



Jerzy Konieczny\*

## An attempt to falsify the results of a polygraph test through the implementation of false memory: a case study

### Case description

The remains of a level crossing attendant that had been working alone at night were found in the crossing service building at the intersection a railroad right-of-way and a highway.. The post-mortem and the investigation of the scene indicated that the woman suffered several knife wounds. It was also established that the perpetrator fled the scene after having destroyed the crossing's telephone and disabling the signal lamp located in front of the building.

Initially, the investigation that followed brought no results. A few months after the incident, however, John L., the officer in charge of the case filed a petition to have Joseph S., arrested some months earlier on theft charges, undergo a polygraph test. The officer presented evidence pointing to the

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\* jerkonieczny@wp.pl

possibility that the suspect may have killed the crossing attendant and then committed the theft with which he had been charged some time later. The supervisors at the police unit approved the petition and the examination was conducted (by the author of this article). It should be mentioned that the officers at this particular police unit were very well trained in the application of polygraph examinations.

When he was brought to the polygraph examination room, Joseph S. turned out to be a single male aged 27, with a primary school education, and of intelligence certainly falling within the norm, although likely in the bottom ranges of the norm. His personality indicated that in everyday situations he might be likely to act with significant naiveté. The examiner maintained good rapport with the subject and the pre-test interview made it perfectly clear that the subject understood the purpose of the test, accepted the questions that were read to him, and accepted the request to undergo a polygraph examination, as he confirmed by signing the appropriate release. The suspect emphasised that he had not committed manslaughter and that he had not heard of the crossing attendant's killing.

The examination was conducted using the Reid technique. It included a stimulation test and three control question tests, followed by three POT-type tests, where the relevant questions concerned the murder weapon (knife), the destroyed telephone, and the broken signal lamp.

The interpretation of the Reid tests pointed unequivocally towards an NDI diagnosis. Paradoxically, the responses to the relevant questions in all three POT tests clearly suggested that the subject knew the details of the event, although he had denied it in the pre-test interview. This information was included in the examination report, with comments indicating that the case was highly atypical and needed explaining.

The chief of the police unit conducting the investigation into the murder of the attendant ordered a thorough inspection of the suspect's place of work. Eventually the inspection revealed that the officer, frustrated by the lack of satisfactory results, decided to bring charges against a random person and to furnish evidence upon which such suspicions might be founded. He chose the arrested Joseph S. as target of his manipulation.

An agent working for John L. was placed in the multiple occupancy cell in which Joseph S. was being held. The agent quickly became „friends“ with

Joseph S. and then repeatedly told him an invented story, the key elements of which were: several knife blows, destruction of a telephone and disabling of a signal lamp. While the main story line was in no way connected with the killing of the crossing attendant, this story must have impressed itself deeply in the suspect's mind.

As previously mentioned, the officer in charge had received thorough training in working with polygraph operators. He knew the methods of preparing and conducting the examinations and had previously used such tests on a number of occasions. During a consultation with the polygraph examiner before the examination of the suspect, the officer in charge himself had suggested that the use of a knife, destruction of a telephone and the breaking of a signal lamp might be used in POT tests. The examiner accepted these ideas and incorporated them into the test. When the attempt to falsify the examination results was revealed, the officer in charge was expelled from the police force.

## Discussion

First of all, it needs to be considered whether John S. did in fact have a false memory. If we accept, following Rosenfeld (2003), that „false memory refers to honestly believed recall of events which did not happen“, then the answer is negative, since Joseph S. neither „honestly believed“ nor „honestly recalled“ anything that he could consciously connect with the attendant's killing. When he said in the pre-test interview that he had never heard of such a killing, he was telling the truth.

The case of Joseph S. confirms the observations of Kassin and Kiechel (1996), who wrote that „...memory can be altered not only for observed events and remote past experiences, but also for one's own recent actions“. It should be noted that this alteration may be influenced by a third party, including with ill intent. Even Kassin and Kiechel's observation, however, does not justify the claim that Joseph S. had been implanted with false memories, at least not in the strict sense of the term. Therefore, it is better in this case to refer to „false memory“. The final evaluation of the type of manipulation performed on Joseph S. must be left to psychologists. For the purposes of the present text, it is crucial to consider the relevance of the foregoing case for the practice of polygraph examinations.

Most importantly, the case of Joseph S. demonstrates once again that the responses to relevant questions in a POT test are unspecific insofar as the source of the subject's knowledge is concerned. In other words, the subject's responses are analogous whether the subject participated in the crime, learned of the event at a later time, or whether – as may be learned from the case of Joseph S. – the „knowledge“ of the event had been generated in the subject's mind through a mechanism similar to that which produces false memory. The point in time in which the source of knowledge becomes irrelevant is the moment when the subject makes the decision during the pre-test interview to hide information from the examiner. Furthermore, methods of interpreting results offer no possibility to differentiate between responses depending on the source of the subject's knowledge. The case of Joseph S. confirms and expands the conclusions presented in Konieczny, Frąś, and Widacki (1984).

The case may also be a contribution to more general considerations on truth, lies and the role of polygraph examinations in the study thereof. In their comprehensive discussion of the subject matter, Gordon and Fleischer (2006) suggest that „...untruth – a lie – is: (...) the presentation or omission of information, with the deliberate intent to deceive and mislead someone who is requesting the truth.“ Joseph S. had no intention to deceive or mislead. Nonetheless, his responses in the POT tests indicated that he was lying. When, then, is the polygraph really a lie detector, a fact finder, or something else entirely?

## References

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