

POLYGRAPHS

-- don't be a deer caught in the headlights

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This article is for the honest folks who need to take a polygraph in the course of a security clearance investigation. Folks who have nothing to hide and want nothing more than to be cooperative, and because of that don't realize they are vulnerable; they can get flustered in confrontational settings, get nervous under stress, and naively trust the system to get it right—right up to the point it doesn't, which for most people is too late.

I am a lawyer in Washington, D.C., who has spent decades helping individuals deal with clearance investigations and adjudications, and I want to share the knowledge of that experience to help you prepare for your first polygraph, and avoid some of the pitfalls I've watched others fall into. The single most important advice I can give you is this: lying is always a terrible decision. I do not support and do not promote lying generally and especially in connection with a clearance application or investigation. A skilled and determined interrogator will almost always identify a security risk by unmasking deceit in a polygraph examination. This is why polygraphs are still used in the clearance process despite their lack of reliability in court.

Unfortunately, I've also seen many instances where skilled interrogators use polygraphs to wrongly accuse honest, cooperative folks of deceit, or to elicit admissions about things that are untrue. Armed with a polygraph and time, an aggressive interrogator can create an alternative reality where all things seem possible. I've known extremely capable and intelligent people who needed days to re-center themselves following a polygraph and who could not explain their various polygraph statements.

The polygraph experience is designed to invoke anxiety. The small interrogation room; the special chair; the wired electronic sensors; the cold, imposing machine promoted the world over as a "lie detector". Add to that a professional interrogator, skilled at pretense, trained in human behavior, insinuating the ability to tap deep into your subconscious using nothing more than scientific measurements from "the machine that never lies". Before taking your polygraph exam, you should know and appreciate that this individual has great power over you, your job and career.

Polygraphs are not about getting to the truth or detecting lies. The machine does not determine if someone is truthful or deceptive; it merely records changes in certain body indices such as blood pressure, pulse, respiration, skin conductivity, and muscle tensing. Likewise, the interrogator cannot read your mind and therefore does not know if you are lying or telling the

truth. The polygraph is a tool used to (i) ascertain if you pose a potential security risk by detecting if certain questions make you measurably react, and (ii) obtain evidence to disqualify you for a clearance by prompting discrepancies or extracting admissions of improper actions.

During a polygraph session most of your time will be spent detached from, but effectively within view of the machine, answering questions posed by the interrogator. Once the interrogation has covered the appropriate topics, you will be ceremoniously attached to the machine and asked a few carefully calibrated baseline questions. Following that, you'll be systematically asked in one form or another whether the information you provided during the interrogation regarding a certain topic comprised everything there is to know. Only the interrogator will see the measurements triggered by your response, which gives the interrogator flexibility in how to proceed.

Based on your reaction to a question, or based on an experienced interrogator's hunch, the interrogator may indicate that the machine detected deception on a certain topic. You then will be unhooked and advised that since the machine does not lie there must be something you failed to disclose. The interrogator will urge you to search your memory for something, anything to explain the readings of deception. For the unprepared, this is where the wheels often fall off the wagon. Anxiety strikes, creating doubt and fear. Once confident minds scramble: "maybe what I thought was the truth really isn't the truth"... "maybe I'm repressing something"... "maybe it has to do with something else I did that I haven't disclosed". An eager interrogator will skillfully guide your inevitable stream of conjecture, often planting suggestions, voicing disapproval, or pressing you to "come clean". The process often repeats itself, over and over again, sometimes for hours, until the well is dry. It would be wise not to underestimate the power of suggestion in such a setting. Over the years I've been amazed at the things people have admitted under the pressure of a polygraph, many of which couldn't possibly be true.

At some point following a polygraph session, the interrogator will create a report from his or her notes summarizing what he or she believes you said during the session. You will not get to read the notes, which are typically destroyed after the report is finalized. You will not be permitted to review a draft of the report to ensure its accuracy before it is finalized. The final report is sent to the agency's adjudicators who rely on it in determining your clearance eligibility. Most often the report lacks direct quotes or supporting documents, reflecting merely the interrogator's recollection (and in some cases interpretation) of what you purportedly disclosed. Mistakes are not uncommon. In some cases, errors pertain to dates, times, people and places. In others, whole statements are adversely misconstrued or inaccurately recalled. Unfortunately, these mistakes become a permanent part of your security record and are generally unassailable as the law presumes that the interrogator acted in good faith. It is an extremely rare occasion when a clearance adjudicator can be convinced to accept an applicant's version of what was said over the interrogator's presumed good faith statements.

So what can you do to do keep the wheels firmly on the wagon during a polygraph? Prepare. And then prepare some more. The intense pressure of a polygraph is neither the time nor the place to trust your memory. Know the details of likely hot topics before the polygraph. What's a likely hot topic? Start with any "yes" answers on your e-QIP. For those questions

pertaining to drug and alcohol use, and your police record, be prepared to answer questions about such topics on a “have you ever” or “at any time in your life” basis.

Once you ascertain the truth, stick to it. Remember: all is fair in the interrogation game. Interrogators are primarily motivated by one thing, to elicit an adverse admission, and will employ any and all means necessary to get it. He or she can misrepresent your polygraph results, falsely accuse you of lying, or threaten you with a failed polygraph or the loss of a clearance, a job, or a career. They can confuse you; they can scare you; they can intimidate you. There are many ways to make you doubt your memory. It is critical therefore, to know the salient facts of your life beforehand and to stick with them. This will keep you calm, strong, and resilient in the face of psychological pressure, and will help you to avoid making inconsistent statements or agreeing to things that are not true.

I am often asked in seminars about what to do if the interrogator rejects the truth and threatens to terminate the polygraph if you don’t “come clean” with a desired answer. What I typically say is that if you have reached this point in a polygraph chances are extremely high that you’re not going to like the results regardless of what you do...so stick to the truth; it’s better for your conscious and potentially easier to explain later. There is no realistic way of overcoming a false or pressured polygraph admission in the face of the interrogator’s presumption of good faith. Better to fail a polygraph for telling the truth than to fail based on a false admission.

Try to avoid ambiguity in your answers. Be clear. Remember that you’ll not get a chance to check the interrogator’s notes or review the report for errors. Stress important information and do what you can to ensure the interrogator understands what you are saying and, perhaps more importantly, what you are not saying. If you don’t trust your memory on a topic or you’re concerned about the ability to articulate the nuance of something, bring typed notes, a timeline, or a detailed explanation with you. Provide a copy to the interrogator. It may increase the odds of an accurate report. Be sure to keep a copy on your computer and don’t revise it after the polygraph to maintain its pre-polygraph creation date.

Try to stay relaxed. When attached to the machine avoid traditional stress relief measures such as taking deep breaths, tightening and relaxing muscles, or meditating as the interrogator may perceive them as countermeasures intended to manipulate the polygraph results. Nothing will bring a polygraph to a faster, more unfavorable end than the perceived use of countermeasures. The best method for alleviating the stress of a polygraph is to be prepared.

Remember that the only person in the room who knows the truth is you. Know that truth beforehand, disclose it clearly to the interrogator, and don’t deviate. Don’t worry about the machine or what the interrogator says about your readings. Keep calm, strong and resilient in the face of pressure. Be true to yourself and let the chips fall where they may. Don’t let anyone put words in your mouth or fill your head with doubt.