



NONVERBAL COMMUNICATION

by

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and**

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I. Historically, the determination of deception has always been a challenge and quest.

a. Many techniques to expose the truth have been employed.

Medieval; hot poker on tongue
Psychological stress evaluator
Voice stress analyzer
Retina scope/ocular lie detection
Polygraph
Paper and Pencil tests

Nonverbal communication
Gestures
Body language
Neurolinguistics
Statement analysis

b. All are physiologically and/or psychologically based methods for exposing the truth or a lie.

c. Today's topic will deal primarily with the last block of methods. Nonverbal communication, body language, gestures, clinical behavior, neurolinguistics, statement analysis.

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- d. Lay understanding of basic physiological and psychology.
 - i. For the most part, humans want to create a safe environment for themselves.
 - ii. Self-preservation is the key.
 - iii. Humans and animals react instinctively in many situations . . . fight/flight/freeze/lie.
- e. The psychology of the lie.
 - i. Lying is normal . . . why?
 - ii. What happens when the stakes are raised, i.e. “the chocolate chip cookie caper.”
 - iii. Who lies?
 - iv. The fear of detection causes bodily responses which are readily observable.
 - 1. Cardio vascular system is stimulated, face flush or blush.
 - 2. Body temperature changes.
 - 3. Central nervous system is stimulated resulting in general nervous tension.
 - 4. Involuntary responses occur as part of the autonomic nervous system, also resulting in minute changes such as pupil dilation or constriction.
 - 5. Pulmonary or respiratory changes result from loss of oxygen intake.
 - v. Case in point, e.g. “on the expressway.”
 - vi. During a cross-examination, have you ever “frozen” a witness or deponent?
 - vii. e.g., child rape case; heart defect exposed.
 - viii. e.g., robbery case; diabetic shock.
 - ix. e.g., neuro cardiogenic syncope.
- f. Crisis personality characteristics
 - i. Due to tension/anxiety – lower span of attention.
 - ii. Person tends to be more introspective in search for causation/meaning/ solutions; may become spiritual or religious.
 - iii. May demonstrate emotional outreach for help/support; may be incapable of controlling emotional outbursts; may bring a support person to your office.
 - iv. Great deal of impulsive, unproductive behavior.
 - v. Redefines relationship to environment in terms of ability to solve problem; client’s proposed solution is many times irrational.
 - vi. Changes the major promise; focuses on non-issue rather than the main problem.

- vii. Plays detective; rationalizes how or why someone else is responsible and why/how he/she is not or cannot be responsible.
- viii. Possesses large volume of information relative to problem; generally all is in state of disorganization.
- ix. Misses the forest for the trees; centers on minutia or irrelevant facts.
- x. Dwells on non-issue problems or concerns of the case.

g. Implications of personality characteristics.

- i. Tension/anxiety could make client more open to change.
- ii. Resolution tends to be more positive; use person's own strengths.
- iii. Force the person to identify his problem and deal with it.
- iv. If handled properly, opens the person to more appropriate ways of handling and accepting responsibility for his/her own actions.
- v. We are creatures of habit (organization, sensitivity, imagination, flexibility, recognition, tension, probing, social needs, assertiveness, competitiveness (e.g., numbers, colors).

- Observing Body Language . . . Caveat not a science, rather an art. Improvement with practice just like any other discipline.

II. Observable characteristics (case example: assume a role).

- a. Use four of your senses, and create your sixth sense through experience. "I can teach you how to play, but I can't give you the feel for the same." . . . Jack Nicholas on the game of golf.

- i. Sight
- ii. Hearing
- iii. Smell
- iv. Touch

- Caveat: COVID . . . masks, face shields, distance are not helpful to "the observer."

b. Start with the handshake.

- i. Temperature, moisture, firm/loose, long hold/short hold, muscular grip, fingernails, callous, dry/chapped.

c. Slide presentation for body language and nonverbal communication.

i. Head

- 1. "Read" the face.
- 2. Position.
- 3. Skin; texture, tone, blemishes, scars.

4. Eyebrows.
5. Eyes.
6. Mouth.

- ii. Shoulders
- iii. Elbows
- iv. Hands/Arms

1. Hand(s) to eye(s).
2. Hand(s) to mouth.
3. Hand(s) to chin.
4. Hand(s) to ear.
5. Hand(s) to nose.
6. Hand(s) to hair.
7. Hand(s) to neck.
8. Hand(s) to forehead.
9. Hand(s) to throat/necklace.
10. Finger to chest.
11. Open hand to chest.
12. Tightly crossed.
13. Loosely crossed with open hands.
14. Lint picker, dress-smoother, pant-creaser.
15. Hands wiped on tissue/pants/handkerchief.
16. Hands on hips.

- v. Gestures of the hand

1. Finger tapper; pen tapper; fingernail cleaner.
2. Jabs or points a finger at you.
3. Clenched fists around object; or fists with crossed arms.
4. Steepling.
5. Hands apart, palms up.

- vi. Legs

1. Cross; re-cross; open cross/closed cross.

- vii. Knees

1. Open.
2. Closed.
3. Movement side to side; up/down.

viii. Feet

1. Under chair.
2. From under chair to forward position.
3. One foot under leg.
4. Feet flat on floor.

- a. Toes inward.
- b. 18" apart.

5. Ankles crossed under chair.
6. Foot tapping.
7. Stomp.
8. Soccer ball kicker.
9. Sole of shoe facing.
10. Toe to ceiling/to floor.
11. Feet in your path.

- | | |
|------------------------|----------|
| a. Territorial rights. | |
| 0-18 inches | Intimate |
| 18-36 inches | Personal |
| 36 inches | Social |

ix. Sitting in chair

1. Shoulders slumped slightly/relaxed.
2. Shoulders slumped greatly with bad posture appearing uncomfortable.
3. Shoulders slumped with hands at side or palms up.
4. Hands on knees leaning forward.
5. Elbows on knees, hands cupped under chin (worried).
6. Nervous sitter.
7. One elbow on knee; fist or hand under chin leaning forward (maybe thinking positively or negatively).
8. Sitting leaning toward door, or opening, or leaning toward another person.
9. Body at attention (interested, i.e. job applicant).

x. Miscellaneous

1. Respiration.
 - a. Sighs.
 - b. Rapid breathing.
 - c. Yawns.
2. Goosebumps.

3. Indigestion.
4. Odor.
 - a. Sweat rings under arms.
 - b. Beads of sweat on brow, temples, upper lip.
5. When your gesture is repeated by the person with whom you are talking, e.g. raised eyebrows with smile, or hand to scratch back of neck, or when person assumes your posture.

III. Verbal Gestures and Communication

- a. What is not said is as important as what is said.
- b. How the statement is framed is critical.
 - i. "I did not steal the/that diamond on Tuesday!"
 - ii. "I was not in the/that bank when it was robbed."
 - iii. "I did not have sexual relations with the/that woman."
 - iv. "I did not have sexual relations with Jane."
 - v. "I did not shake the/that baby."
 - vi. "I did not shake my baby."
- In the above declarations, note the use of "that." Also, note the limitations of the statement. Note the personalization, or lack thereof.
- c. Potential liars stall the questioning.
 - i. Repeat the question back to you to gain time.
 - ii. Hesitate to decide if they should lie or tell the truth.
 - iii. Slightly rephrase the question.
 - iv. Ask for the question to be repeated.
 - v. Wants the question clarified.
 - vi. Coughs or clears throat before answering.
 - vii. Asks for water, or takes a drink of beverage, coffee, or water.
 - viii. Lapses in memory at the point of answer by saying:
 1. Can't recall.
 2. Doesn't think so.
 3. Qualifies the answer.
 4. Sighs.
 5. Stammers or starts a sentence then re-starts the same sentence.
 6. Laughs at inappropriate times.
 7. Starts sentence with honestly, truthfully, to the best of my knowledge.

- Caveat: In depositions, most attorneys advise clients to not offer information and advise clients if unclear on an answer defer to caution by stating the uncertainty or ambiguity due to memory or other factors.

d. Voice Changes

- i. Pitch goes up.
- ii. Rate of speech increases.
- iii. Volume increases or decreases from person's normal volume.

IV. Cluster Observation

- a. Never interpret gestures or nonverbal communication unless a pattern has developed.
- b. Only interpret gestures or nonverbal communication in clusters or groups in close time proximity to the target question.

V. Acknowledgements