

◆ Voir Dire International, LLC ◆

5811 2nd St., Katy, Texas 77493

2161 Northwest Military Highway, Suite 101, San Antonio, Texas 78213

FREQUENTLY ASKED QUESTIONS - POLYGRAPH

Accuracy of Polygraph:

The accuracy of polygraph is defined as the validity rate. The validity rate of polygraph is in the high 90th percentile, as determined by exhaustive studies conducted by the Department of Defense.

What is the Process and How Long Does it Take?

The process takes approximately 2-3 hours, from the time you arrive, until the time that you leave. Most of the time is spent conducting a lengthy pre-test interview to gather biographical information, health information, briefing on how polygraph works, discussion of the issues, question formulation, question review, a practice test, then the actual test at the end (all the questions are asked 3 times). After that, the charts are analyzed and the results are provided verbally. We can follow up with an email, text message and/or a formal written report.

Languages:

We perform polygraph examinations in English and in Spanish. Our polygraph examiners do not use interpreters or translators to perform their examinations. Our polygraph examiners speak fluent Spanish, are native Spanish speakers and/or have lived extensively in Spanish speaking countries.

Test Questions:

There are a maximum of 4 Relevant Questions allowed on a typical polygraph examination. The Relevant Questions are the “did you ...” do whatever the issue is under investigation. If you have prepared some questions, we will review your proposed questions and make suggestions on how to combine questions and still make sure that the main issues are covered. If necessary, we can accommodate more than 4 questions by asking the person taking the test to give you a disclosure statement that covers all the issues or concerns. If you choose that option, we can do the test on the truthfulness of the statement. The good news about using this method is that you can cover a lot more ground. The bad news is that, if the person fails the test, you may not know which question on the disclosure the person lied about, unless they confess.

There cannot be any compound questions that are linked with conjunctions such as “and” or “or.” We cannot test on emotions or about what someone contemplates they will do in the future.

We cannot ask “Do you love your wife” (since that’s an emotion and since love can be defined in various ways), however, we can ask if they have lied when they stated they loved you, for example. We can also ask if they have taken steps to leave someone in the future, such as “Have you taken any steps to leave your spouse?”

In effect, we test on actions, things done or not done, as opposed to thoughts. In every case, we will explain our changes and obtain your concurrence for using the questions we suggest.

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Be aware that fidelity issues usually mean discussing and asking questions regarding sexual activities or behavior, mostly outside the marriage or relationship. As a result, be prepared to discuss sexual issues in a clinical manner.

We are certified to conduct Post-Conviction Sex-Offender Testing (PCSOT), so we work with clinical psychologists to obtain information necessary to identify sexual and deviant behaviors, as determined during the pre-test interview. I mention this to inform you that our interest in sexual issues is strictly clinical and not an inappropriate intrusion into your personal lives.

Both parties involved in a dispute are welcome to be present during the question formulation process. However, if there is hostility among the parties, we prefer to meet and speak with each party separately.

Allegations of Sexual Assault or Sexual Abuse of Minors:

Be aware that we are obligated by law to report allegations of sexual abuse that may be discovered during polygraph testing to state Child Protective Services (CPS.) The only waiver to this requirement is if we are performing the examination at the request of an attorney, in which case, the attorney-client privilege applies and, the polygraph examination is protected from disclosure.

Anyone accused of Sexual Assault or a related crime is strongly urged to retain an attorney prior to taking a polygraph. Representation by an attorney will ensure that the results of the polygraph examination are protected from disclosure should the results not be favorable, for whatever reason, to your case.

Here's a link to the Texas Criminal Defense Lawyer's Association. Once you are on the TCDLA home page, click on the "Search" button in the "Need a Lawyer" dialog box.

<https://tcdla.com//>

Testing Pre-Teens, Teens or Adolescents:

Anyone under the age of 18 must have written parental or guardian consent before they can be tested. Young people mature at different paces, so there is no hard-fast age rule for testing pre-teens or adolescents. The traditional cut-off age for testing youngsters is 13 years-of-age.

However, the age of the pre-teen or adolescent is not as important as their maturity, so it is important for the parents or guardians and the polygraph examiner to determine if the youngster is mature enough to clearly know the difference between right-and-wrong, and the difference between good-and-bad. If it can be established that they are mature enough and can describe these differences, and the parents or guardians provide a written consent, we may agree to perform the examination on a pre-teen or adolescent.

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What if I'm Nervous or Stressed?

Being nervous is a normal reaction to taking a polygraph. Nonetheless, once a person arrives for testing, they establish a new "baseline" of stress and we are able to account for that new stress level and still differentiate between "normal" stress and the physiological reactions that are exhibited when someone is being deceptive or lying.

We will treat you with respect. We will not antagonize or accuse anyone. The pre-test interview is a lengthy discussion of the issues, the questions, how polygraph works and many other topics, that take about 1.5 hours to complete. Most people usually calm down significantly after we start talking and explaining things, so there is no need to worry.

It is important to inform us if you had a significant life-changing experience within a few days prior to your polygraph examination. For example, we need to know if: you just came from an argument or were served with divorce papers, if a relative just died, if a favorite pet is missing, or any other situation that may be causing you abnormal stress or causing you to be significantly distracted. If that is the case, we may ask you to re-schedule your appointment until such a time as you are not faced with a crisis.

Medications:

Please do not stop taking any existing medications, or do not start taking any new medications, within 24 hours of the examination. This applies to prescription or over-the-counter drugs.

Please bring with you a list of any medications that you are taking, including the name of the medication, the amount of the dosage, and the frequency of usage.

The use of recreational drugs (marijuana, etc.) or the use of alcohol to the point of inebriation (being drunk) during the test, may be cause to suspend the examination.

We ask for this information so that we can account for any changes in your physiology that will appear on the tracings on our charts.

Examination Results:

We will analyze the charts immediately after the examination and render a verbal professional opinion as to whether the person taking the test is telling the truth ("No Deception Indicated" also referred to as "No Significant Reactions") or lying ("Deception Indicated" also referred to as "Significant Reactions") with regard to the Relevant Questions. If a client requests a written report, we can produce one, usually within 5 working days of the examination.

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Can Polygraph Results Be Used by the Police, in Courts or in Trial Proceedings?

The short answer is yes.

- **Police Agencies:** Some law enforcement agencies accept the results of private polygraphs, but some don't ... because they want to do their own tests.
- **Child Protective Services (CPS):** usually accepts polygraph results done by either private examiners or police examiners as long as the examiner is certified to conduct sex offender type polygraphs, in the case of child abuse cases.
- **Courts:** Most courts in Texas use polygraph testing as a condition of probation for sex offenders and others on probation, such as alcohol related convictions. The courts use the results to determine if the probationer stays on probation or goes to jail for violating conditions of probation.
- **Grand Jury:** Polygraph results can be used in Grand Jury proceedings since the standard of proof is “reasonable suspicion” that a crime has been committed. This is a lesser standard than for a criminal trial where the standard of proof is “beyond a reasonable doubt.”
- **District Attorneys (DA 's):** Some District Attorneys use polygraph as a tool to determine whether to indict someone, or whether to present the case to a Grand Jury.
- **Civil Cases:** Polygraph results are admissible in civil proceedings (divorces, contested wills, lawsuits).
- **Criminal Trials:** Polygraph results are admissible in criminal proceedings by stipulation (if the defense attorney, the prosecution, and the judge all agree in advance). In some trials, a polygraph cannot be admitted as evidence if they do not agree in advance or limit what can be said. For example, if a confession was obtained appropriately, the confession by itself may be admitted as evidence, but not the polygraph test itself.

I am a retired law enforcement professional and received my training at the Texas DPS Polygraph School. As a result, most law enforcement agencies do accept my results. They accept my results not only because of my background, but because I am very willing to share my charts and documentation with other agencies and other polygraph examiners for them to review and make their own judgements of my work and results. Some examiners do not want others to look at their work, probably because they cut corners or didn't do a good job.

Appointments:

Everything is done by appointment. Walk-ins are possible, but not always possible due to other appointments and travel on our part. We are usually booked a few days out, so that means we can usually perform your examination within a few days. We charge double for “I want it right here, right now” since we have to cancel other appointments to do your examination if we stop what we are doing.

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We understand that you, our clients, can't take off from work, so we perform polygraph examinations whenever you are available. This means that, given at least 48-hours' notice and a pre-paid and confirmed appointment, we work in the evenings, weekends and holidays, at no extra cost.

Please do not bring children to your appointment. We will not conduct an examination if there are children present.

Please bring a photo-ID issued by an official agency to provide proof of your identity. We will photograph your ID and we will also take a picture of you to include in our report, so that we can prove that it was you who took the examination.

Costs - Fees:

We usually charge a base fee of \$500.00 for most examinations.

We charge a base fee of \$750.00 per examination for civil or criminal matters or for Employee Polygraph Protection Act (EPPA) examinations.

If the matter is long and drawn out, or if multiple attorneys are involved (prosecution, defense, ad litem), then we bill by the hour at a rate of \$250.00 per hour.

We charge double the base fee, or \$1,000.00 per examination, plus expenses, for any examinations conducted in a jail or prison.

We charge double the base fee, or \$1,000.00 per examination, plus expenses, for any examinations conducted inside Mexico.

If more than one examination is requested, or in special cases, we may reduce the fee.

We require payment in advance of the agreed-upon full fee by VISA, Master Card, Discover or American Express credit card payment, or by cash deposit into our business bank account (International Bank of Commerce – IBC Bank – which is represented in most Texas cities).

We can run the charge over the phone. We will collect your credit card information even if you intend on paying cash when you arrive.

If you are paying cash, we will place a "hold" in the amount of the examination and we will release the hold once payment is made in cash. We will provide receipts in all cases.

If you change your mind about going forward with an examination after a credit card charge is processed based on a verbal authorization, we will withhold and deduct a \$100.00 processing fee from any refund, when we process a voided charge. This is to cover our costs and we do not make a profit from this fee.

We require payment in advance to guard against "no-shows" which means that people fail to show-up, after we set time aside for their examination, while setting other clients aside at the same time.

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There are no refunds given for the same reason; that is, we set-aside 3 hours of our time for you whether or not you arrived.

As a result, we have "24-hour Cancellation" and "No-Show" Policies in effect.

The 24-Hour Cancellation Policy means that if you choose to cancel your appointments, you must do so no-less than 24-hours prior to when the polygraphs are scheduled. Failure to cancel at least 24-hours prior to your scheduled appointments will require you to pay the full polygraph fees again, should you desire new appointments.

Fees collected in advance are non-refundable because three-hours of time has been set aside for your appointment(s), meaning that we cancelled or re-scheduled other appointments to accommodate you.

The "No-Show" Policy goes into effect in any of the persons being tested do not report for their examination, and the examiner is present and waiting. Fees collected in advance are non-refundable if there is a "No-Show."

Credentials - Licenses

- ✓ We are licensed to perform polygraph examinations in Texas, Louisiana, Tennessee and Virginia.
- ✓ We are former law enforcement officers/investigators or intelligence officials.
- ✓ We are certified by the Texas Joint Polygraph Committee on Sex Offender Testing (JPCOT) to perform Post-Conviction Sex-Offender Testing (PCSOT) throughout the state and by the American Polygraph Association to perform PCSOT testing throughout the nation.
- ✓ We are listed as experts by the Texas Criminal Defense Lawyer's Association (TCDLA).
- ✓ We are decorated military veterans of the Vietnam Era and of the Global War on Terror (GWOT). Two of our examiners are service-disabled veterans.
- ✓ We are a minority-owned, small-business enterprise and are registered with the State of Texas as a Historically Underutilized Business (HUB).
- ✓ We are officially designated as a federally certified Service-Disabled, Veteran-Owned, Small Business (SDVOSB).
- ✓ We are accredited by and hold an A+ Rating with the Better Business Bureau of Greater Houston and South Texas; See:

<http://www.bbb.org/houston/business-reviews/investigators/voir-dire-international-polygraph-investigations-in-katy-tx-90041754>

- ✓ We are consistently rated with 5-Stars by our customers; see:

<http://www.yellowpages.com/katy-tx/mip/voir-dire-intl-polygraph-466118880?lid=466118880>

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Our Approach to Polygraph

We know that the issue or situation that brings you to us is a serious concern. We believe that every polygraph, regardless of the outcome, affects people's lives. As a result, we do everything possible to give the person taking the test every opportunity to pass. This way, if the person does not pass their examination, we can be assured it was not because of something we did or failed to do, but rather, it was because the person lied to us during the examination.

Contact Us

Please feel free to contact us at any hour, and on any day, if you have any additional questions or if you'd like to set an appointment. We have offices in San Antonio and Houston. We will provide you our address and directions once your appointment has been confirmed. We can be reached at:

210-831-8735 (San Antonio) or our main number: 832-865-7659 (Houston)

email: examinerhale@hotmail.com

We can also conduct examinations anywhere in Texas or any other state in which we are licensed, or in any state that does not require a license. The cost of traveling to your location will be dictated by the distance and time spent at your location.

Please leave a message or send a text and we will respond as soon as we can.

Thanks,

Gary J. Hale, CEO and Chief Polygraph Examiner, Voir Dire International, LLC
www.voirdireinternational.com