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„Ekspertyza wariograficzna”
[in:] *„Ekspertyza sądowa. Zagadnienia wybrane”*
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pp. 267–280 critical review

A single chapter in this sizable work, encompassing 616 pages and devoted to a variety of court expertise studies and research (research methods for identification known to forensic sciences), is devoted to polygraph research. This chapter is the subject of the following review.

Polish authors use the terms ‘variograph’, ‘variographic examination’, and even ‘variography’ to define this method of research. And in fact, the term ‘variograph’ has been generally accepted in Poland as a synonym to the word ‘polygraph’. Although replacement of one foreign term of Greek origin (‘polygraph’) with another foreign one, this time of mixed Latin and Greek origin (‘variograph’) is of dubious merit, it is a fact that the Latin name has become widespread in the Polish literature and is used interchangeably with the term polygraph. It is notable here, however, that in Polish conditions using one or the other term means entering a certain tradition. The word ‘polygraph’ is used mostly by authors whose works follow the traditions born

in the United States, and who are trying to make reference to the heritage of American science. The name 'variograph', on the other hand, is predominantly used by those who do not appreciate this heritage, or who for whatever reason choose to ignore it. Nevertheless, this is a distinction of no significance and importance, other than symbolic.

The character of the work proves that the information contained therein is earmarked for practitioners: judges, prosecutors, investigation officers, who are presented here with the state of research in forensic sciences. Without referring to other parts of the book, we must conclude that the chapter devoted to polygraph research unfortunately does not fulfil such a role. Worse, it misinforms the reader.

The description of psycho-physiological grounds for polygraph examination and a short history of this method of examination are correct. Yet the information provided does not go beyond elementary course book standard. At the same time, both the description of examination methodology and the evaluation of its diagnostic value must raise major reservations.

The authors mistake examination technique with testing. They write, for example, that "a typical CQT test has five stages" (p. 271). Actually, the test is not composed of 'stages', but of questions. Reid's Control Question Tests in fact usually range from 10 to 12 questions. What the authors refer to as a 'test' is a technique of examination.

It would be advisable therefore to compare control question techniques (Reid's Backster's) with a technique based on Guilty Knowledge Tests, rather than comparing control question tests (CQTs) with GKT tests. It is to be remembered that among control question tests 'peak of tension' (POT) tests are also used. In their essence, they do not differ from Guilty Knowledge Tests, also known as Concealed Information Tests (CIT) (Nakayama 2002).

Absolutely unauthorised and misleading is the statement that "control question tests (CQT) are focused on discovering deception. They have low diagnostic value and do not meet standards of scientific proof." (p. 272)

As has been repeatedly proven during the last 30 years, the diagnostic value of a polygraph examination (conducted according to control question technique!) may not give 100% certainty, but does not go below the diagnostic value of

other methods of identification routinely applied in criminal investigations (Widacki, Horvath 1978).

This technique has been applied successfully in the US and other high-tech countries with an advanced level of science.

Nor is it true that the application of such a technique “is against the Polish criminal procedure” (p. 272). Allowing examination by polygraph, the Polish Code of Criminal Procedure does not narrow down the options of its use to a single technique, thus leaving the expert free to choose the examination methodology. Practice in Poland has for over 30 years coped perfectly well with the formulation of questions for the expert to conduct a polygraph examination, and also with the formulation of opinions after an examination conducted in CQT. Typically, the conclusion of such an opinion runs along the following lines: “following the critical questions tests, changes of physiological emotional correlates typical for persons who answer such questions deceptively, that is either consciously lie or conceal the fact of being in possession of information related to the content of the question, were found in the person examined”. As the above proves, formulating an opinion in such a way presumes neither that the examinee is lying, nor, all the more so, that he/she is guilty.

The authors correctly describe the examination technique based on GKT testing. Yet they are wrong to claim that this examination technique (determinedly referred to as a “test”) has better “scientific foundation” than the control questions technique (p. 272).

The two techniques have an identical “scientific foundation”, yet – having different properties – they serve somewhat different objectives. The technique based on GKT testing requires a whole range of detailed conditions (e.g. certainty that persons are not related to the event do not know the details, and certainty that the perpetrator knows the details of the test requirements, etc.) which makes the application of this method highly limited.

That is why it is allowed to resort both to the control questions technique and techniques based on GTK testing. The expert must make a decision which of these techniques to apply individually for each specific case.

This is also what the Standard for Polygraph Examinations in Criminal Cases, passed at the Special Convention of the Polish Polygraph Association on

January 6, 2004 (see: *European Polygraph*, 2007, 1, 1, pp. 65–77) recommends, treating both the techniques as equally justified.

In practice, for a few decades, the control questions technique has been complemented with POT test(s), which in their essence are identical to GKT tests.

Discussing the report of the National Research Council: *The Polygraph and Lie-Detection*, (National Academies Press, Washington 2003) and the report by the British Psychological Society from 2004 (*A Review of the Current Scientific Status and Fields of Application of Polygraphic Deception Detection, Final Report*), the authors deplore the fact that the reports in question do not treat the two examination techniques separately. The actual reason for that is that the authors treat them as equal – as two potential variant solutions for the same polygraph examinations.

It is a pity that such a high-ranking analysis, and one that will most likely be considered as offering the current state of knowledge and presenting a binding paradigm by numerous lawyers, was written so incompetently, and falls short of expectations. This may have a negative influence on the practice of applying polygraphs in Poland. Similarly, the choice of subject literature was surprising, appearing more haphazard than intentional.

The Polish lawyer and police officer must wait a little longer for a special guide to polygraph examinations. Unfortunately, the work reviewed cannot play such a role.

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References

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