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Opiniowanie i psychologiczna
analiza wyjaśnień
[Literally: “Issuing opinions
and psychological analysis of testimonies”]
[in:] *Modele psychologicznego
opiniowania w sprawach karnych,
ed. D. Rode,**

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– Gdańskie Wydawnictwo Psychologiczne,
Sopot 2015, pp. 355–381.

Attempts at psychological analysis of testimonies and interviews are actually attempts at non-instrumental detection of deception. From the earliest days of the criminal procedure and interrogation, the interrogator has tried to assess whether the interrogated tells the truth, lies, or conceals certain facts. As early as nearly a century ago Edmond Locard, one of classics of European criminalistics, recommended that interrogators pay attention not only to the content of the statement(s) of the interrogated person, but also to the way how that person speaks, and what behaviours accompany the speech (including mimics and gestures). However, he believed that a correct reading of such behaviour is possible only when one knows well the psyche

of the interrogated: personality traits, experiences, etc. In this way, Locard suggested that the specific behaviour accompanying lie is individual, and everyone has his or her individual style of lie-accompanying behaviours.

Allowing to use behaviour to draw conclusions about the deception in utterance, establishment of the dependency between lie and behaviour is an interesting and important research problem in forensic psychology. In the recent years, the problem has been a subject of numerous studies, whose results are as interesting as encouraging.

Thus, besides polygraph studies, which (together with EEG and recently also fMRI and observation of facial temperature changes through infrared camera) can be counted among the instrumental methods of detection of deception, are developed in parallel to its non-instrumental methods of detection. These include both methods based on observation of lie accompanying behaviours (verbal and non-verbal, i.e. behavioural) and content analyses of statements. Beginning with the second half of the 20th century, the latter has been the subject of research among forensic psychologists, especially German (Udo Undeutsch, Friedrich Arntzen, Max Steller) and Swedish (Günter Trankell), and has focused predominantly on the testimonies of children witnesses (and victims) of sex crimes.

The reviewed study is devoted to this non-instrumental method of lie detection.

Statement analysis is an approach that is generally known today, and the best-known methods are Statement Validity Assessment (SVA) and Criteria-Based Content Analysis (CBCA).

In the recent years, methods of non-instrumental lie detection, especially those based on statement analysis, have been subject of plentiful research, also conducted by Polish forensic psychologists.

On the one hand, the reviewed work is a digest of studies in the area, ranging from Undeutsch to Vrij, and on the other presents the achievements of the Department of Clinical and Forensic Psychology of the Silesian University concerning creating a new model of testimony content analysis.

The first task has been performed meticulously, with the author synthetically presenting the entire applicable state of the art, and the presented bibliography sufficient to be considered exhaustive.

What raises certain doubts, however, is the proprietary concept of building a new Multivariable Adults' Statement Assessment Model (MASAM). The author states that the model uses, as one of the criteria of its assessment of testimony credibility (validity), the volume of such a testimony, amount of information shared by the

interrogated, and number of details, data, and descriptions (p. 375), which is to find its reflection among others in the length of the interrogation report made.

Yet, in contradiction of the author's belief, the volume and contents of a testimony as defined by the Polish Penal Procedure Code (Polish acronym KPK) depends to a large extent on the manner of interrogation, and the degree of the interrogator's attention and accuracy; and these are determined by the personality of the interrogator, his or her proficiency, familiarity with the case, etc. It is not so that the interrogated is allowed to speak at will. Thus, at least in Poland, it is impossible to distinguish clearly what the subject spontaneously revealed from what was provided as answers to the additional questions asked by the interrogator on the grounds of an interrogation report. It is so as the procedure does not require taking down the questions asked, and only the answers need recording. It also seems that the volume of the statement, and consequently the length of the interrogation report being its function, is to a degree determined by the personality of the testifying person. It is especially obvious that introverts are likely to speak less than extroverts, for which reason the criterion of volume must be contingent on the personality of the interrogated.

Briefly speaking, the use of such a criterion in assessing the validity of statement is at least doubtful in Polish conditions due to the report writing policy.

Two general remarks to close: first, generally denying or at best showing a largely reserved attitude to the scientific grounds of polygraph examinations, court psychologists believe that using their continuously improved non-instrumental methods of lie detection they are capable of obtaining results surpassing those achievable with polygraph examinations. This said, it must be remembered that the object of identification in content analysis methods differs from that of a polygraph examination. In the latter, depending on the technique used, the objective is to assess credibility (i.e. lack of deception) of a statement in an area defined by the test's critical questions, and even to assess credibility in answering individual test questions. The analysis of content of a statement leads to an assessment whether the entire statement is valid or not, without analysing which constituent sentences are true and which are not.

Secondly, as various works, especially by Vrij, suggest, the diagnostic value of all non-instrumental lie detection methods (including statement analysis) is far lower than that of a polygraph examination.

It seems incontestable that the two methods of detection of deception (i.e. instrumental and non-instrumental) are not competitive for each other and, on the contrary, they can be mutually complementary.

At the same time, it must be admitted that plenty of empirical studies have been devoted in the recent years to non-instrumental methods of detection of deception (experimental ones included); disproportionately more than to polygraph examinations. Little wonder that the progress of science in this area has been significant.

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