POLYGRAPH HANDBOOK FOR INVESTIGATORS
INTRODUCTION

The strength of a polygraph examination has proven to be its utility as an investigative tool when properly used. It is not however a substitute of a through investigation. The role of the polygraph examiner is to assist in an investigation by determining involvement in crimes, uncover the truth, verify the truthfulness of specific statements, access knowledge of specific crimes, clear suspects, ect..

PRE-EXAM PROCEDURES

A polygraph exam is a very structured protocol paired with a physiological recorder designed to differentiate truth from deception. To have a successful outcome in a polygraph exam some specific procedures must be followed:

1. The polygraph examiner should be furnished with all case relevant information such as police reports and/or other investigative reports.

2. The examiner must have a pre exam consultation with investigators, attorneys and/or all involved in disposition of any given case. During that discussion issues to be addressed with the examinee will be discussed and chosen. Best practices require that those involved in the outcome of a case actively participate in pre test preparation and identification of issues to be addressed.

3. An examination should not be scheduled immediately after an aggressive interrogation or other similar emotionally charged event. Examination when an examinee is angry, distraught or highly emotional can result in a false positive or inconclusive results.

EXAMINATION PROCEDURES

As part of the structure of a polygraph exam specific procedures must be followed:

1. The exam should be conducted in a quiet, distraction free location, the more sterile the location the better. While this is not always possible (polygraph exams in correctional facilities for example) it is best practice.

2. The examinee must sign a pre test waiver (required by Utah statute and rule) acknowledging the voluntary nature of the polygraph, release of results and absence of prohibitive medical problems.

3. The testing procedure is discussed with the examinee.

4. The entire test should be video and audio recorded for later reference.

5. The examinee must answer questions about basic history information as well as current status of home, work, medical, legal etc.

6. Examinee and examiner review all pertinent information such as selected areas of the case report. Investigators must have input into this process to prevent release of protected information to the examinee. Examinee is allowed as much time as
necessary to tell his version of case facts, relate what he knows concerning the case and ask any questions.

7. After all review is complete, the examinee assists the examiner in actual development and precise wording of each examination question. All questions are answered either “yes” or “no”. All questions are reviewed several times with the examinee.

8. The instrumentation is explained to the examinee and then the components from the instrumentation are attached to his body.

9. With the instrument operating and continually recording physiological data, the examinee is asked each of the test questions. The process is repeated several times (a minimum of three). No trick or surprise question can ever be used.

10. Examination complete: Examiner will review and evaluate the data from the polygraph charts and render verbal opinions.

11. In most cases the test results are then reviewed with the examinee. If deception is noted, the examiner will attempt to obtain truthful information from the examinee in an effort to resolve the issue.

12. A complete written report is submitted.

13. Examinations usually take from 2-3 hours to complete depending on type of test.

**TESTABLE VERSUS NON TESTABLE ISSUES**

Polygraph questions are best when they are single in meaning and short and precise in wording. For example:

“When the shots were fired that resulted in the death of John Doe was the gun in your hand?” or “Did you fire the shots that resulted in the death of John Doe?”

“Were you present when the shots were fired that resulted in the death of John Doe?”

“Was it you who caused the injuries to Jane discovered at Primary Children’s Hospital”

“Were you present when someone shook Jane”

“Do you know for sure who caused Jane’s injuries”

“Did you ever sexually touch your stepdaughter on her genitals”

“Have you ever touched your stepdaughter with your bare genitals”

“Have you coached your daughter to falsely report she was sexually touched by her father”
These type of questions, questions that make a specific inquiry about a person’s **actual conduct**, are best suited for a polygraph exam. Proper polygraph relevant questions must be specific enough that everyone agrees as to their meaning.

Improper or poorly worded test questions result in invalid and inaccurate test results. Examples of non-testable issues would be those involving intent, thoughts or stigmatic language. For example:

“Have you said anything to investigators that might in any way be misleading?” Or “Have you lied to the police concerning this case”

“Did you intend to hurt/kill John Doe?”

“Did you want to hurt Jane”

“Do you believe you did something to hurt your daughter”

“Did you sexually abuse your step daughter?”

“Have you ever done anything sexually improper with your step daughter?”

“Are you sexually interested in your step daughter?”

After conducting a polygraph exam, the examiner will write a report. In the report you will see examples of “Relevant” questions. These are two or three focused issues and ones on which he will ultimately render an opinion as to whether the examinee has answered them truthfully or deceptively.

All of these questions deal with **conduct**, and are very specific to a particular behavior. The clearer the issue, the more easily identifiable the answer will be on the examination as being either truthful or deceptive. The examinee either knows he is telling the absolute truth or knows he is purposely lying. When an examinee is showing physiological signs of deception to a question it is because they know at that **very moment** of answering that they are not telling the truth.

**TYPES OF POLYGRAPH EXAMINATIONS**

**Single Issue Exam:**

This type of test is a focused examination usually pertaining to a specific crime, accusation or knowledge of a crime. These tests make up the majority of polygraph examinations conducted by police agency examiners. Only one narrowly defined relevant issue can be addressed in each exam. It is considered to be diagnostic for deception and is the most accurate (valid) type of test available.

**Multi issue exams:**

In this test two to four relevant issues are presented. Those issues can cover a variety of issues related to the case. It may include questions covering knowledge of who committed
the crime, commission of the crime, confirmation or denial of various aspects of the crime or levels of secondary involvement. This is considered to be a screening exam. As part of a successive hurdles approach if the subject shows significant reactions to any of the relevant questions a follow up single issue exam may be required prior to rendering an opinion of truth or deception. This is also the type of exam used in pre employment testing.

CATEGORIES OF POLYGRAPH TESTING

Police investigative testing:

Any government agency may request that someone take a polygraph exam pursuant to an investigation. These include criminal investigations, internal affairs and pre employment investigations. Miranda is usually required in criminal investigative polygraph exams and Garrity is sometimes required in internal affairs exams. The Employee Polygraph Protection Act (EPPA) does not apply to any exam conducted by or on behalf of any government agency.

Pre employment testing:

Most federal agencies and many local law enforcement agencies use polygraph exams as part of their background investigation process. A well constructed, professionally administered polygraph exam as an integral part of a background investigation can help an employer hire and retain good employees. Again EPPA does not apply to the government.

Sexual Offender Testing:

This type of testing has been refined over the past 10 to 15 years, and is done as part of the sex offender’s supervision and treatment. These exams include sexual history testing to determine whether the examinee has accurately reported all of his victims and behaviors and maintenance/monitoring exams to verify compliance with supervision and treatment.

Parole/Probation Testing:

This is the same type of test as just discussed regarding the sexual offender. This client, however, is of the “generic” kind: drugs, property, alcohol, etc. These tests are also given to determine if the examinee has been engaging in specific new crimes, such as drug use, stealing or whatever the area of concern may be.

ASSESSMENT TESTING:

It is increasingly common to include polygraph testing as a part of an assessment process. These include application for expungement assessments, psychosexual evaluations, sexual behavioral risk assessments, plea bargain reviews, parental custodial reviews and dispute resolution dictated by the courts.
OTHER EXAM TYPES AND CONDITIONS

Examinee is represented by an attorney:

Some attorneys will allow their client to take a polygraph exam given by a police examiner. The attorney is generally not allowed to be physically present during testing but may watch the exam if video monitoring is available. They almost universally will not allow their client interrogated if he fails the exam.

Stipulated exam:

If the prosecution and defense agree in a specific legal document prior to the exam, exam results may be admitted as evidence. Case law strongly supports that an examinee may not stipulate to admissibility of a polygraph exam absent legal representation.

Admissibility of polygraph results:

In Utah, polygraph results are not admissible as evidence over objection. This is not the case in some states (New Mexico) and is changing. The current standard of admission for polygraph evidence is Daubert. Polygraph exams are extensively used by the courts for other purposes. (Sex offender testing, psychological assessments, expungement proceedings, custody evaluations, dispute resolution, etc.) Although exams are often not admissible everything the examinee tells the examiner is.

FAILED EXAMINATIONS

When a examinee, in the examiners opinion has withheld the truth, with few exceptions the polygraph examiner is going to confront the examinee with the deceptive issue during a “post-test interview.” It is up to the investigator whether he is present for this post test interview.

THE FOLLOWING IS A LIST OF OFTEN HEARD REASONS WHY A PERSON MAY NOT HAVE BEEN ABLE TO “PASS” HIS POLYGRAPH EXAMINATION.

ALL OF THEM ARE UNTRUE.

Examinee states:

I don’t know why I failed that question, I think I was just nervous.

Every time you asked me that question, I could feel my body tense up.

It makes me really nervous every time I hear her name/those questions make me really nervous.

It makes me really mad every time I hear her name/am questioned about that.

I think I had a sharp pain in my, (head, foot, neck, etc.) on that question.
My probation officer/friend/parent told me I was going to fail the test.

I didn’t really understand the question.

I really wasn’t paying that much attention to the questions.

**Excuses by others:**

You don’t really remember, but your subconscious is telling you ____________.

You probably started thinking about something else way back in your past.

You were probably just too nervous to take the test.

Maybe you simply “blacked out” and really don’t remember the crime.

Do you think you might have been too drunk to remember the incident?

I had a friend who told the truth on a polygraph and he failed too.

There are a lot of people who just can’t take a polygraph test.

**AN EXAMINEE WHO CANNOT BE TESTED**

Refusal to sign an examiner’s waiver.

Refusal to answer any question of any kind.

Sleep deprivation: Clients need to have slept the night prior to the examination. If working the “graveyard” shift, a client could be scheduled for the late appointment, if he has had at least a few hours of sleep prior.

Low mental functioning ability: If the client is mildly retarded, certain kinds of testing, simple focus issues, can possible be done. A model policy for examinee suitability can be found at: http://www.polygraph.org/section/resources/download-policies-and-acts

Heavily medicated: All clients should continue to take all prescribe medications. Most medication will not affect the testing process.

Current medical problems: If a client is currently suffering from chest pains or extremely high blood pressure, a polygraph examination may need to be postponed until such time as the client is able to see a physician and begin treatment to correct his condition.