

## Polygraph Examiner Witness Testimony

**Expect these questions when testifying in court, at a deposition, or other legal proceeding**

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If you've been asked to give testimony as a polygraph examiner or expert, whether in a deposition, trial or other court hearing, be prepared to answer these types of questions:

1. Background information. This is general information about yourself and may include:
  - Full name and address
  - Education (formal and continuing education)
    - Other than polygraph
    - Medical and mental health education
    - Polygraph education
    - Any other schools, certificates, degrees
  - Professional associations
  - Marketing and social media/social networking you use for your polygraph services.
  - Licensure – know your state's licensing requirements, if any.
  - How you keep up with best practices.
  - Polygraph employment history
    - Do you work for an employer, are you a business owner or contract examiner; where, for whom and how long.
  - If you've given testimony, when, where, for whom, case facts, outcome.
    - You may be asked to produce transcripts from prior testimonies.
  - If you've ever been a party in a legal proceeding, when, where, case facts, outcome.
  - If you've ever been convicted, when, where, for whom, case facts.
    - Note: crimes involving fraud, dishonesty, false statements, etc., may be used to impeach your testimony.
2. How did you prepare for this proceeding (deposition/hearing/trial):
  - What documents did you review.
  - Who you've met with, when, where, who was present.
    - Note: the presence of others during meetings or other communications may break privilege.
3. Did you receive a subpoena to appear?
  - A subpoena may require you to appear, produce documentation, either or both.
  - Producing documents (subpoena duces tecum) typically requires you to appear and produce all documents and other tangible evidence in your possession that relates to the issue for which you are testifying.
  - Does the polygraph consent form at issue contain waiver language. Does it authorize release to a lawful authority.

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- A subpoena is a court order or writ. A court may impose harsh penalties if you ignore it. Contact a lawyer if you're unfamiliar with your duties upon being served with a subpoena.
4. How many polygraph exams have you conducted.
    - What techniques have you used.
    - How many specific-issue exams, how many screening exams.
    - How many involving civil issues, criminal issues, post-criminal issues.
  5. Have you ever been qualified as polygraph expert in a case.
    - Have you ever been qualified as any other type of expert in a case.
    - Have you written any articles, periodicals, text books, blogs or other publications.
    - Have you conducted any scientific research, and was it published.
  6. What is your fee schedule to review, appear, and testify.
  7. Be prepared to describe the theory behind how a polygraph works.
    - Central nervous system subdivisions: sympathetic and parasympathetic.
    - How lying affects the body, how it takes effort to lie.
  8. Be prepared to describe polygraph instrumentation and sensors, and what they record.
    - Pneumo chest tube assemblies (upper body movement)
    - Electrodermal activity electrodes (sweat gland activity)
    - Blood pressure cuff (blood pressure/cardio)
    - Plethysmograph (blood pulse volume changes)
    - Seat sensor, Masseter head set, arm pads, foot pads (movement sensors).
  9. Be prepared to describe how the sensors appear on a chart.
    - Pneumo chest tube assemblies – amplitude, decrease in rate, increase in baseline, apnea
    - Electrodermal activity electrodes – amplitude
    - Blood pressure cuff – baseline increase
    - Plethysmograph – amplitude constriction
    - Seat sensor, Masseter head set, arm pads, foot pads – movement
  10. Be prepared to describe how a polygraph examination takes place, from beginning to end. This may include your questionnaire and consent form, gauging examinee suitability, pre-test interview, explanations and instructions given to examinee, scoring system, post-test interview.
    - Protocol when an examinee is not suitable for an exam.
    - Protocol when an examinee fails to cooperate during an exam.
  11. Be prepared to describe polygraph techniques.
    - Deception test techniques

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- Diagnostic, specific-issue tests
- Screening tests
- Single-issue, multi-issue, multi-facet
- Recognition test techniques
  - Acquaintance tests
  - Concealed Information test

12. Be prepared to explain how examination questions are formulated.

- Questions: relevants, sacrifice relevant, comparisons (probable or directed lie), neutrals, introductory, symptomatic questions.

13. Be prepared to explain the analytical protocol (scoring system) and decision outcomes.

- Global view, hand-scoring, computerized-scoring, artifacts, suspected counter-measures, abnormal scoring issues.
- Decision outcomes
  - Diagnostic, specific-issue tests (DI, NDI, INC)
  - Screening tests (SR, NSR, INC)
  - Acquaintance tests (none)
  - Concealed Information test (RI, NRI, NO)

14. Be prepared to testify about the polygraph examination at issue with appropriate references to the information in nos. 7 through 13, above. In addition:

- Be prepared to support your testimony with citations, scientific facts or data.
- Be prepared to explain how you applied accepted polygraph techniques, methods and principles in the polygraph examination at issue.

And finally, keep these things in mind:

- Your testimony will be recorded and under oath, meaning you will be sworn to tell the truth and could be subject to perjury for lying.
- If you don't understand a question, ask for an explanation.
- Your testimony and the documentation you provide in a legal proceeding may become a public record unless the court enters an order sealing the record.

The questions above are not an exhaustive list of what you may be asked in a legal proceeding; they only represent the types of questions that could be asked. The type, length, number, order and other question factors are solely up to the attorney asking the questions. Contact Forensic Polygraph Services, Inc. if you need assistance in preparing your testimony for a legal proceeding.