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## ROUTINE SCREENING OF CRIMINAL SUSPECTS BY THE POLYGRAPH (LIE-DETECTOR) TECHNIQUE

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The polygraph technique for detecting deception has a valuable potential application in the routine screening of individuals who, in the opinion of investigating police officers, could have been responsible for crimes in addition to those for which they were apprehended.

Criminals do not always leave a trademark at the crime scene, and the modus operandi is not so unique in most cases that one crime can be correlated to another by regular investigative means. Nevertheless, it is a justifiable presumption that if a person has perpetrated one felony, he has probably been responsible for several more. And during the course of investigating a suspect, the police will usually exploit almost every investigative means to verify a suspicion that the suspect is withholding information relevant to his engagement in other burglaries, robberies, or sex offenses, depending upon the individual's crime speciality. Fingerprint, handwriting, firearms, and tool mark comparisons will be made; the suspect may be viewed in a police line by a group of victims; and comparisons of blood and hair will even be made when practicable and where such types of physical evidence are a part of the clues to an unsolved crime. Would not routine lie-detector tests offer still another aid along this line?

In proposing a routine polygraph screening of criminal suspects it is the writer's conviction that such examinations will (1) either corroborate or refute the investigators' suspicion that an individual has been responsible for additional crimes, and (2) appreciably increase the percentage of cases cleared by arrest.

It is within the experience of most detectives and polygraph examiners to have a suspect confess to crimes in addition to those for which he was initially apprehended. However, a larger percentage of criminals are reluctant to incriminate themselves unless confronted with some kind of extremely convincing evidence. The logical and materialistic reasoning of the latter and larger group is to the effect that there is nothing to be lost by concealing their complicity in crimes which the police do not know about or are unable to prove. The lie-detector technique is, therefore, one ethical investigative means capable of indicating the extent of their criminal activities and bringing forth admissions thereof.

In examining a suspect in connection with a specific crime, an examiner will frequently get confessions to additional crimes by confronting the subject with his response to control questions. This is mentioned only to illustrate the interrogative value of control questions. It is this examiner's policy to use two control questions on each test. The first control question is relatively light, such as "Did you ever steal anything?" The second control is generally heavier, but not specific, such as, "Did you ever break into any building?" If the subject responds to both controls and does not respond to the relevant questions, he would obviously be reported as telling the truth in denying the specific crime. However, the response to the heavier control opens the door to an interrogative probe by the examiner as to the subject's culpability in similar offenses.

Here is an example. In a recent case a suspect was apprehended in hot pursuit following the burglary of a theater's dressing room. On his person he had a pair of women's white gloves identified as belonging to one of the theater's employees. The suspect denied stealing the gloves from that theater, and he requested a lie-detector examination. In a pretest interrogation he admitted breaking into the dressing room but still denied stealing the gloves. His polygraph responses indicated that he was telling the truth about the gloves. However, when confronted with his responses to the question, "Did you ever steal a purse in a theater in Pittsburgh?" the subject confessed to twelve thefts of money from women's purses in theaters.

In another recent case a subject was examined in connection with a sex-motivated murder after he confessed to the assault of a woman in the same neighborhood where the murder occurred. His polygraph responses indicated that he was telling the truth when he denied the murder. One of the control questions asked was, "Besides the one time, did you ever attack any woman?" When confronted with his responses to this question, the subject confessed to three additional sex-motivated assaults.

It is with justifiable reluctance that police turn to the lie-detector as a final means of "screening" felony suspects. It is generally true that examiners discourage use of the technique for so-called "fishing expeditions". Most police examiners prefer testing subjects only in connection with crimes where the corpus delicti is known prior to the examination of the subject. However, early experiments in the Pittsburgh and Allegheny County Crime Laboratory indicate that lie-detector "fishing expeditions" can be extremely effective in cleaning up unsolved crimes.

Since the success of a screening procedure is dependent to a large degree upon the subject's knowledge that he is emotionally responsive to the tests, that is, that he believes the lie-detector works on him, it is recommended that an experimental control test be administered at the beginning of the examination. This will assure the subject that the lie-detector works. It will help overcome any attitude of indifference or lethargy on the subject's part. It will serve as a stimulus to make the guilty suspect more responsive on subsequent tests. And, with proper pretest interrogation, many times a subject will make admissions before the more crucial part of the examination takes place.

While it is a purpose of this article to outline some proposed screening methods, it should be emphasized that the questioning technique employed and the context of the relevant questions asked must necessarily vary to fit the situation. The suspect's

criminal record, circumstances surrounding his arrest, and personal data learned by investigating officers are among those elements which the examiner should consider in composing the examination questions. Keeping in mind the fact that a large percentage of subjects will not remain responsive for a prolonged series of tests, the technique selected should be that which will most rapidly indicate whether the subject has told the whole truth with respect to the extent of his participation in crime.

In cases where the modus operandi to numerous specific offenses is so similar to that employed by the suspect on a singular case where his guilt is known, it seems proper that the Revised Control Questioning Technique as advocated by Inbau and Reid<sup>1</sup> be used. Relevant questions, in such a case, would pertain to knowledge and participation in one of the specific unsolved crimes where the modus operandi was similar to the subject's modus operandi. If the polygraph records then indicate that the subject has not told the truth on the relevant questions, the subject should be interrogated accordingly. During the interrogation, the examiner should impress the subject with the idea that, since the machine indicates he has not told the truth about the one case upon which he was examined, it is very probable that he has been responsible for the other crimes which the police suspect him of committing. He should be told that it will be necessary, therefore, to test him on each case individually unless he tells the whole truth about the places or persons he has victimized. In the event that the polygraph records indicate that the subject has told the truth on the relevant questions, it would not be improper to switch to one of the techniques described below.

Although the lie-detector has been used extensively in the screening of employment applicants in the Chicago laboratories of John E. Reid and Associates for several years, it is seldom employed in the screening of criminal suspects. In applicant screening tests relevant questions are concerned with the theft of merchandise and money from former employers. A questioning technique which includes relevant, irrelevant, and control questions, analogous to that employed by the Reid laboratories in screening employment applicants, is probably the best method for criminal screening purposes. Such relevant applicant test questions as "Did you ever steal any merchandise from a former employer?" and "Did you ever steal any money from a former employer?" are replaced by such relevant criminal test questions as, "Did you ever break into any building?" and "Did you ever stick-up anybody?"

Here is an example of the value of the suggested screening procedure: A suspect was arrested in the early hours of the morning close to a used car lot office where an attempt had been made to enter a few minutes earlier. He had pliers and a screw-driver in his possession and readily admitted to police that he attempted to break into the used car office but was frightened away by noise. The suspect had no prior criminal record. On the lie-detector screen examination he was asked the following relevant questions: (1) Did you ever steal an automobile? (2) Besides the one time, did you ever try to break into a building? (3) Did you ever rob anyone? This suspect was confronted by the examiner with a deception response to the question on auto theft. He then admitted that he had stolen a car about twenty-four hours prior to the time of his arrest. He also stated that his purpose in attempting to break into the

<sup>1</sup> Fred E. Inbau and John E. Reid, *Lie Detection and Criminal Interrogation*, (3rd ed.) The Williams and Wilkins Company, Baltimore, Maryland, 1953, pp. 16-20.

used car office was primarily to procure a car key in order to steal a used car from the lot. This screening test, therefore, not only cleared up an unsolved case, but in addition, indicated to police that the subject's crime specialty was auto larceny rather than burglary.

In a test of this type where the subject is a known thief, it is generally this examiner's policy to have the relevant questions pertain to auto larceny, burglary, and robbery. Other relevant questions may be substituted however. Questions can pertain to such offenses as safe burglary and firearms violations, depending upon information at the examiner's disposal which indicates the likelihood of his participation in specific types of crimes. For example, if a suspect was apprehended in the commission of an armed robbery, a good relevant screen question would be, "Did you ever shoot a gun on a stick-up?" Although there is no hard and fast rule governing the selection of relevant questions, the success of the polygraph screen examination is largely dependent upon the examiner's discretion in selecting relevant questions most commensurate with the subject's known criminal propensities.

Where the person to be screened is a known sex offender, relevant questions will generally pertain to assault, sexual relations by force, and sexual relations with children, but these would also be changed at the examiner's discretion.

This technique, using relevant, irrelevant, and control questions, is probably the best method for screening criminal suspects. (1) Questions are of sufficient variety in scope that a good readable record is likely to result. With references to three specific types of crimes on relevant questions and the use of two controls, probability of the lie-detector records indicating at least one lie is extremely high. (2) Since it is unlikely that a subject is concealing information relevant to participation in three different types of crimes, one or two of the relevant questions will have the same interpretive value as a guilt complex question in testing suspects to specific crimes. (3) If the suspect's records are indefinite on the initial test, the examiner has a greater field for stimulating the subject by interrogation. Example: "Your lie-detector records are generally disturbed. It has been my experience that a fellow who runs a test such as you have here is not telling the truth. Now it may be that there are a few little things bothering you. If we get those little things straightened out—if that's all that's on your mind—I'm sure your next test will be much better." If an admission is made in regards to any of the relevant or control questions, the examiner then has a known lie to help him interpret the lie-detector record. If no admissions are made, a subsequent test is likely to be more definite. (4) Because the lie-detector record is likely to be more readable than any other type of screen test, the examiner is provided with a more positive interrogation approach. Example: "The machine shows that you have told the whole truth about auto thefts and robberies, and you can be sure that I'll report to the police that you have. However, it shows that you haven't told the truth about breaking into buildings, etc. . . . I don't know from the machine whether you've busted into a couple of hundred places or just a few, and unless you get that straightened out it will be necessary to run more tests to determine just how many times this kind of thing has happened." Since the success of any screening operation is dependent to a large extent on the ability of the examiner to convince the subject of the machine's infallibility, the latter reason is most important.

Another possible method is to start off with a peak of tension test. For example, if

the subject has been arrested for one burglary to which he confessed, the first question would be, "Did you commit more than one burglary?" Questions two to seven would be the same except that the number would get progressively higher. Employment of this method obviously presupposes that the subject has been responsible for additional crimes of the same type. Although this is one of the reasons advanced for a routine lie-detector screen of criminal suspects, it is unreasonable to believe that every suspect has been responsible for additional crimes. Out of twenty-two subjects brought to the laboratory for screening tests, it was reported that nine had told the whole truth with respect to admissions previously made. Each of the nine had previously implicated themselves in one or more criminal offenses.

A peak of tension test as a starter in screening procedures is not recommended for the following reasons: (1) If the suspect has in fact admitted to the full extent of his participation in the particular type of crime, the best result possible is an indefinite record due to emotional unresponsiveness. In such a case, the examiner is precluded from the possibility of actually determining whether the subject has told the whole truth. (2) If the suspect has not admitted to the full extent of his participation in the particular type of crime and the lie-detector responses are inconsistent or indefinite for any reason, the examiner finds himself at a loss for a convincing interrogation approach. Unless the examiner is able to inform the subject of his responsiveness to a particular question indicating the approximate number of burglaries that he has committed, the subject will conclude that the machine does not work on him; and once a screen subject has adopted this attitude, subsequent test are fruitless.

The peak of tension test, however, has a very definite place as a secondary test in screening some criminal suspects. For example, a subject who had confessed to the setting of four fires, including a church, was examined in connection with three other specific fires where arson was suspected. As a result of the initial relevant, irrelevant, and control type tests, the subject confessed to one of the fires in question and was reported as telling the truth in denying the other two. (Note: The truth of his denial to one of the fires was later corroborated by the confessions of two burglars.) The subject was then given peak of tension tests in which he was asked, "Have you set fire to any (1) homes, (2) schools, (3) buildings, (4) churches, (5) cars, (6) trucks, and (7) rubbish piles that you haven't told me about?" When confronted with the responses to these tests, the subject admitted to the arson of three trucks, three homes, and an abandoned building.

A third suggested method, one which can be very effective under certain conditions, is to combine the relevant-irrelevant-control technique with "peak of tension" type questions. For example, police in a residential neighborhood where there had been numerous burglary complaints, apprehended a stranger walking the streets at 3:00 a.m. He was unable to give any reason for his presence in that vicinity, and he was held for investigation. The following afternoon he was given a lie-detector test. Question number three was, "Did you ever burglarize a house in Edgewood?" Number five, "Did you ever burglarize a house in Wilkinsburg?" Number eight, "Did you ever burglarize a house in Swissvale?" Questions 1, 2, 4, and 7 were irrelevant, and questions 6 and 9 were controls. This subject's records indicated that he was telling the truth in denying perpetration of burglaries in Edgewood and Swissvale, but that he was not telling the truth in denying burglaries in Wilkinsburg. Upon in-

terrogation, the subject admitted to five burglaries in Wilkinsburg and three more in Pittsburgh.

The chief difficulty in launching a routine screening program comes from the reluctance of investigators to use the lie-detector for this purpose. Most police investigators are conditioned by training and experience to think in terms of solving specific crimes. Consequently, it represents a reverse type of thinking for them to attempt to identify unsuspected but real crimes to the criminal rather than identifying the criminal to specific crimes. The need for this "back door" approach, however, should become apparent when it is realized that less than 30% of offenses against property are actually cleared by arrest. In the semi-annual Uniform Crime Reports by the F.B.I. in 1952 it was reported that only 40.3 percent of the robberies, 29.1 percent of the burglaries, 21 percent of the larcenies, and 25.3 percent of the auto thefts were cleared by arrest. In the 1953 semi-annual reports the figures were even lower: 36 percent of the robberies, 26.7 percent of the burglaries, 19.8 percent of the larcenies, and 25.9 percent of the auto thefts were cleared by arrest.

One of the reasons advanced for advocating a routine polygraph screen is to increase the percentage of cases cleared by arrest. In the Pittsburgh and Allegheny County Crime Laboratory nineteen subjects, eighteen of whom had been arrested for burglaries where their guilt was known, were given polygraph screen tests. Nine were reported as telling substantially the truth in denying other theft-type felonies. Each of the nine had confessed one or more burglaries to police before the test. One subject was reported as indefinite. The remaining nine were reported as not telling the truth. Seven of the nine guilty subjects confessed to an additional twenty-five burglaries and four of them implicated seven accomplices. All of those named as accomplices were arrested and each corroborated the confessions of the original subjects. In one instance a suspect named as an accomplice by a "screen" subject admitted to an additional thirteen burglaries.

The results thus far obtained in Pittsburgh with this screening equipment indicates that the routine use of the techniques can be extremely helpful. An analysis of the figures on burglary subjects screened show that 1.32 (25/19) additional burglaries were directly cleared up by a polygraph screen. The F.B.I. semi-annual report for 1952 shows that in 1,706 cities with a total population of 61,592,916, 26.7 of each known 100 burglaries are cleared by the arrest of 19.4 persons. Each person arrested, according to Pittsburgh and Allegheny County Crime Lab figures, is a potential source of cleaning up an additional 1.32 burglaries. If an additional 1.32 cases per person are cleared with the arrest of 19.4 persons, the result is that an additional 25.6 ( $19.4 \times 1.32$ ) cases are cleared by arrest. Adding 25.6 to 26.7, the total number of cases cleared by arrest would leap from the present figure, 26.7, to 52.3 cases of each 100 known burglaries cleared by arrest.

Further, the Crime Lab's statistics indicate that for each 19 subjects screened, seven additional suspects are implicated, an average of .37 additional accomplices implicated for each subject screened. Applying this figure (.37) to the F.B.I.'s figure of 19.4 persons arrested for each known 100 burglaries, an additional 7.2 ( $19.4 \times .37$ ) persons will be brought under arrest, thereby increasing the arrest figure from 19.4 to 26.6.

The above figures only apply to the immediate results of the polygraph screen

tests with no attempt being made to compile statistics on the indirect results such as additional confessions made by those implicated as accomplices.

The above figures apply only to those subjects who were originally arrested for burglaries. Screen tests were also given to two arson suspects and one robbery suspect with results even more gratifying. Three subjects, however, could hardly be considered sufficient to make any generalizations.

When confronted with responses to an initial screen test, subjects will frequently make confessions to other crimes. In some cases, however, they fail to admit the full extent of their participation by withholding information about the cases which they consider more serious. On subsequent tests, with questions amended to exclude the admissions made, subjects frequently become emotionally unresponsive, and the examiner, therefore, is unable to determine whether they have told the whole truth. This is mentioned as a caution to examiners who may be inclined, under such circumstances, to report that the person has told the whole truth. It is this examiner's experience that a screen subject cannot safely be reported as telling the truth, based upon his unresponsiveness to relevant questions, unless there is a dramatic response to a light control question.

In the routine screening of criminal suspects by lie-detector techniques, nothing is lost except the time spent by the examiner and the police officers responsible for the custody of the prisoner. For this reason, an excellent opportunity is presented to those crime laboratories desirous of training new examiners. Proficiency as a polygraph examiner is dependent to a large degree upon a period of apprenticeship under a qualified examiner. Since there is a reluctance to permit a novice examiner to conduct tests on specific cases because of the errors which can result from inexperience, routine screening can provide a volume of case work from which the trainee may gain valuable experience in the handling of subjects, conducting of tests, interpretation of records, and interrogation techniques.

Another foreseeable value of such a program is the assistance that examination results can give to a court charged with the responsibility of imposing sentence. Judges, when fully convinced that the case before them is the defendant's first offense, are usually inclined to be lenient. However, without a routine polygraph screening, it would be impossible to determine whether the individual is a first offender in fact or whether he has perpetrated numerous other crimes for which he was never apprehended.

The contents of this paper are intended as a stimulus to other crime lab lie-detector examiners who are interested in initiating such a program. The routine screening of criminal suspects by lie-detector techniques has a tremendous potential which, if realized, will accentuate the need for lie detection examiners in every modern police laboratory.