



Milan Kormoš, PhD*

Ministry of the Interior of the Slovak Republic
Presidium of Police Force
Institute of Forensic Science
Department of Applied Psychophysiology
Slovak Republic

Polygraph Examinations in the Department of Special Psychology of the Ministry of the Interior of the Slovak Republic – a Retrospective View

Применение полиграфных исследований на Факультете специальной психологии Министерства внутренних дел Словацкой Республики. Ретроспективный взгляд

Key words: polygraph, using the polygraph, history of psychophysiological detection of deception at the Slovak Ministry of the Interior

The history of the polygraph usage in the Ministry of the Interior of the Slovak Republic started on 6 March 1998. Selected personnel of the ministry commenced a special educational and training programme to gain experience with the polygraph, with the prospect of using its results for the needs of individual units of the ministry. The programme was conducted under the guidance of long-time polygraph specialist from the US.

* 77.sirius@gmail.com

The decision to include the polygraph into the arsenal of resources in the fight against antisocial activity was a logical result of current developments, as the public were confronted with an abrupt and permanent rise in crime rate. A near uncontrollable space developed under the influence of changing socioeconomic conditions, which led to an expansion of different illegal activities.

The main idea of the newly created specialised Department of Special Psychology (DSP) was to extend the toolbox of instruments used in the department for the investigation of criminal activity by employing machine psychophysiological detection of deception. The expected deliverables included general streamlining and shortening of the process of investigation.

After the completion of educational and training programme conducted by AIAAP (Acxiton International Academy of Applied Psychophysiology, Houston, Texas), the activity practically followed two courses: criminal investigation and screening. This fact is addressed in the first document on the activity of the Department of Special Psychology “Regulation of Interior Secretary of SR No. 57/1998” [1]. It defined the conditions for performing special psychophysiological tests, as well as specified the unit as an independent organisational body in the structure of the Ministry of the Interior. It furthermore described the areas of its activity, characterised the subject of investigation, and set the rules for the final statement in the form of investigation report.

The unit was quick to develop its activity and soon established itself in the structures of the ministry. The department also presented its activities to make experts and stakeholders aware of its operations. Professional presentations, including samples of expert activity, to selected subjects soon made the DSP use polygraph examinations to assist various subjects from outside the department and even from the private sector. Numerous units of civil service and corresponding military departments applied for examinations, to mention the Customs Service, Ministry of Finance, and the Ministry of Defence. Despite this, efforts were made to run examinations mainly for various units of the Ministry of Interior. As the DSP was the only such unit in Slovakia, it provided its services nationwide, as required by the ministry.

At that time the acquired expert knowledge and first practical experiences let the personnel of the DSP participate actively in the clarification of a case of particular concern, i.e. the contract killing of former secretary of industry and economy on 11 January 1999. The polygraph examination of the main suspect conducted at the time helped to create the “jigsaw picture” of the case.

Thus criminal projects became the main field of work for the DSP for a time. They belonged to almost all areas of law, embracing mainly the criminal cases with *corpora delicti*. The DSP personnel worked on a daily basis on cases classified as violent criminal acts against life and health, criminal acts against the family and young people, criminal acts against freedom and human dignity, criminal acts against property, economical criminal acts, and others. Their activity always focused on the psychophysiological detection of deception of suspects, culprits, the aggrieved, and witnesses. The results of polygraph examinations often became the magnetic needle on an imaginary compass, which navigated the whole process of investigation towards a faster clarification of the case. The findings of psychophysiological detection of deception were particularly valuable in the so called "insufficient evidence cases". They were often "the new wind into the sails" of the documentation and substantiation process.

Screening became the second, and independent, area of work for the department. The chief body of work centred on applicant selection for specialised departments in the Slovak Police Force, examination of credibility and reliability of police officers serving in such departments, examination of police officers from other units of the Ministry of the Interior, police officers delegated to personal reserves, and of selected civil employees of the Ministry of the Interior. The DSP personnel also performed polygraph examinations during selection procedures for positions in the vertical and horizontal migration of the ministry's personnel. In this case, the focus was verification of reliability of the subjects, detection of breach of service and/or state secret, leakage of service information, blackmail, cooperation with organised crime, probability of abuse of alcohol or other addictive substances. A particular part of the work was examination of police officers suspected of indulging in various forms of criminal activities.

The activity of the DSP was based on basic principles of performing psychophysiological detection of deception as defined by professional organisations, notably the APA (American Polygraph Association), AIAAP (Axciton International Academy of Applied Psychophysiology), and BAI (Behavioral Assessment Institute). DSP's legal background clearly defined the main policies for its activity, set up in standard work procedures. The respect for the principle of voluntary submission, being crucial in polygraph testing, became the basic legal aspect. Any person required by legal and/or internal rules had to agree to examination, which cannot be conducted without consent. The respect for the principle of voluntary submission is consequently the respect for the principles of the legal system. Besides that, every subject of polygraph examination was guaranteed a standardised procedure using standardised means. Each examination followed a certain, precisely defined procedure, established in a standard working procedure. An important aspect here was the expert's guarantee

supported by a prescribed practical preparation and completion of a prescribed number of supervised examinations.

The guarantee of steady professional development is not only the completion of the prescribed teaching and training programme but also permanent education of specialists. In the course of their work, the DSP specialists conducting polygraph examinations went through several professional training sessions and specialised programmes aimed at increasing their expert qualifications. In September 2005 an employee of the BAI Institute from Texas conducted a follow-up course in forensic psychophysiology. The same specialist offered his expert and practical experiences again in November 2012 as part of expert training for the specialists of the Ministry of Interior. A special teaching and training course by a specialist from the Lafayette Instrument Company added to the expertise of the DSP staff in 2013. The latest expert training for the employees was offered by a leading specialist from the Internal Polygraph School from Israel in 2016. Between these, specialists participated in additional expert courses, seminars, and conferences in Russia, Columbia, Ukraine, Belarus, and Poland. The expert experience and knowledge are exchanged within the so-called Triad, gathering specialist polygraphers from Poland, Czechia, and Slovakia, which is practiced in regular intervals in the successive countries.

In its nearly twenty years of activity, the unit conducting psychophysiological detection of deception has gone through several transformations. Moreover, its position in the organisational structure of the Ministry of the Interior has changed, and so did the legal background and the focus of the operation. Different problems concerning the scope of competences regarding test execution that occurred during the activity have been removed. There have been changes in the system of DSP's operation, its name has repeatedly changed, and in 2013 so did its address. The unit is currently a part of Criminalistics and Forensic Expertise Institution of the Presidium of the Police Force of the Slovak Republic operating under the name of the Department of Applied Psychophysiology. Its staff has increased from the original four employees to the current number of seven specialists plus one administration officer.

The current foundation regulating the activity of the DSP is the Order No. 172 of the Interior Secretary of the Slovak Republic from 29 November 2013 [2] on the development of personnel of designated units of the Ministry of the Interior and the Police Force. In the context of conducting polygraph testing, the document is especially focused on personal work. It manifests the endeavour of the services to improve the quality of personal work in the DSP and at the same time it documents the effort to eliminate uncertainties and specific problems, which have accrued with time. The document belongs to a uniform procedure for renewing the staff of designated departments in

the Police Force. It brings in new rules and a clear structure, clarifies the functioning of mechanisms, and defines the basic organisational structure of the DSP. The document furthermore defines the departments whose staff, whether members of the current force or relocated from other departments, are obliged to undergo polygraph examinations.

Let me emphasise the fact that the document deals with specific areas for specific departments. Each of these departments, in regard to its activity, has clearly stated areas of examination, which are identical for each examination of members and applicants in each department. Each police officer about to undergo a polygraph examination is in advance informed in writing (via e-mail) about the exact wording and scope of testing by a competent employee of the designated department. The basic information includes the time span between the examinations, which is generally 5 years, although may be shortened in particular cases, depending on the time of service in the Police Force.

In 2016 the personnel of the DSP (now operating as the Department of Applied Psychophysiology) conducted 579 polygraph examinations for screening purposes. Only 6 subjects refused to undergo the procedure, there were also 29 cases when the examination was not conducted for various subjective and objective reasons (e.g. the employee withdrew the original application for transfer, and for family and health reasons).

Polygraph testing has become a way for optimising personnel selection in the Slovak Ministry of the Interior. It is an instrument for choosing honest, reliable, and loyal employees and police officers to work in the structures of the Interior Department. Its preventive aspect has a significant impact on reducing illegal activities. It often offers information that cannot be obtained by other methods.

In the recent years the process of psychophysiological detection of deception has become a positive weapon in the arsenal used for fighting antisocial activities, and is used for detection, documentation, and clarification of illegal activity in the Ministry of the Interior of the Slovak Republic.

In the legal system, the outcome of polygraph examination is currently not considered a proof. For objectivity's sake, however, it must be mentioned that the Act No. 301/2005 of The Code of Criminal Procedure in the *Journal of Laws* [3] does not specify that the result of polygraph examination cannot be used as proof. In paragraph 119 section 2 it states that "Anything that can contribute to proper clarification of matter and that has been obtained from evidence according to this act or according to another act can serve as evidence". For this reason, there have been cases when parties to criminal proceedings have included the opinions from polygraph examinations in investigation files. The actual significance of the opinion (especially, in the context of

other existing facts), however, only depends on the individual assessment of the prosecutor in pre-trial or court.

The DSP specialists join the court proceedings when testifying in specific investigation cases about the details of performed polygraph examinations. They explain the principles of polygraph to the court, and inform in detail about the process, recorded results, and their evaluation. They also answer questions from the court, prosecutor, and/or the defence.

In some cases, it is the prosecutor or the court who demand the execution of a polygraph examination for investigation purposes. This is most popular in the case of “argument against the argument” with the parties offering contradictory testimonies. If this is the case, both parties are offered a polygraph examination, and one side, usually the suspect, as a rule refuses to submit to it, while the other receives a positive opinion from the examination. Such a procedure can contribute to simplification of the decision process at the court.

The history of polygraph testing is spanned between its supporters considering the polygraph an effective tool and the ones who consider this method untrustworthy, insufficiently reliable, and hardly scientific. The latter have tried to apply different means to challenge the results of examinations. Existence of the Department of Applied Psychophysiology for nearly twenty years, however, demonstrates the importance of the method. Polygraph testing has become a milestone for many areas of criminal investigation, providing a final argument for the supporters of the polygraph and demonstrating that different accusations levelled against it are unfounded.

As history shows, psychophysiological detection of deception is a valid tool for examining credibility and reliability in staffing policies of the Ministry of the Interior of the Slovak Republic. The results of polygraph testing often substantiate that the members of the Police Force perform their hard work in an honest, conscientious, and brave way.

In the many years of its existence the Department of Applied Psychophysiology has built its expert credibility. Qualifications, professionalism, and the high level of ethics make its personnel sought for international and domestic expert consultations.

Expert activities, presentation of the DSP in the media, publishing and teaching activity, appearances at different forums are some of the ways that its employees exploit to elucidate the process of polygraph examination not only to the nonprofessional public but especially to experts, to remove the aura of strangeness, incomprehension, and vagueness surrounding the procedure.

References

- [1] Regulation of the Ministry of Interior of the Slovak Republic No. 57/1998 on the activity of the Department of Special Psychology of the Personnel and Social Activities Section of the Ministry of Interior of the Slovak Republic, published in the Journal of the Ministry of Interior, section 57 of 20 August 1998.
- [2] Order of Interior Secretary No. 172 on the development of personnel of designated units of the Ministry of the Interior and the Police Force published in the Journal of the Ministry of Interior of the Slovak Republic, section 93 of 29 November 2013.
- [3] Act No. 301/2005, *Journal of Laws*.