



The “Friendly Examiner”

by

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According to Orne’s (1975) “Friendly Polygrapher” hypothesis, a guilty examinee who is given a polygraph test by an examiner who was appointed by her/his defense attorney (a.k.a “ex parte”), is more likely to pass the test in spite of her/his guilt due to the absence of the fear of detection. In other words, examinees that are being sent to take the test by a party that can inflict a punishment upon failing the test are more likely to produce stronger psychophysiological reactions in the polygraph test than those who were being sent to take the test by their own defense lawyer. Orne assumes that, because ex parte examinees know that only favorable results will be disclosed, it will influence them to be more calm and confident and have little fear of the outcome and therefore they pass the test in spite of their guilt. Orne’s theory was adopted by the court in *People v. Adams* in where a polygraph examination administered by a “Friendly Polygrapher” was held inadmissible. A similar court decision was adopted in *U.S. v. Gipson*.

Honts (1997) rejected Orne’s hypothesis arguing that there is no basis for assuming that fear of the detection of deception is necessary for the CQT to function. Furthermore, even if fear were necessary for detection, it does not mean that reduction in fear would allow a deceptive person to pass the test. In addition, the assumption that there is no fear (or any motivation) in a confidential polygraph is unrealistic.

Research and Survey

A Raskin et. al. (1977) study resulted in findings that contradicted Orne’s hypothesis. In Raskin’s study one half of the examinees were given a confidential examination for the defense use only, while the other examinees were told that the results would be reported to their employer or a law enforcement agency. The results showed no difference between the two groups. Matte and Reuss (1990) compared mean psychophysiological reactions assigned by a police examiner in criminal testing versus a commercial examiner testing for the defense. Their result showed that the mean scores from the commercial examiner were further from zero than the mean scores from a police examiner. In contrast, Amsel’s (2000) comparison of the

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psychophysiological reactions of non ex parte and ex parte examinees revealed that the mean reaction of the ex parte was significantly weaker than the non ex parte.

Abrams' (1997) survey comparing the results of ex parte and non ex parte polygraph results revealed that more ex parte examinees were found deceptive than non ex parte. Amsel's (1997) as well as Welch's (2000) surveys reinforced Abrams (1997) results.

Discussion

Raskin et. al (1977) and Matte and Reuss (1989) examinees were sent to take the test by their defense attorneys. While from a technical point of view they were considered to be ex parte tests, it is doubtful from a psychological point of view that they were. As Raskin (1982) suggested, "Any examinee who convinces his attorney that he is telling the truth ... would be very concerned about the outcome of the examination if he were in fact lying an attorney who finds out that his client has been lying to him about important matters is likely to become upset, and the client is concerned (about) disrupting his relationship with his attorney. Therefore, the attorney-client relationship provides incentive and motivation for the examinee..."

Unlike the conditions of the Raskin (1977) and Matte and Reuss (1989) studies, in Amsel's (2000) research the ex parte examinees took the test out of their own initiative without revealing it to anyone – including their attorneys. In spite of the significant differences in the psychophysiological reactions, which seemingly support Orne's hypothesis, it does not mean that it has an effect on the test outcome as Orne suggested. As Honts (1997) put it, "... a reduction in fear would (not) allow a deceptive person to pass the test." In other words, reduced reactions do not necessarily lead to false negative results.

The Abrams (1997), Amsel (1997) and Welch (2000) surveys reported that more ex parte examinees were found deceptive than non ex parte. This fact might be attributed to the fact that deceptive examinees are more willing to undergo a "private and confidential" test knowing that the results will bear no consequences upon failure. If this assumption is correct, then these results can neither support nor reject the "friendly examiner" hypothesis.

Conclusion

It seems like the idea of the "friendly examiner" comes from what is known in sports as the "home field advantage." Though statistics may support the "home field advantage" notion, in reality it does not assure victory. On the contrary, losing at home can be more shameful than losing away from home simply because it lets the home crowd down, which serves as a strong incentive not to lose. Along this line, a "friendly examiner" may ease the truthful examinees' fear of error but it does not contribute to the deceptive examinees' hope of error.

A Practical Note

The crux of the hypothesis is that lack of concern over the outcome (a.k.a "Fear of detection/punishment/consequences") eliminates the deceptive examinee's responses. In order to prevent that from happening just tell the examinee before test, "I can assure confidentiality but I cannot assure favorable result."

Post Scriptum

The term "Friendly Examiner" hints at an unobjective examiner whereas the true issue is the examination and not the examiner. So, the concept should be renamed the "Friendly Examination."

(references on page 37)

The following data were compiled during the research:

- Money gained by Dave wearing the EDA: \$0 (0%)
- Length of time it took Dave to decide the instrument and hypotheses worked and express a desire for immediate removal: 20 minutes

Limitations

An additional variable noted by the researcher was that, as the evening was early, very little beer had been consumed by Dave. What little there was had minimal effect on the electrodermal activity displayed.

This preliminary research is neither definitive nor did it follow any accepted procedure, and additional research may be necessary to confirm the results. But Dave can't be included because once the EDA was removed, he took all of the researcher's money.



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