



## Tips and Trends from ICJE

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### Monthly News & Updates

March 2025



### "I Don't Remember"

Q: "Whose gun is that under that seat"?... "I Don't Know"

Q: "Whose car is this"?..... "I Can't Remember."

Q: "How did you get the keys to this car"? "I Can't Recall"

Q: "Where were you headed"? ..... "Florida...uh, New York..um..no Georgia"

Occasionally the ole "I don't know" or "I can't remember" is truthful when we confront someone during an investigation or a deposition. More often than not it's a response to buy time until they can figure out a better response.

This month's theme is all about the "I Don't Recall" or "I Don't Remember" defense, brought about by the humorous traffic stop of the burglars who had raided Joe Burrow's house.

Link to video of traffic stop: [Joe Burrow Burglary Suspect Wore Bengals Hat Before Arrest, Body Cam Shows](#)

*(The house was burglarized with a Special Duty County Deputy on duty in the front driveway, and the bad guys snuck through the woods in the back and broke a window to gain access to the house. The burglary was later discovered by Joe Burrow's ~~housemate girlfriend~~ ~~influencer~~ employee when she returned home from going out to dinner.*

*There's a lot more to this story, but maybe more on that in the April newsletter which will highlight how investigators tracked the burglars with License plate readers and cell phone pinging. Burner phones were used by the burglars, which they still had on them when pulled over on I-70.*

*Clearly, the bad guys forgot the definition of "burner phone"...And the press continually indicated they were a "sophisticated burglary ring".)*

Since last month's focus was on public corruption, I thought I would follow up this month with a theme around "Lying" and how to detect lies for both private and public sector readers. In addition, ICJE training and education courses are available. However, as most of our instructor fees are connected to grants, everything is on hold after the current 2025 course offerings are delivered.

Jim Rechel, ICJE Newsletter Editor

Please feel free to email comments or suggestions anytime! [jimrechel@icje.org](mailto:jimrechel@icje.org)

*Thanks, Jim*



"Oh what a tangled web we weave/When first we practice to deceive"

Sir Walter Scott's epic poem, Marmion: A Tale of Flodden Field.

## Society News

### Why Do People Lie?

"Lying: Moral Choice in Public and Private Life" by Sissela Bok is often cited as a influential work that explores the ethics of lying and deception. The book was written back in 1978, but has some universal principles highlighted that help all of us to understand the concept of "lying".

In criminal investigations, we often assume lying is to protect themselves or someone else. In the private sector I have found that many not involved in criminal activity, but engaged in what others would call lying, are able to justify their actions by rationalizing their actions. Cambridge dictionary defines Rationalization as: An attempt to find reasons for behavior, decisions, etc., especially your own. For instance:

- *This is just a convenient rationalization for something you wanted to do anyway.*
- *Entitlement may include rationalization of negative behavior.*

Having a general understanding of the concept of lying is beneficial in those situations in which you are trying to determine "the truth and nothing but the truth".

Bok defines a lie as any statement made with the intention to deceive. This broad definition allows her to analyze various forms of deception comprehensively.

**Moral Theories on Lying:** Bok critiques two traditional moral theories on lying:

- **Kantian Theory:** This theory condemns all lies, regardless of the circumstances. Bok rejects this rigid approach, arguing that there are situations where lying may be necessary to save a life.
- **Utilitarian Approach:** This approach permits lying if the benefits outweigh the harms. Bok also rejects this approach, emphasizing that it often underestimates the risks and overestimates the benefits of lying.

**Principle of Veracity:** Bok introduces the "principle of veracity," which states that lies are not neutral and always have harmful side effects. A lie is never justified if there is an adequate truthful alternative.

**Costs of Lying:** Bok discusses the various costs associated with lying, including:

- **Costs to the Liar:** Energy expended to cover up the lie, loss of credibility if discovered, and increased propensity to tell future lies.
- **Costs to the Deceived:** Harm caused by the deception and the potential loss of trust.
- **Costs to Society:** Damage to the overall level of trust in communication throughout society.

**Institutional Lies:** Bok highlights the dangers of lies that become institutional practices, such as placebo prescriptions by physicians. These lies can have far-reaching consequences and undermine trust in institutions.

**Justifiability of Lies:** Bok proposes a system for determining the justifiability of lies based on moral philosophy. This system involves evaluating the costs and benefits of a lie, considering all potential impacts on the liar, the deceived, and society.

**Ethics of Deception:** Bok explores the ethics of deception in various contexts, including personal relationships, professional settings, and public life. She emphasizes the importance of honesty and transparency in maintaining trust and integrity.

## Questions to Utilize When Someone Says "I Can't Remember"

There are a variety of seminars, conferences and training related to strategies/follow-up questions when you encounter an individual you believe is hiding behind the response "I don't remember...".

The table below provides a condensed listing of sample/illustrative questions to assist you in developing a more effective strategy when investigating matters, be it public or private sector.

Additional resources will be provided below, in a "Resources" segment of this month's newsletter.

<u>Category.</u>	<u>Question</u>
<b>General Questions to Establish Context</b>	Can you tell me what your routine was like on the day of [incident]?
	Where were you between [time A] and [time B]?
	What was the weather like that day?
<b>Breaking Down Specific Details</b>	You mentioned you don't recall the meeting. Can you remember who was with you at that time?
	Do you remember where you were right before the event happened?
	Can you recall what you were doing just before you entered the building?
	What do you usually do after leaving [location]?
<b>Clarifying the Memory with Alternatives</b>	Do you remember if you were with someone at the time, or were you by yourself?
	You don't recall the specific conversation, but do you remember the general topic of what was discussed?
	Was it unusual for you to be in that area at that time, or is this something you do regularly?

<b>Incorporating Evidence and Implied Knowledge</b>	We have records showing you were at [location] at [time]. What can you tell me about that?
	A witness stated that they saw you there at [specific time]. Do you remember interacting with them?
	Security footage shows you were at the scene. Can you explain what happened right after that?
<b>Reconstructing the Event</b>	Can you walk me through what happened immediately before the incident occurred?
	If you don't recall exactly, can you at least tell me what you were feeling at the time?
	If you were in that situation, what would you typically do next?
<b>Hypotheticals and Similar Past Events</b>	Have you ever been in a similar situation before where you had to make a quick decision? What did you do in that case?
	Imagine if you were in that location at that time. What do you think would have been your next move?
<b>Indirect or Suggestive Questions</b>	It seems like it might have been a stressful time. Can you recall anything that stood out to you?
	Some people find that certain details are hard to remember at first, but once they start recalling them, the rest comes back. Do you think anything might jog your memory?
<b>Behavioral and Non-Direct Questions</b>	Can you tell me how you usually act when you're in that situation?
	When was the last time you had a similar conversation?
<b>Closing the Questioning Loop</b>	You don't recall the event, but would it help if we went over the details together?

## Technology

### CLIPr's New Body Camera Video Intelligence Solution Improves Law Enforcement Productivity by Up to 50%

CLIPr integrated into all i-PRO body worn camera and in-car-video solutions

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### Cops Using AI That Automatically Generates Police Reports From Body Cam Footage

Taser maker Axon has announced a new product called "Draft One," an AI that can generate police reports from body cam audio.

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## "I Want to be a Better"... Interviewer: Detecting Deception and Lying

### Resources

#### 1. Behavioral Analysis and Interview Techniques

- Resource: Behavioral Analysis Interviews (BAI) or Cognitive Interview Techniques.
  - Cognitive Interview (CI) is designed to enhance the recall of witnesses and suspects by focusing on mental reconstruction of the event. This method can be adapted to question a suspect in a way that taps into different memory retrieval

pathways. The CI approach is often used to help individuals overcome memory gaps or focus on specific details.

- Behavioral Analysis involves studying body language, micro-expressions, and other non-verbal cues during the interview to assess whether the suspect is being deceptive.
- Suggested Readings:
  - "The Cognitive Interview: A Practitioner's Guide" by Ronald P. Fisher and Edward Schreiber.
  - "Criminal Interrogation and Confessions" by Fred E. Inbau, John E. Reid, and Joseph P. Buckley.

## 2. Psychological Insights

- Resource: Psychological Profiling Techniques or Deception Detection Methods.
  - Understanding common psychological tactics used by deceptive suspects—such as feigned memory loss—can guide your questioning. Some psychological theories suggest that people may not recall an event because of anxiety, fear, or an unconscious desire to avoid telling the truth.
- Suggested Resources:
  - "Spy the Lie: Former CIA Officers Teach You How to Detect Deception" by Philip Houston, Michael Floyd, and Susan Carnicero.
  - "Lying: Moral Choice in Public and Private Life" by Sissela Bok.

## 3. Expert Interviews and Interrogation Techniques

- Resource: The Reid Technique of Interviewing and Interrogation.
  - The Reid Technique is a widely known method used in law enforcement for questioning suspects. This technique includes strategies for handling deceptive responses, and can help frame questions in a way that either challenges or encourages the suspect to break their silence or misdirection.
  - While the Reid Technique has been controversial at times, it remains a valuable resource in understanding how to approach evasive suspects.
- Suggested Readings:
  - "Criminal Interrogation and Confessions" by Fred E. Inbau, John E. Reid, and Joseph P. Buckley (as mentioned earlier).
  - "The Reid Technique of Interviewing and Interrogation" by Fred E. Inbau.

## 4. Forensic Linguistics

- Resource: Forensic Linguistic Analysis.
  - Forensic linguistics involves the analysis of language patterns to detect inconsistencies or deception in a person's statements. Linguistic experts analyze sentence structures, word choice, and sentence complexity to assess truthfulness. This resource can be helpful when reviewing a suspect's prior statements or analyzing responses during questioning.
- Suggested Resources:
  - "Forensic Linguistics: Advances in Forensic Stylistics" by John Gibbons.
  - "The Language of Confession, Interrogation, and Deception" by Riggio, M. (2005).

## 5. Case Law and Interrogation Guidelines

- Resource: Legal Guidelines for Interrogations.
  - Understanding the legal framework surrounding interrogations and questioning tactics is crucial to ensuring the fairness of the process and avoiding legal pitfalls. Resources like the Miranda rights, which protect suspects from self-incrimination, should be reviewed.
- Suggested Resources:
  - Legal textbooks or case law on interrogation rules, such as "Criminal Procedure: Constitutional Limitations in a Nutshell" by Jerold H. Israel, or online databases such as LexisNexis for updates on recent rulings.
  - Resources from law enforcement agencies like the FBI's Law Enforcement Bulletin or materials from the National Institute of Justice (NIJ).

## 6. Polygraph and Lie Detection Tools

- Resource: Polygraph Tests (Lie Detector Tests).

- While not foolproof, polygraph tests can be used as a supplementary tool in interrogations to assess a suspect's truthfulness when they claim they don't remember an event. In some cases, knowledge of the polygraph test can influence a suspect's willingness to speak more openly.
- Suggested Resources:
  - "The Polygraph and Lie Detection" report by the National Research Council (2003), which reviews the reliability and applications of polygraph testing.
  - Books or courses on polygraph use, such as those offered by the American Polygraph Association.

## **7. Memory Recall Techniques**

- Resource: Neuro-Linguistic Programming (NLP) or Memory Enhancement Techniques.
  - NLP and other memory techniques can be used to assist the suspect in recalling details by activating their mental and emotional states. By using certain questioning techniques or adjusting the language you use, you may be able to trigger memories that the suspect might be unconsciously avoiding.
- Suggested Resources:
  - "Frogs into Princes: Neuro Linguistic Programming" by Richard Bandler and John Grinder.
  - Workshops on NLP and memory techniques, many of which are offered by institutes like the Society of NLP.

## **8. Criminal Profiling Resources**

- Resource: Criminal Profiling Books and Databases.
  - Criminal profiling can help you understand the psychological makeup and behavior patterns of a suspect. Profiling techniques may offer insight into whether a suspect is likely to fabricate or conceal memories, and how to approach questioning based on their behavior.
- Suggested Resources:
  - "The Criminal Profiling Manual" by Brent E. Turvey.
  - "Inside the Criminal Mind" by Stanton Samenow, which helps identify deceptive behaviors often seen in suspects who feign memory loss.

## **9. Interviewing and Interrogation Training Programs**

- Resource: Specialized Training Courses in Interviewing and Interrogation.
  - Many law enforcement agencies offer specialized training courses for developing questioning strategies, particularly around handling evasive or deceptive responses.
- Suggested Resources:
  - Online courses and workshops offered by organizations like the National Criminal Justice Training Center (NCJTC).
  - The FBI's Behavioral Analysis Unit (BAU) offers webinars and insights into effective interrogation methods.

## **10. Peer Consultation and Mentorship**

- Resource: Consultation with Experienced Detectives or Mentors in Law Enforcement.
  - Engaging with experienced detectives or mentors who have faced similar situations can offer valuable insight and practical examples of how to question suspects who claim memory loss.
- Suggested Resources:
  - Local law enforcement training programs or mentorship from senior officers.
  - Discussion forums or professional organizations like the International Association of Chiefs of Police (IACP), which offer guidance on interrogation methods.

# **Crime**





## AI Has Already Become a Master of Lies And Deception, Scientists Warn

You probably know to take everything an artificial intelligence (AI) chatbot says with a grain of salt, since they are often just scraping data indiscriminately, without the nous to determine its veracity.

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## Frank on Fraud

### BREAKING INTEL FOR FRAUD FIGHTERS

Today's scammers innovate at breakneck speeds. I track their evolution and shifting patterns to keep you informed so you can fight back. Search We Fight Fraud I am Frank McKenna. As a lifelong fraud fighter, I've made it my mission to stand alongside the unsung heroes of our financial system [...]

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# 2025- ICJE Training and Education



## Training Schedule

For more information on the 2025 schedule, please visit our website by clicking on "Read More":

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## One Two More Things

Twenty years ago, I attended a weeklong course on Statement Analysis conducted by Avinoam Sapir. ICJE does not have any connections with LSI/SCAN statement analysis program, but it was probably one of the most interesting and useful trainings I have attended regarding the analysis of written statements rather than interviewing. In case you might be interested I have included a summary below.

### About

LSI SCAN (analysis of statements) Basic & Advanced Course "Online" in 2025

We would be happy to bring the LSI Basic Course and Advanced Workshop on SCAN (Scientific Content Analysis) to your personnel. The instructor would be Mr Avinoam Sapir, developer of the SCAN technique.

The class will be held online in real time (in "webinar" format) on the following dates in 2025: March 24-27, 2025 and June 23-26, 2025. tentative dates: August 11-14, 2025 and November 17-20, 2025.

On request, dates can be scheduled for dedicated classes for your personnel.

The class will be conducted using "gotomeeting.com" software, which enables Mr Sapir and the students to see each other and to interact. LSI will provide the subscription to the program, and the students need only a simple online connection. The student can participate from any convenient location.

We recently presented the LSI SCAN Basic Course and Advanced Workshop in this online format to a group of students in various parts of the US, with excellent results. The students were able to see and hear Mr Sapir speaking to them just like in the classroom, and to see his

powerpoint presentation. Any student who wanted to ask a question could do so via their own microphone and talk directly to the whole class. The class is identical to the on-site class, but conducted online. As Mr Sapir describes it: "I am still with the students. They are with me. It is just that it is via the internet."

The LSI Course on Scientific Content Analysis (SCAN) provides an effective technique for obtaining information and detecting deception strictly by means of verbal communications. SCAN, i.e. analysis of statements, gives the maximum information from every interview. Students of the SCAN course learn how to extract vital information from oral or written statements given by suspects, witnesses, victims or informers, information which otherwise will not be obtained by any other investigative method. SCAN will reduce the time of investigation for your department; it will avoid costly unnecessary investigation, thus saving money, work time, and manpower; and it will solve cases that otherwise would be left unsolved. The course includes training on the VIEW Questionnaire, a useful investigative tool.

Please let us know if you have any questions or need any additional information. You may also visit our website at [www.LSISCAN.com](http://www.LSISCAN.com) or call LSI at 1-800-727-3113 for additional information.



## Deceptive but Truthful: Is it Possible?

Article by Detective Wesley Clark Connecticut State Police Department Western District Major Crime Squad. This may sound like an oxymoron, however in light of the adjoining article, "Statement Analysis" I felt this technique should be addressed.

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