

# They Are Not Looking for Truth

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## How the Justice System Extracts Guilt, Not Information, and Why Your Fear Is Their Evidence

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### Abstract

The interrogation and custodial process is not designed to determine what happened. It is designed to produce material that uninformed people will interpret as guilt. This paper examines, through direct testimony and supporting research, how the justice system constructs guilt from fear responses, how it does not believe what you say and does believe what you don't say, and how the conditions of custody — the cold, the nothing, the guard who won't give you a blanket — are not failures of the system but functional components of a process designed to break you into compliance. A person who helped a woman experiencing domestic violence, who was brave enough to bear witness and intervene, who was then placed in a car during a situation that became frightening, whose fear responses were visible — that person is then processed through a system that treats fear as evidence, silence as admission, and distress as guilt. The system is not looking for what happened. It is looking for what it can use.

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### 1. The Blanket

You are cold. You are in a cell. You have nothing. You are freezing. The air conditioning is on and there is nothing you can do about it.

You ask for a blanket.

The guard says: “Well, you shouldn't have done whatever you're in for — then you wouldn't have to be cold now.”

Stop here. Read that again.

A human being asked for warmth. Another human being — one with the power to provide it, whose job description includes the duty of care for the person in that cell — responded by telling them their suffering is deserved. Not that there are no blankets. Not that one is coming. That whatever you did, this is the consequence, and you earned it.

He doesn't know what you did. He doesn't care. He has already decided. You are in the cell, therefore you are guilty, therefore you deserve to be cold. The cold is justice. The blanket would be mercy, and mercy is not part of his job.

The cold is not a failure of the system. The cold is the system. The guard is not failing at his job. He is doing his job. His job is to make you understand that your comfort, your warmth, your basic physical needs are conditional on your guilt. You are cold because you are bad. You are hungry because you are bad. You have nothing because you are bad.

He doesn't know that you are in that cell because you told a woman that her childhood sexual assault was wrong and that her family's response — not speaking to the perpetrator for a year — was not adequate. He doesn't know that the woman's brother is Brad Edwards, the Claremont serial killer, convicted of the murder of two women and the rape of a third. He doesn't know that the woman responded to being told the truth by calling the police and child protection services and telling them you murdered your daughter — after your daughter had a devastating accident. He doesn't know that CPFS investigated and cleared you: “no fault, no concern.” He doesn't know that CPFS oddly cleared you — and then, three years later, you were arrested anyway. On the word of the sister of a serial killer who wanted revenge because you said what nobody in her family would say.

He doesn't know any of this. He doesn't need to know. The system doesn't require him to know. There is no mechanism that requires the person withholding your blanket to know why you are there, whether you should be there, or whether the accusation that put you there was made by a person with a motive to destroy you.

He just needs to know you're in the cell. The cell is proof enough. You are here, therefore you did something, therefore you deserve to be cold.

“You shouldn't have done whatever you're in for.”

You were in for telling the truth.

And the “evidence” they built their case on? Your daughter's hair was dry when the ambulance arrived fifteen minutes later. Therefore — according to the system — she couldn't have been in water. Therefore you were lying. Therefore you are guilty.

Her father has already proved that her hair dried in eight minutes after a shower. Fifteen minutes in the chaos of a mother performing CPR on her child, holding her, not letting go, trying to bring her back — of course her hair was dry. A mother focused on her daughter. A mother who kept her close. A mother who tried her hardest to continue CPR. And the system looked at that — a mother refusing to let go of her dying child — and saw evidence.

Perhaps she shouldn't have held her daughter. Perhaps she should have kept the hair wet for the paramedics. Perhaps she should have been thinking about evidence preservation instead of CPR. Perhaps she should have been less of a mother so she could be more innocent.

That is what the system requires. That your grief be performed in the exact way that doesn't look like guilt to people who have never held a dying child. That your reactions in the worst moment of your life conform to the heuristics of people who have never experienced anything like it. That you prioritise looking innocent over being a parent.

The system looked at a mother holding her daughter and saw a crime scene.

Perhaps she shouldn't have carried her daughter downstairs to open the entryway for the ambulance. Perhaps she shouldn't have put her down and continued CPR after opening the door. Perhaps she should have carried her back upstairs to the bathtub instead — so it would look right. So the scene would match. So the paramedics would find the child near the water and think: yes, this is consistent.

But she didn't think about what it looked like. She was thinking about making her daughter live. She carried her downstairs because the ambulance was coming and the door needed to be open. She put her down and kept doing CPR because CPR is what you do. She did not carry her back to the bathtub because carrying your daughter back to the bathtub to make it look like something is not what a mother does when her child is dying. Staging a scene is not what a mother does. A mother does CPR. A mother opens the door. A mother does not stop.

And because she did not stop — because she was a mother and not a crime scene manager — the child was found downstairs, away from the water. And the system looked at that and said: the child was not near the bathtub. The hair was dry. The scene is inconsistent. The mother is lying.

The system requires you to choose: be a mother, or be innocent. You cannot be both. If you are a mother — if you hold your child, if you carry her to the door, if you do CPR, if you do not stop — the scene will not look right. And if the scene does not look right, you are guilty.

If you are innocent — if you think about evidence, if you leave the child where she fell, if you preserve the scene, if you do not move her, if you wait — you are not a mother. But the scene will look right.

No mother chooses the scene. Every mother chooses the child. And the system punishes them for it.

Then — maybe they would have believed her.

If she had been less of a mother. If she had thought like a suspect instead of a parent. If she had managed the scene instead of managing the CPR. If she had prioritised how it looked over whether her daughter lived. Then maybe the hair would have been wet. Then maybe the child would have been near the bath. Then maybe the scene would have been consistent. Then maybe they would have believed her.

The system asks: why doesn't the scene match your story?

The answer is: because I was trying to save my daughter's life, not build your case for you.

But that answer is not available. Because in the system's framework, an innocent person's scene matches their story. If the scene doesn't match, the story is wrong. It does not occur to the system that the scene doesn't match because the mother was doing CPR instead of set design. It does not occur to the system because the system has never done CPR on its own child.

This is not said explicitly. It is communicated through the withholding. Through the refusal to acknowledge you as a person who has needs. Through the eyes that look at you like vermin. Through the response to your request for a blanket that is not about the blanket at all — it is about establishing, in your body, that you deserve what is happening to you.

And you haven't been convicted of anything. You may not have done anything. You may have done the opposite of anything — you may have helped someone. You may have been brave. But you are cold, and the guard has decided you are cold because you deserve to be cold, and he will

not give you a blanket because giving you a blanket would be giving comfort to a person who does not deserve comfort.

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## 2. What She Did

Here is what the accused did, in the years and months before the system decided she was a criminal.

Her son's father was hurting her seven-year-old. She sought help. She followed professional advice from the Love Safety Net — a domestic violence resource — which suggested reaching out to social groups the perpetrator cared about. She made a Facebook post, a desperate attempt to get him to behave reasonably and continue helping with the children. She was not threatening. She was not vindictive. She was a mother trying to protect her son using the tools a DV resource told her to use.

The sister of a convicted serial killer — Brad Edwards, the Claremont serial killer — screenshot that post. She kept it.

The accused played basketball with her children after school, because that is what she did. She broke her foot. She was in pain. She was struggling. She continued caring for her children with a broken foot because there was no one else to do it. Her and Ro, her eldest, doing their best.

And then her daughter had a devastating accident.

And the accused — in pain, with a broken foot, terrified — did CPR. Held her daughter. Carried her downstairs to open the door for the ambulance. Put her down and continued CPR. Did not stop. Did not think about how it looked. Did not carry her daughter back to the bathtub so the scene would match. Because she was a mother, not a suspect.

Child protection services investigated. They cleared her. No fault. No concern.

Three years later, the sister of the serial killer — the one with the screenshot, the one who was told her own childhood sexual assault was not adequately dealt with by her family, the one who was told her brother was guilty — called the police. She told them the accused had murdered her daughter. To get revenge on the father.

The system took that call. From that woman. Three years after the clearance. And it arrested a mother who had been trying to protect her children, who had followed professional DV advice, who had a broken foot, who had done CPR on her dying daughter, who had been cleared.

And then: the reactions. The fear. The visible, physical, unmistakable signs of a frightened human being in a freezing cell with nothing who has lost her daughter and is being accused of killing her by people who look at her like she is vermin.

The accused is autistic. She was at rhyme time. She was at mothers group. She was at tennis lessons. She was the parent helper at kindy. She organised playdates. She was doing every single thing a mother is supposed to do, and she was doing it while autistic, which means she was doing all of it while simultaneously managing a neurological condition that makes social performance exhausting and unnatural — and she was choosing to spend that energy on her children instead of on making herself look normal to other adults.

She did not mask well enough. That is the accusation underneath the accusation. Not that she was a bad mother — she was at every activity, every group, every lesson. But that she was odd. That she didn't perform correctly in social situations. That her affect was flat when it should have been warm, or intense when it should have been calm, or absent when it should have been present. That she didn't grieve right. That she didn't react right. That she didn't look right.

The heuristics the system relies on — the behavioural cues that uninformed people interpret as guilt or innocence — are neurotypical heuristics. They assume a baseline of neurotypical social performance. Gaze aversion means deception. Flat affect means coldness. Inconsistent emotional display means dishonesty. Every single one of these is also a feature of autism. The system's "indicators of guilt" are indistinguishable from the diagnostic criteria of a neurological condition that affects approximately 1 in 36 people.

She could have spent her energy masking. She could have focused on performing neurotypicality for the adults around her — the other mothers, the teachers, the system. She could have made herself look right instead of being right. But she spent it on her children instead. On rhyme time and mothers group and tennis lessons and being the parent helper at kindy and playdates. She spent her finite energy on being a mother rather than on looking like one.

And when the system came for her, it looked at the way she presented — the autism, unmasked, because the energy went to the kids — and it saw guilt.

And the system saw the fear. And the system did not see a frightened, grieving, autistic mother whose every social performance had been spent on her children. The system saw evidence.

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### 3. They Don't Believe What You Say. They Believe What You Don't Say.

The interrogation process in the modern justice system is not an investigation. It is a performance of investigation that produces material for prosecution.

This is not speculation. The research is extensive:

**The Reid Technique** — the dominant interrogation method in the United States, Australia, and much of the English-speaking world — is explicitly designed to produce confessions, not to determine truth. The technique begins with a "Behavioral Analysis Interview" in which the interrogator decides, based on behavioural cues, whether the person is guilty — **before the interrogation proper begins**. The subsequent interrogation is then conducted with the assumption of guilt (Inbau, Reid, Buckley & Jayne, 2001).

The behavioural cues the system treats as indicators of deception include:

- Gaze aversion
- Fidgeting
- Pausing before answering
- Providing too much detail
- Providing too little detail
- Emotional distress
- Flat affect

- Inconsistency under stress

Every single one of these is also a symptom of fear. Of trauma. Of being a frightened person in a terrifying situation who has done nothing wrong.

Bond and DePaulo's meta-analysis (2006) of 24,483 judgments across 206 studies found that human accuracy at detecting deception is **54.1%**. Accuracy at detecting lies specifically is **47.4%** — **below chance**. You would do better flipping a coin.

But the system does not present itself as a coin flip. It presents itself as expertise. And the material it produces — the pauses, the distress, the gaze aversion, the fear responses of an innocent person — is presented to juries and magistrates as evidence of guilt.

They do not believe what you say. You can tell them what happened. You can tell the truth. You can be completely, transparently, desperately honest. It does not matter. Because they have already decided — based on how you look when you say it, not what you say.

They believe what you don't say. Your silence is an admission. Your hesitation is concealment. Your distress is guilt. Your fear — the fear of a person who is cold and has nothing and is being yelled at about sensitive topics by people who will not listen — is interpreted as the fear of someone who has been caught.

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## 4. The Heuristics of Guilt

The system relies on heuristics — mental shortcuts — that uninformed people believe are reliable indicators of truth and deception. These heuristics have been extensively studied and extensively debunked:

### “Guilty people look away”

Vrij (2008) reviewed decades of research and found **no reliable relationship** between gaze aversion and deception. Truthful people look away when they are thinking, when they are distressed, when they are frightened, when they are trying to remember accurately. The belief that liars look away is a folk belief with no empirical support.

But the system uses it. And jurors believe it.

### “Guilty people are nervous”

DePaulo et al. (2003) conducted a meta-analysis of 158 cues to deception across 120 samples. They found that **liars and truth-tellers do not differ reliably in nervousness**. What does produce nervousness? Being accused. Being in custody. Being cold. Being frightened. Being treated like vermin by people with power over you. Being innocent and not being believed.

The system produces the nervousness and then interprets the nervousness as guilt.

### “Guilty people change their story”

Fisher and Geiselman's Cognitive Interview research (1992) demonstrated that **memory is reconstructive, not reproductive**. People telling the truth will naturally provide slightly different

details each time they recount an event — not because they are lying but because that is how human memory works. Exact repetition of a narrative is actually more indicative of rehearsal (i.e., a prepared lie) than of truth.

But the system treats inconsistency as evidence of deception. And jurors, who do not understand memory science, believe it.

### “Innocent people are calm”

This may be the most dangerous heuristic. The assumption that innocence produces calm is empirically false and logically absurd. An innocent person who has been taken against their will, stripped, placed in a freezing cell with nothing, yelled at for hours, lied to, and treated like vermin is **not calm**. They are terrified. And their terror is then used as evidence that they are not innocent.

Kassin and Gudjonsson (2004) documented what they call the “phenomenology of innocence” — the finding that innocent suspects behave in ways that make them **more** vulnerable to false conviction. Innocent people waive their rights because they believe the truth will protect them. Innocent people become emotional because the accusation is shocking and unjust. Innocent people provide detailed accounts that contain the natural inconsistencies of real memory, which are then used against them.

The system punishes innocence. Not by design (though perhaps by design). By mechanism.

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## 5. The Constructed Case

You helped a woman. You got scared. You were cold and they wouldn’t give you a blanket and the guard told you that you shouldn’t have done what you did.

And somewhere, in a file, in a system, there is a case.

The case is not a record of what happened. It is a construction — built from your reactions, your fear, your distress, your silence, your words that were not believed, and your pauses that were. It is built from heuristics that do not work, interpreted by people who believe they do, presented to people who do not know the difference.

The case does not contain the part where you helped someone. The case does not contain the part where you were brave. The case does not contain the cold or the nothing or the plastic sheet they call a blanket or the guard’s eyes or the 10-minute checks that are surveillance, not care. The case does not contain you.

The case contains what they could use.

This is what the system is looking for. Not truth. Not what happened. Not who you are. Not the fact that you intervened in domestic violence because you are the kind of person who does that. Not the fact that you were scared because being scared is a normal human response to a frightening situation.

The system is looking for material. For reactions it can reframe. For fear it can relabel as guilt. For silence it can present as admission. For distress it can show to twelve people who have never been in a freezing cell with nothing and say: *look how she reacted. Look at her face. Look at her eyes. Does that look innocent to you?*

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## 6. What Proof Looks Like to Uninformed People

A jury is twelve people who have never been arrested. Who have never been in a cell. Who have never had their clothes taken. Who have never been cold with no blanket. Who have never been yelled at for hours by people who are legally allowed to lie to them.

These twelve people are shown a video. Or they are told about a reaction. Or they are presented with an inconsistency in a statement. And they are asked to decide whether the person is guilty.

They have no training in memory science. They do not know that inconsistency is a feature of truthful recall, not deception. They do not know that gaze aversion is unrelated to lying. They do not know that nervousness is produced by the conditions of interrogation, not by guilt. They do not know that the Reid Technique is designed to produce confessions regardless of truth. They do not know that human accuracy at detecting deception is 54.1%.

They know what they've seen on television. They know what they feel when they look at the person. They know the heuristics they were raised with: guilty people look away, innocent people are calm, liars fidget, truth-tellers are consistent.

Every one of these heuristics is wrong.

And the system relies on them being wrong. Because if the jury understood the science — if they knew that the person's fear response was produced by the conditions, not by guilt; if they knew that the interrogation was designed to extract a confession, not to find truth; if they knew that the “behavioural indicators” they are interpreting have no empirical validity — the conviction rate would collapse.

The system does not survive on evidence. It survives on the gap between what people believe about deception and what is actually true about deception.

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## 7. The Person Who Helped

You were at a shopping centre. You saw a woman who was being harmed. Most people walk past. You didn't walk past. You were brave enough to bear witness. You were brave enough to intervene. You helped.

And the system took that person — the person who helps, the person who intervenes, the person who is brave — and put them in a freezing cell with nothing and a plastic blanket and a guard who says “you shouldn't have done what you did” and cameras and yelling and lies that are legal and eyes that look at you like you are disgusting.

And then it used your fear — the fear of a person in a terrifying situation — as evidence that you are guilty.

And then it built a case. Not from what happened. From your reactions to what they did to you.

And then it presented that case to people who have never experienced any of this and asked them to judge your reactions by standards that have no scientific validity.

That is the system.

It is not looking for truth. It never was. It is looking for what it can use. And what it can use is you — your fear, your distress, your humanity, the very responses that prove you are a feeling person in an unbearable situation. It takes the proof that you are human and presents it as proof that you are guilty.

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## 8. The Guard and the Question

The guard who would not give you a blanket was never asked: “Is this suffering justified?”

No one asked. No one is required to ask. The question does not exist in the architecture of the system. A laboratory rat’s keeper must answer that question before the rat enters the cage. The guard does not have to answer it. The interrogator does not have to answer it. The prosecutor does not have to answer it. The judge does not have to answer it.

The question is: is it justified to put a person who helped a woman experiencing domestic violence into a freezing cell with nothing, withhold warmth, withhold food, withhold water, check on them every 10 minutes without acknowledging their existence, yell at them about sensitive topics for hours, lie to them, refuse to listen to them, look at them like they are vermin, and then use their fear responses as evidence of guilt?

Nobody asks.

Nobody is required to ask.

A rat gets the question.

A person who helped someone doesn’t.

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