

Question: Should I submit to a polygraph examination?

We get numerous telephone calls wanting to know whether or not we recommend taking a police polygraph when the police call and offer you one. We believe that police polygraph examinations are not reliable. We do not need to get into a scientific discussion as to the reliability when an example will suffice. We have had clients that took two polygraph examinations. Our examiner is the individual who trained police officers throughout his career at the California Department of Justice and later retired. He now does private examinations. We have had cases where our examiner has passed the person and found them to be non-deceptive. While the police department examiner, who was trained by our examiner, found them to be deceptive.

Why? We have also seen certain police examiners that never find that anyone passes a polygraph, they always find that the suspect is deceptive. Further, many prosecutors are not moved by favorable results on a polygraph machine. They only believe the results if they point toward guilt. Why? Well they have explained to us that psychopaths have no conscience and therefore demonstrate no stress when they are lying. They believe that a pedophile is a psychopath who can pass a polygraph. If the suspect flunks they believe the results, if the suspect passes they don't believe the results.

However, nothing is absolute and on a few occasions we have had cases dismissed upon polygraph examinations. With some lawyers if the client takes a polygraph and fails it, there is a tendency to stop preparing the case because of the belief that the client is guilty and the case should be plea bargained. At the very least the attorney does not have the zeal that he or she might have otherwise had. Further, the client may become afraid that the attorney doesn't believe in the case and will not try as hard. There is a breakdown of trust in the attorney client relationship.

With police examinations too often the polygraph examination becomes a ploy used as part of the interrogation process. This is how they are trained. It is the questioning of the client before, during and particularly after the polygraph examination that they want. Even if the person passes or it's inconclusive the police are allowed to lie. They can tell the suspect that they failed the polygraph examination and they ask the suspect what could have happened that would have caused that. Maybe you accidentally touched her, something to that effect. The polygraph examination is literally used as a psychological ploy to apply pressure to try to extract some sort of an admission.

We would recommend that you not take a police polygraph examination. If you want to have a polygraph examination you should go to a private reputable polygraph expert.