions or become challenging as illustrated by the following dialogue:

Q "Where are you going this evening?"

A: "Nowhere."

Q: "Where are you coming from?"

A: "What do you mean?"

Q: "Who is in the front seat with you?"

A: "That's none of your business."

Q: "What is his name?"

A: "What difference does it make?"

At this point it would be reasonable to pursue an effort to establish the identity of the passenger and the subject's whereabouts that evening.

## **#3 Deceptive suspects are often uncomfortable communicating with their hands.**

Communicating with one's hands (illustrating) occurs when a person is confident and sincere in his statements. Illustrators reinforce the credibility behind the spoken word. The lack of

illustrators can be a significant behavior symptom of possible deception. The classic description of a guilty subject going through a border stop is that the subject's hands are cemented to the steering wheel at the 11 and 2 o'clock positions and his eyes stare straight ahead at the road. Similarly, when questioning a child who has done something wrong, the child will hide his hands by putting them in his pockets.

Truthful subjects use appropriate hand gestures and will actively communicate with their hands. These gestures are not aggressive or threatening, but rather are an extension of communicating thoughts and information to the officer. Deceptive subjects often go through a "freeze" response and shut down nonverbally. As a result, their hands do not become involved when answering questions.

#### **#4 Be cautious when considering poor eye contact as an indication of guilt or deception**

There are many non-deceptive causes for an innocent person to exhibit poor eye contact, especially when being questioned by a person in authority. These include culture, a shy personality, effects of medications and neurological disorders. During relatively short encounters, such as a roadside interview, poor eye contact should not be considered a behavior symptom of deception unless the officer has specifically established that the suspect is capable of exhibiting normal eye contact.

The standard procedure to establish a person's normal level of eye contact is to ask a series of nonthreatening background questions. The principle is simple; if a suspect cannot maintain mutual gaze when answering nonthreatening questions, the suspect's poor eye contact when answering questions about the crime should not be considered as an indication of deception.

The difficulty with roadside stops is finding nonthreatening questions to establish baseline behaviors. For example, the following initial questions are fairly standard when a police officer pulls over a car on a traffic stop:

"Do you know why I have pulled you over?"

"May I see your driver's license?"

"Is the information on your license correct?"

"Is this your vehicle?"

"Where are you headed this afternoon?"

For 99% of motorists, these questions should be nonthreatening, but if the suspect happens to be driving a stolen car, driving with a revoked license or has just robbed a bank, the questions are clearly threatening and the suspect may exhibit poor eye contact when answering these "nonthreatening" questions.

With so many potential variables affecting a subject's eye contact during a roadside interview, the officer should be cautious in using this criteria to identify guilt. Certainly, poor eye contact alone should not be used as the sole criteria to expand the scope of questioning during a traffic stop.

## **#5 Inconsistent or irrational explanations often indicates deception**

There are many factors that influence nonverbal behavior but a person's words have a single meaning, with the only typical variables being memory or intelligence. If a driver tells you that the car he is driving belongs to his father, the fact that a check on the car's ownership comes back to someone else is an inconsistency that certainly requires further questioning.

If a car is pulled over and smells of marijuana the officer should certainly ask the driver about the smell. If the driver anxiously explains that his car was parked near a field where leaves were being burned and that the leaves caused the smell, this is an irrational explanation. Based on this analysis, it would certainly be appropriate for the officer to ask the driver, "Have you or anyone else smoked marijuana in this car this evening?"

In conclusion, most roadside interviews are routine and straightforward. A car is stopped, a few questions are asked, a citation is issued and the subject is on his way. However, on occasion, the subject of a roadside interview is involved in a more serious crime or has information that is important to other on-going investigations. This web tip offers five guidelines to determine when routine questions should be expanded to cover possible involvement in other criminal activity or guilty knowledge.

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