

Spring 1965

Ethics and the Polygraph Examiner

Charles L. Yeschke

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Charles L. Yeschke, Ethics and the Polygraph Examiner, 56 J. Crim. L. Criminology & Police Sci. 109 (1965)

This Criminology is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

ETHICS AND THE POLYGRAPH EXAMINER

CHARLES L. YESCHKE

The author is a licensed polygraph examiner in the State of Illinois and a member of the staff of John E. Reid and Associates, Chicago. Mr. Yeschke received his Bachelor of Science Degree in Police Administration from Michigan State University following which he assumed his present position. He is a member of the Special Agents Association and the American Academy of Polygraph Examiners.—EDITOR.

Every profession, including law and medicine, has historically gone through a transition period of development similar to that which the detection of deception profession is now experiencing. It seems that there is an area of development faced by each profession wherein society tends to question its members regarding qualifications and so forth. The detection of deception profession is no exception to the rule in this matter for it is now under investigation by even the United States Government's committees. States have passed laws for and against the use of tests to detect deception. The public now realizes that it takes a great deal of education and training to develop a professional person who is capable of rendering service to the public with the use of the polygraph (lie-detector) examination.

It is evident that a doctor must attain certain education, training, and experience before he is considered a reliable surgeon. The public is becoming aware that the polygraph examiner, the person who administers polygraph (detection of deception) examinations, is not too unlike the surgeon who must have an acceptable background of qualifications. The polygraph examiner, also, is being required to undergo certain minimum standards in various localities before being permitted to practice the detection of deception. The qualified members of the profession advocate that high education, training, and experience standards be met by all examiners before being allowed to practice. The American Academy of Polygraph Examiners and others urged the passage of the recently enacted law in the State of Illinois which regulates and licenses polygraph examiners.

The Illinois law is considered to be a major step in the advancement of the detection of deception into the realm of professionalism. No human activity can retain the characterization of a profession until the members of such activity meet the highest standards of education, training, and

experience. Such high standards are now being demanded of individuals before they attempt to become polygraph examiners in Illinois. The new regulating and licensing law requires that a person attain a four-year college or university degree from an accredited institution and undergo at least a six-month internship training period under the supervision of a licensed polygraph examiner before being authorized to practice as a detection of deception examiner in the state. There is a great deal of responsibility resting with all professionals for they affect the lives of the citizen. The professional must be regulated by laws so that society can feel confident of receiving competent, reliable services when needed.

When we look closely at any true profession that meets high education and training standards set down through laws we find a certain void facing us. That emptiness which we notice when we inspect the laws regarding professions is that developed by the lack of moral guidelines. Legislative law is inherently divorced from setting sophisticated standards pertaining to the moral philosophy of the professional in his daily activities of service to the public. Each profession must take the initiative to adapt a code of ethics which is particular to the specific services rendered to society. Legislative law can go only so far in setting standards, and then the profession itself takes over wherein the professionals regulate themselves with semi-judicial procedures governing techniques and methods of service. An ethical code of a profession is what may be called "icing on the cake", but if such "icing" were not on the "cake", the "cake" would be bitter and unacceptable. The subtle regulation of methods and techniques in a profession through an ethical code set down by its members makes a speciality a profession; without an ethical code, law and medicine would not retain a high status in our social structure. Basic ethical principles should be required in all states for

polygraph examiners which can be used to fortify the standards established by state laws. Each profession needs a code of ethics.

The following is suggested as such a guide to professional polygraph examiners and to the public who may use the examiner's services.¹

Preamble—These principles are intended to aid polygraph examiners individually and collectively in maintaining a high level of ethical conduct. They are not laws, but standards by which an examiner may determine the appropriateness of his conduct in his relationship with examinees, with colleagues, with members of allied professions, and with the public in general.

Section 1. OBJECTIVE. The principal objective of the instrumental detection of deception profession is to render service to society with full respect for the dignity of man in the determination of the truth. Polygraph examiners should merit the confidence of examinees experiencing polygraph examinations, rendering to each a full measure of experience and understanding in an objective manner.

Human weaknesses of personality must be understood and taken into consideration by the examiner if he is to fulfill his responsibilities in establishing the examinee's truthfulness. Confidence in the examiner is created through the public image of the examiner's integrity, education, and experience.

Section 2. IMPROVEMENTS OF SERVICE. Polygraph examiners should strive diligently and continually to improve methods and techniques of polygraph examinations. They should make available to their colleagues the benefits of their professional attainments. The improvement of standards and techniques is the direct responsibility of each qualified examiner. Examiners should be eager to advance the status of their profession by the widest possible dissemination of their techniques.

Section 3. INSTRUMENTATION. The examiner should utilize a polygraph instrument with minimum standards of recording permanently the examinee's cardio-vascular and respiratory patterns. Instruments functioning with additional areas of psychophysiological recording are acceptable and are considered to be pertinent to the detection of deception. The examiner should avoid making any claim of perfection in instrumentation

¹ The Ethical Code of the Medical Profession, the Standards of Principles of the American Academy of Polygraph Examiners, and personal knowledge and experience were utilized in this presentation

or in purporting to have the most modern means of detection.

Automatic determinations of the truth are not forthcoming from a polygraph examination; it is not a push-button action which indicates the truth with a twist of the wrist or the punch of a button. The determination rests on the examiner in his diagnosis of the polygraph charts. Society should not be misled regarding this fact. The examiner should use the best means available on behalf of the client and subject during all polygraph examinations to determine the truth.

Section 4. DIAGNOSTIC TECHNIQUE. A polygraph examiner should practice a method of examination instituted upon a diagnostic polygraph technique; he should not voluntarily endorse professionally anyone who violates this conviction.

A diagnostic polygraph technique is utilized to obtain polygraph charts which display consistent, significant, examinee emotional responses. Based upon these consistent, significant emotional responses the examiner establishes his opinion of the examinee's truthfulness regarding the issues in question; his opinion should not be based upon interrogation. The examiner has the responsibility of conducting polygraph examinations in which he assists the examinee to indicate the truth through emotional responses.

Section 5. EXAMINEE SUITABILITY. An examiner may use discretion in choosing whom he will serve, depending on the available facts and whether the examinee is fit to undergo an examination. The subject's willingness and ability to submit to the examination greatly affects the examiner's responsibility. When such examinations are rendered the examiner should be diligent to display his best professional ability.

A. Polygraph examinations should be administered only to those persons who are physically, mentally, and emotionally suitable. When, in belief of the examiner; the examinee's physical, mental, or emotional condition is such as to preclude successful examinations, the examinations should be postponed until such time as the condition is no longer detrimental to proper polygraph examination.

B. A polygraph examination is, and must be by its very character, a voluntary deed by the person taking the examination.

An examinee must give reasonable cooperation during a polygraph examination, but this coopera-

tion cannot be forced from him. False emotional responses would be created if physical force were used during polygraph procedures. Proper polygraph procedures are created to produce emotional responses only on the examination questions, not environmental conditions.

Section 6. CONDITIONS OF SERVICE. An examiner should not furnish his services under terms or conditions which tend to interfere with or impair the free and complete exercise of his judgment and skill. These terms or conditions should not tend to cause a deterioration of the quality of service rendered. The examiner is to be held responsible for his acts, and he shall be prepared to support that which he gives as a professional opinion.

Strength in any profession is maintained with the integrity of its members; this integrity should not be jeopardized by personal, political, financial, or any other association which would influence or interfere with the proper polygraph examination.

Section 7. EXAMINATION GUIDELINES. The ethical examiner should heed the following during a polygraph examination:

A. Questions asked during a polygraph examination should be pertinent to the matter under investigation, and the examination should not be permitted to degenerate into an attempt to disclose some personality weakness of the examinee. The issues considered in the questions are determined by the matter under investigation, but the actual formulation of the questions must be left to the discretion of the examiner.

B. There should be an evidential link between the matter under investigation and the persons examined. Such a requirement does not apply to cases where routine pre-employment or screening examinations are conducted, for such examinations are involved only with the personal actions of the examinee. In situations where the parties to an issue are making conflicting statements, it is recommended that all individuals involved undergo polygraph examinations.

C. All examinees should voluntarily submit to polygraph examinations.

D. The examination room must emit a professional atmosphere. There should be no visual distractions, outside clamor, abnormal temperature, or other factors which could hinder successful examinations. No device, physical or psychological, should be utilized that could in any way cause an innocent person to confess.

Each polygraph examination is administered in a controlled situation which will not cause stimuli

from noises, etc. to produce false emotional responses. In fairness to the examinee the examination should allow him to indicate his relevant truthfulness without disturbances of the environment.

E. The examiner's report should be a clear, concise summary of what transpired during the examination. The examiner must account all information pertinent to the issues under investigation as well as his professional opinion of the examinee's truthfulness. This information should be rendered only to authorized persons. The examiner should furnish opinions founded only upon the readable polygraph records created by the examinee during the use of a diagnostic technique. The basic function of the examiner is to help the examinee indicate the truth through the polygraph records.

F. The examiner should continually be prepared to give evidence in legal situations when necessary and proper. He should, for a reasonable length of time, preserve all polygraph charts and notes pertinent to examinations so that he may later substantiate his opinion.

During each and every polygraph examination the examiner should make all preparations for possible future expert testimony in legal situations. The clarification and explanation of examination results should be produced by the examiner when professionally necessary. The gravity of each examination should be recognized.

Section 8. UNPROFESSIONAL CHARACTERISTICS. The ensuing are considered to exemplify unprofessional conduct on the part of the polygraph examiner:

A. Engaging in administering hypnosis or drugs during any portion of a polygraph examination.

The controversial areas of drug and hypnosis administration during a polygraph examination tend to influence the reliability of examination techniques in the eyes of the public. The nature and intent in the use of hypnotism and drugs during any polygraph examination can be greatly misunderstood, and their use should be avoided. Public acceptance of this profession will not be advanced if its image is blighted by indications that false admissions or confessions, and even false emotional responses can possibly be produced through the use of drugs and hypnosis. Here again the public must have confidence of examiner's ethics. This can only be indicated through the examiner's integrity of high professional standards.

B. Any verbal or advertised contention of per-

jection. No reputable examiner should manufacture such a claim, realizing in the first place that all individuals cannot be successfully examined with the polygraph, and knowing that perfection has never been achieved in any process where human beings are implicated.

C. Any oral or published assertion or professional qualifications which the examiner has not attained.

False statements and claims by an examiner regarding qualifications can and should be exposed not only by the examiners in the profession but also by the public in general.

D. Any employment of the polygraph for the sole intent of inducing confessions and thus disregarding the equally important function of the polygraph in exonerating the innocent.

A majority of individuals submitting to polygraph examinations are telling the truth; exoneration of the innocent should be the primary duty of the examiner during polygraph examinations.

E. Any demeanor, pose, duress, artifice, or device in the administering of a polygraph examination which would tend to induce a false confession

F. Any account of an examination which is contrary to the professional opinion of the examiner.

Falsification of examination reports by an examiner degrades not only the examiner but also the examinee.

G. Any sham public demonstrations which includes pretended tests. No detriment is seen in the beneficial demonstrations of the mechanical operation of the polygraph instrument where no determination of deception is involved.

Each examiner should realize that controlled examination conditions are necessary for proper polygraph results and such conditions are not in existence during a public lecture or explanation of techniques. Failure of an examiner to accomplish a deception determination in a public display tends only to degrade the profession by disillusioning those in witness, thus causing skeptical views regarding the detection of deception.

Section 9. PUBLIC STATEMENTS. An examiner should limit his professional opinion to the diagnostic evaluation of the examinee's truthfulness regarding relevant statements of fact made by the examinee. Guidance and opinion regarding anything other than the examinee's truthfulness and polygraph examinations in general should not

be rendered by the ethical examiner for he is not qualified in any other capacity.

Section 10. CONFIDENTIAL REPORTS. An examiner may not reveal the confidences entrusted to him during a polygraph examination, or the deficiencies he may observe in the character of examinees, unless he is required to do so by law or under the authorization of the examinee. The examiner should refrain from any action whereby, for personal gain or benefit, he abuses or takes advantage of the confidence reposed in him.

Section 11. CASE CONSULTATION. An examiner should seek consultation in a doubtful or difficult case situation; or whenever it appears that the quality of service may be enhanced. Consultation between polygraph examiners is generally beneficial to all parties concerned. Each examiner can and should learn to develop personal qualities in technique.

Section 12. OUTSIDE EMPLOYMENT. If the examiner must engage in employment other than the instrumental detection of deception to subsist, he should choose additional occupation which will not degrade his professional status.

Section 13. EXAMINATION FEES. The best interest of the client and the profession should be in consideration when financial arrangements are made regarding examinations. The ability of the client to meet the financial burden and the charges made by other professional polygraph examiners should be carefully considered while establishing rates for services. An examiner should be willing to contribute a portion of his services to work for which he receives little or no financial return.

Section 14. HONOR AND DIGNITY. The instrumental detection of deception profession should safeguard the public and itself against examiners deficient in moral character or professional competence. Examiners should observe all statutes of society, uphold the dignity and honor of the profession, and accept its self-imposed disciplines. Examiners should expose, without hesitation, illegal or unethical conduct of fellow members of the profession.

Section 15. EMINENT IDEALS. The eminent ideals of the instrumental detection of deception profession imply that the responsibilities of the polygraph examiner extend not only to the individual examinee, but also to society where these responsibilities deserve the examiner's interest and participation in activities which have the purpose of improving both the security and the well-being of the individual and the community.