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*Piotr Herbowski, Badania poligraficzne  
jako metoda weryfikacji wersji śledczych  
(Polygraph examinations as a method  
for verifying investigative scenarios)  
Wydawnictwo Centralnego Laboratorium  
Kryminalistycznego Policji  
Warszawa 2011, pp. 271 (text in Polish)*

The book published in Poland concerns polygraph examinations and their investigative value. It was written by Piotr Herbowski, Ph.D., a polygraph examiner and police academy lecturer. The publishers are Centralne Laboratorium Kryminalistyczne Policji (Police Criminal Investigation Laboratory).

The work consists of five chapters (I – basic information on polygraph examinations, II – investigative and evidential activities, III – investigative and evidentiary application of polygraph examinations results, and IV and V – a study on the Polish criminal procedure science and crime sciences expert insights into the utility of polygraph examinations results).

On the first pages, Herbowski states the general advantages of polygraph in excluding selected inaccurately suspects. On the other hand, he depreciates the value of evidence testing (possibly because of the fact that the author, as a policeman, naturally concentrates rather on investigation than lawsuit).

The author presupposes that the significance of polygraph examinations is primarily of investigative nature. Besides, he recognises the problem with the attitude of the science community towards this forensic method. It would be difficult not to agree that differences in this field exist between forensic scientists and specialists in matters of legal procedure. The latter are afraid of using an ostensibly poorly-known method as an incriminating evidence. Many Polish jurists actually do not understand the essence of psychophysiological detection of deception (PDD) due to the lack of access to sufficient professional knowledge (or simply because of indolence) – even though polygraph examinations have been carried out in Poland for decades. Contrary to the author I strongly believe that polygraph deserves its place also during *in-rem* and *in personam* proceedings. Moreover, considering polygraph results both exonerating and damning in the context of other evidence is also fully justified at the present level of science and technology.

In the first chapter of the book, the author explains the meaning of memory and emotional traces in the consciousness (nervous system) of an examinee who tries to conceal them so as not to reveal an involvement with a given case. This is a concept slightly different from Backster's psychological set or the most recent – differential salience. Unfortunately, readers are not informed about any of these. Apart from the basics of PDD, the author provides a general description of the testing environment, measurement sensors, stages of a typical examination, and charts evaluation rules.

Herbowski makes an attempt to describe the main polygraph techniques. He mentions Reid's control questions technique (RCQT) and guilty knowledge technique (POT, CIT). He also claims that these techniques are used most frequently by Polish experts. This actually may be confusing to the reader. Comparison (control) questions technique is certainly commonly used among Polish polygraphers but it goes beyond Reid. Remembering Reid's merit as the author of control questions concept, it must be remembered that his technique was not included into the American Polygraph Association list of validated techniques. In fact, among recognition tests conducted in Poland one can find peak of tension (searching and known-solution as well) and rarely concealed information tests. Whereas prevailing deception tests include such CQT techniques as: Utah Zone Comparison Test, Air Force Modified General Questions Test, Directed Lie Screening Test and indeed Reid test. The choice depends on particular agency's policy, type of sector (public or private) and expert training, of course. Until recently, relevant/irrelevant technique was also widespread.

Herbowski could at least make some references to the ample world literature concerning omitted polygraph techniques. In addition to this, one cannot turn a blind eye to a mistake he made in the question used as an example of primary relevant question: "Did you take A's life?" A polygraph expert should not ask such a question. Instead, one may ask: "Did you hit A." or "Did you stab A.?" etc. In the last part of the first chapter the author discusses the diagnostic value of RCQT and GKT techniques. He proved that there is no rationale for the belief about high false positives rate of control questions technique (such opinions existed in Poland some time ago) and suggests to use both (CQT and GKT) methods as complementary during an examination.

The second chapter of the book is devoted to evidence theory and mutual relations between investigative and evidentiary activities. The author describes in detail basic notions: evidence, evidentiary activities, clandestine operations, and investigative actions.

Evidentiary activities are divided into three groups: searching, revealing and controlling proof. The opinion of a polygraph expert with its verification and discovering functions belongs to the second group. Not less important is also a visual inspection, viewing a crime scene that provides information useful at constructing GKT.

Investigative actions are taken in both stages of criminal proceedings: *in rem* and *in personam*. At first they are concentrated on finding the perpetrator(s) and sources of proof. The next step relies on broadening and verification of the evidence base. Developing investigative versions (scenarios) makes it possible to choose directions of conducting criminal proceedings. The topics of such versions include the legal classification of the event, the perpetrator's motive, *modus operandi* and personal versions. Determining *modus operandi* plays crucial role while designing GKT.

There is no doubt that the polygraph testing has many applications for the purposes of investigation, e.g.: ascertainment of roles of participants in an event, verification of victim's story, testing the alibi, and testing the informers.

The third chapter is the longest and the most interesting part of the book. One of the main goals of the author was a review of the legal regulations and controversies regarding admissibility of polygraph results in court. Moreover, this part of the book broadens the scope of the previous chapter. Herbowski emphasises the benefits from using polygraph in investigative efforts made by

law enforcement personnel. In this chapter, the reader can also find information about history of polygraph – both in Poland and in the world; however the latter area is covered only to a degree.

Let us remain for a while in the realm of evolution of views among Polish forensic scientists, psychologists, and lawyers regarding polygraph examinations. In the early 1950s, the Ministry of Public Safety purchased a Keeler polygraph. In the 1960s the machine was used in some cases during the judicial stage. As a consequence, discussion started relating to using polygraph results as an incriminating evidence, whereas *in rem* stage and exonerating purposes were ignored. In 1968, the first methodologically correct examinations were conducted in a case concerning espionage. In the 1970s polygraph tests were applied by the Internal Military Police and experts from University of Silesia during criminal investigations. The first scientific conferences devoted to polygraph were held in Toruń (1976) and Katowice (1978). In the opinion of law enforcement officers, polygraph examinations were less bothersome to examinees than traditional operational-investigative activities. In 1976, the Supreme Court explicitly recognised the admission of polygraph examination evidence. In the 1980s the number of such examinations decreased due to political situation. According to the Polish code of criminal proceedings amendment of 2003, the main objective of polygraph test is to exclude the people not involved in the crime from the circle of suspects. Moreover, this approach is not contradictory with the evidentiary usage of polygraph expert opinion.

Polygraph is commonly used at the stage of investigation in many countries in the world. However, with just a few exceptions, it plays marginal role in Western Europe because of the lack of appropriate knowledge and sometimes it is put at par with hypnosis or narcoanalysis. Even in Poland one may encounter absurd demands for absolute accuracy of polygraph tests. A fairly intelligent man should be aware of the fact that using polygraph is not different than any other forensic method, and that nothing is 100% accurate in forensics. It is worth mentioning that the polygraph examination is a repeatedly validated, evidence-based forensic examination method. The majority of polygraph techniques have quantified mean accuracy (significantly greater than chance, up to more than 90%), error rates, sensitivity and specificity.

The author proposes mandatory polygraph testing to be administered to people detained on serious crime charges in order to eliminate false admission. Further, he suggests including topics related to polygraph into curricula for the

faculties of law at universities and police academies. One cannot but agree with this idea.

On the other hand, the statement that, when one uses control questions technique (Reid), the subject of examination is an indication of emotional traces is questionable. Emotional connection with the investigated event actually means nothing. Everyone who takes polygraph test has such a connection because of the examination itself. As far as I know, comparison questions test is effective due to the different levels of threat, prominence or cognitive engagement represented by the different classes of questions, for truthful and deceptive examinees. This is the result of cognitive processes (memory, attention), emotions and behavioural conditioning. Therefore emotions are only one group of key components of the physiological measures indicative of deception.

Chapters IV and V look rather bizarre. Every section starts with a full name, and in each of them the author tries to present subjectively selected views of Polish forensic scientists or experts on penal proceedings. Some of them do not have any idea about the real essence of polygraph examinations but present assertive opinions (usually prejudiced against polygraph).

The bibliography presented at the end of the book are mostly examples of Polish literature. It could have been broadened with some materials published in United States: the place where polygraph examinations are most advanced. Despite that, it must be admitted that the bibliography is extensive.

Summing up, the publication is a decent source of knowledge on the potential applications of polygraph for investigative purposes. The language is clear and each of the chapters is rather comprehensive in scope. Disregarding some weaknesses, the volume has its value.

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