

# THE ANALYZE OF EXPRESSIVE BEHAVIOR IN INQUIRY OF JUDICIAL ROOM

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## **Abstract:**

*The non seemingly behavior is precursory, a behavior oriented towards attitude.*

*Between the seeming and the non seeming behavior there is the following relation:*

- *the simultaneous existence of the two ways of behaving.*
- *the non seeming way through its anticipative preparing and orientation can come after the seeming way.*

● *the non seeming behavior can succeed a done and finalized activity without having been doubled by a notable exterior expression.*

*In the blueprint of simulated behavior we distinguish two important elements:*

- *the moment when the stimuli is given or is refreshed something significant for the subject.*
- *the evaluation, the selection of different types of answer; here we have to watch the seeming way that the simulating subject expresses his intentions.*

*That what is fake is the meaning the individual gives to the component he offers towards direct observation, meaning that must be assigned after his intention to the seeming behavior.*

**Keywords:** *behavior, attitude, anticipative preparing, intentions.*

On the basis of the initial contacts, the investigator appreciates the expressed behavior, especially the subject's facial gestures, as an obvious reality, as a sum of dynamic features and characteristics that bring out emotional states, states that need to be correctly interpreted.

Specialized literature emphasizes that the most common of these manifestations are: blushing, dilatation of blood vessels (noticeable in the temple area), spasms, voice trembling, shivering hands and feet or sudden blockage of a person's movements, reduced saliva, an expanded time of response, not looking in the investigator's eyes. It is obvious that an experimented investigator cannot miss this kind of behavior. For such a person, voice trembling, hands trembling, picking imaginary lints, mollycoddling their purse, pauses in conversation, answering a question with another question will be more than sufficient for him to tell upon someone's behavior and discomfort when being questioned by authorities. Experience brings out not the difficulty in seeing these aspects, but the deficiency in correctly interpret them.

In light of these physical manifestations and the way they are being put out, control techniques have been created to observe honesty in statements.

Ever since Ancient times, the judges from that time use a very famous method of testing the accused: the rice method. It was about the accused having to swallow quickly an amount of rice, after each false statement, basing itself on the principle that through God's will, any person who has given a false statement would find it impossible to swallow that rice.

Although this method sounds naive, it has a scientific argument: in strong emotional states, the amount of saliva shrinks, and so you cannot swallow a hand of dry rice.

Being accused of doing something bad and the emotional state created with this feeling and also bringing Divinity into the question is not very conclusive; on the other hand it is real; the method

allows observing the emotional state, but is not conclusive in establishing the subject's honesty, given the differences between individuals (some may be emotional without being guilty)

Practice has brought out the fact that despite rare exceptions (persons that have had repeated contacts with justice), an open attitude, an open look, a fluent telling of the facts, the good will on answering the questions, the witness's regret that he can't answer some questions, with the reason that if he had known that those kind of circumstances are of interest to justice, he had tried to remember them, together with a gesture and mimics that are matching the facts that are being told, usually stands for a sincere behavior, non simulated. On the contrary (exceptions are the persons that don't usually have contact with the authorities and frustrated individuals) trying to be overcarefull, reserved, hesitation, contradictions, confusion, blushing, acceleration of sweat, studied gestures, low tone of voice, asking for a glass of water, they all indicate a simulated, dishonest behavior.

We must keep in sight that all of these observations that come out from observing the expressive attitude and behavior of the witness mean just an orientation upon some psychological clues. They need to be carefully evaluated no matter how strong of an impression they make, because appearances don't always match reality and a novice investigator can fail.

Here is why we must keep in mind that the individual is born with the capacity of dissimulating, lying, disordering his true feelings, his true emotional states and that the witness can control his emotional states, states that are not accurate to his real psychic ones.

### **The non verbal communication – specific tactical rules of interpersonal opposition and confrontation report**

Communication between the investigator and the accused is done not only through verbal language, but also through other ways, the so-called non verbal communication (gesture, mimics).

A great part in transferring the information of affectiveness takes place throughout non verbal channels. During the conversation, the non-verbal communication and basically *eye contacts* that take place between the persons involved in the communication are very important. The control on eye contact is sent out by the accused, even as he speaks. During the discussion he watches closely on his partner's reaction, non verbal reaction, and based on what he thinks he sees in his eyes, he adjusts the second part of his story.

These kind of eye contacts are frequently made in the questioning room, especially when the accused doesn't know what evidence the investigator has and especially when the investigator puts out disordered or false information.

During a common conversation, the eye contacts can variate. In crucial times, specifically on the important arguments, wherever it may be, the look returns to the accused to verify if he has understood, if he agrees or not with those that have been said. Watching closely for this eye contact requires the investigator very much experience and intelligence, because coming back to a common eye contact may mean that the accused has reached a crucial point where he wants to sneak in a lie, a lie that could have great significance.

The investigator must control his eye contact and gain perfect control upon it. As the investigator would want to be permissive, he must not leave question of a doubt and must be in control of his smallest gestures, for he would else provide the accused with a serious weapon.

The eye contact of the receiver is not a source of information, but a means of conditioning him. On the accused's first hearing, where he will tell the facts in his favour, the investigator should let him say what he wants, let him be fluent in his telling. If during his spontaneous telling the accused is not interrupted, even more, he is encouraging him by nodding his head and by mimics is very likely that the accused will provide sufficient material for once the monologue is over to turn it into a critical dialogue. This conditioning through approval is an efficient trap that will help the investigator, later on, to elaborate a suitable method for the situation.

It is common to say that those who avoid eye contact to the person they are speaking to are not honest. Most psychologists think that avoiding to look into someone's eyes, especially someone with authority, is a sign of frustration.

### **The non verbal components of the assertive, aggressive and passive behavior**

Assertiveness, aggressiveness and being passive are three different ways to approach interpersonal relationships. Each of them has a matching set of verbal and non verbal components.

When, during social interactions, we send information, the way that we send them plays a big part in making our message understood. The non verbal components we are speaking of here include visual contact, personal space between the persons talking, body position, hands gestures, facial expressions, head movements, but also voice inflexions, volume or tone. Each non verbal component can be done to clarify the verbal component of the message. In other words assertive, aggressive and passive communications are each defined by a specific verbal and non verbal content.

#### **a) Assertive non verbal behavior**

Assertive statements take into consideration the needs of the one speaking, but also the needs of those that are listening, and non verbal assertive components have the same effect. When someone looks straight up at the one who is speaking to him shows that he is really interested in what he is being told, without thinking less of himself, at the same time. During a speech, relaxed and soft moments emphasize the words and the tone of voice must be at a suitable volume for everyone. In the assertive communication, someone's answer to a verbal message should be prompt, without any delay or hesitation.

About the proximity or ideal personal distance it is said to be between 0,5 up to 1,5 meters, as far as European and North American culture say.

#### **b) Aggressive non verbal behavior**

Aggressive statements take into consideration only the speaker's wishes, trying to ignore those of others. This intention is emphasized by the non verbal behaviors that come with them. The eye contact is very straight, rigid and very tensed. A body position leaned to the front may seem aggressive and threatening, the hands are usually made under fists, with movements that suggest violence. All of these behaviors are meant to intimidate, in the idea that the speaker is the one dominating and all of the others' wishes must subject to his owns.

#### **c) Passive non verbal behavior**

Passive statements subject their own needs and desires in the favor of the ones belonging to others. This behavior includes gestures like: avoiding eye contact, a rigid body position. Hand movements, if they exist are reduced are very close to the body.

The speaking rate is very low, and the volume is always the same, as if that person would want to say that it is no use to say what he means to say because it doesn't matter anyway. There are delays in his time of response, telling us again that the message coming from other persons is more important than the personal message. Personal distance is maintained under the inferior limit of 0,5 meters

Other considerations:

When the verbal messages are consistent with the non verbal ones, the communication of the assertive, aggressive or passive intentions is done without difficulties. When they are not consistent, communication is rather confused and it is more difficult to be responded to.

Another aspect that should be taken into consideration is the cultural one, which, if it is regarded of, can misleader the interpretation of some behaviors.

The non verbal communication is of the utmost importance, due to the fact that it is present everywhere (we verbally communicate from time tot time, but more often nonverbally). Even from the beginning of evolution the non verbal communication had been the utmost necessary, being the artifact of the species' survival.

<b>Assertive behavior</b>	
Visual contact	Straight visual contact, without being too persistent.
Posture	a) Looks up to the person; b) Looks straight in the person's eyes, while his body has a non symmetrical posture: his hands and feet are relaxed, held in the same position on each side. c) Slightly bended towards his interlocutor.
Gesture	Easy, relaxed hands that emphasize verbal expressions.
Distance	He maintains an appropriate personal distance, of approximately 0,5-1,5 meters.
The time of response	He offers the answers, without hesitation, as soon as the speaker has finished talking, and he interrupts him only to finish his interaction.
The voice	Ferme, an appropriate volume of the voice, without being too loud or slow.
<b>Aggressive behavior</b>	
Visual contact	Lack of expressiveness, narrow, cold.
Posture	Rigid
Gesture	His hands are clenched; he has wide gestures, especially over his shoulders.
Distance	Smaller than 0,5 meters.
The time of response	Low, with often interruptions.
The voice	Very low with a high conversational rate.
<b>Passive behavior</b>	
Visual contact	Looks down or other ways.
Posture	Not facing the other person, rigid, symmetric.
Gesture	Continues moves, with small gestures besides the body.
Distance	Larger than 1,5 meters.
The time of response	A great distance between the time when the speaker has finished his message and the time he must response.
The voice	Very low volume, with a low conversational rate.

It is important to say here that, in generally, the consequences of the assertive behavior are good, meanwhile, the ones of the passive and / or aggressive are not.

### **The behavior dimension of emotions**

The emotional process has external behavior manifestations, accessible to observation: gesture, movement or immobility of the body, facial expressions, and vocal expressions and so on.

These manifestations combine in specific configurations- facial, vocal, gestures – on the basis of what can be described as a specific emotional state.

Facial expression seems to be the most eloquent to the observer. For example: joy or anger can immediately be read on someone's face. The central nervous system is responsible for the facial muscles' control, causing them to frown, relax and tremble.

The epiderm's colour also represents an immediate clue for emotion (white as snow, in the case of blood vessels' constriction, red as a hot steam, in the case of blood vessels' dilatation.) The tone of voice (intensity, inflexions, accent, pauses) can translate states of joy, sorrow and so on.

Emotional expressions are done throughout a sum of born reactions, combined with conditioned and voluntary reactions. The elementary forms of emotional conduct are reduceable to unconditioned reflexes that appear, independent with any experience. For example a small noise makes a little baby to start from surprise and a change in his body posture, although he hasn't had a bad experience before concerning any noise.

Watching the role of visual imitation, Dumas, Thompson and Fulcher have comparatively studied emotional expressions with people blinded from their birth and people who can see. They have discovered that laughter, shouting, fear reactions, anger, joy are the same with both cases, in the case of blind people the voluntary expression is lower and decreases with the age. P. Eckman and H. Oster have studied facial expressions in isolated populations, which are not subjected to different types of emotional models coming from culture or magazines. Here is what they discovered:

- the verbal labels attached to emotional expressions are universal and do not depend on cultural interpretation;
- the request to imitate certain particular emotional expressions leads to identical expressions in different cultures.
- the recognition of emotion in different cultural groups is pretty precise, offering correct verbal labels.
- at least six basic emotions- as it was shown – seem to be universal: anger, disgust, joy, sadness, fear and surprise.

The mimics listen to a native command and a voluntary one. The social environment selects the basic expressions, developing some and relieving others; they create a true mimics language where conventional gestures and signs develop spontaneous expressions.

Due to this overlap, emotional expression becomes a social exchange technique: a smile can enlighten the speaker, a disgust mimics can stop someone from doing something bad, crying brings out compassion. *Mime and pantomime* – says V. Pavelcu – becomes a language, as the articulate word is; they are learned by taking the social form of patterns and models sent out for generations. The possibility to modulate voluntary emotional expressions creates the premises of judging between the outside and the inside, between objective and subjective. Finally the man has created- during his historical development - a wide range of expressing emotional states, and here we think of poetry, lyrics, music, dancing, and generally artistic means of expressing emotion.

Slowly, as we collect data from different kinds of studies upon human activity, we see that the idea that says emotion is a multidimensional phenomenon gets into shape, concluding that emotions have thinking, behavior, physical and subjective aspects.

## Bibliography

- Tiberiu Bogdan*, “Probleme de psihologie judiciară”, Studii și cercetări juridice, nr. 3;
- Tiberiu Bogdan, Tudorel Butoi*. “Constatarea stresului psihologic cu ajutorul poligrafului”;
- Zdrenghea Voicu, Tudorel Butoi*, “Investigația psihologică a comportamentului simulat”, Editura “Serviciul Editorial”;
- Tudorel Butoi*, “Crima - sub lupa detectorului de minciuni”, Editura “Edit Press - Mihaela”, București, anul 1997;
- Aurel Ciopraga*, “Criminalistica. Tratat de tactică”, Editura Gama, Iași, anul 1996;
- Emilian Stancu*, “Criminalistica”, vol. 11, editia a III-a, Editura Actami, București, anul 1999;
- Nicolae Volonciu*, “Tratat de procedură penală. Partea specială” - vol. III, ediția a III-a, Editura Paideia, anul 1998;
- Ion Neagu*, “Drept procesual penal”;
- Ion Ciofu*, “Comportamentul simulat (cercetări psihofiziologice experimentale)”;
- Nicolae Mitrofan, Voicu Zdrenghea, Tudorel Butoi*, “Psihologie juridică”, Editura “Sansa”, București, 1994;
- John Reid, Fred E. Inbau* “*Truth and deception*”, Baltimore (S.U.A.);
- Dragomirescu T.V.*, “*Determinism și reactivitate umană*”, Editura Științifică, București, 1990;