



## Fox Rothschild Podcast

### The Presumption of Innocence

#### Episode 57: Wired for Truth: The Art & Science of Polygraphs

*Featuring Matt Adams of Fox Rothschild and Jerry Lewis*

**Matt:** Welcome back to "The Presumption of Innocence," a podcast brought to you by the White-Collar Criminal Defense and Regulatory Compliance Practice at Fox Rothschild. I'm your host, Matt Adams. And we've got a fascinating discussion to have today.

The polygraph, commonly known to most people as the lie detector, has a history that dates back over a century. It evolved from a primitive deception-detection device into a far more complex tool. Yet its reuse and the reliance upon the results that flow from it remain highly controversial. Polygraphs have been the subject of Hollywood comedies and dramas. But today we're going to unlock the art-- and perhaps some science as well-- of their use in criminal prosecutions.

Now, assessing the human physiological response to determine truthfulness is far from a recent phenomenon. In ancient China, historians report that suspects were asked to chew rice and spit it out. If the rice remained dry, they were thought to be lying because of anxiety-induced dry mouth. By the 20th century, the marriage of physiology and criminology brought us devices that closely resemble the modern polygraph, measuring blood pressure, pulse, respiration and skin perspiration. In fact, in around the 100-years since the modern polygraph was invented, there has been only really one additional sensor added to the machine to measure a subject's physiological response to questioning in an effort to glean whether they're being truthful.

Despite some of the controversy that surrounded the reliability of the polygraph, when it comes to one of the most respected polygraph examiners there is, Jerry Lewis is one of the best in the business. Since 1981, Jerry has conducted thousands of criminal polygraph examinations, and there are very few, if any, who would rival the number of criminal polygraphs Jerry's conducted. This expertise morphed into significant accolades in the field of police statement analysis and led to Jerry being selected to teach a 40-hour tactical interrogation course to police throughout the United States and in Canada. He left government after 25 years in the New Jersey State Police and since then has been working in the private sector, providing polygraph examinations, training and consulting service on complex investigations. It's my pleasure to welcome Jerry Lewis to "The Presumption of Innocence." Jerry, it's so great to have you.

**Jerry:** Hey, thank you for inviting me.

**Matt:** Now, Jerry, let's start with the machine, the polygraph-- or the lie detector-- itself. It's built to measure autonomous physiological responses from the body to capture signals of potential deception. Isn't that correct?



**Jerry:** Yes.

**Matt:** So, as the name describes, it charts multiple --or poly-- graphs from those sensors simultaneously. Why don't you walk us through those?

**Jerry:** Yes, there's two, um, straps that go across your chest and your stomach. And they can expand when you breathe in and out. So they monitor your breathing, breathing in and breathing out. And, what we look for in your breathing is, is it regular, right? Do you stay regular throughout the test? And generally when people become stressed or if they're lying, you'll find that you have a suppression of breathing. So they either slow their breathing rate or they almost stop breathing for a brief second. Those are some of the things that we look for.

And then we have the electrodes that go on your finger, the palm of your hand, and they measure skin conductance, basically, based off of the perspiration. But deep within the skin. You know, I, as I explain it to people, they get worried because they're like, I perspire a lot. You're going to call me a liar. I didn't even know. And they picked their hand up on the table and there's a puddle of sweat there because they're so nervous and, see, I'm not going to pass this test. But it really works off beneath the skin. And it's relative to each person. We adjust it to a person's level. So it really doesn't matter, you know, whether you're someone that does perspire a lot or not.

We also have the, a regular blood pressure cuff that we apply during the test. We put pressure in the cuff to record the blood pressure and pulse magnitude, and that stays on throughout the test duration. Which, basically, the test lasts a little over a minute long, less than two minutes usually. So that cuff is going to be on your arm that long. You might feel your heartbeat in there, some people do. It's really not a problem. But we don't get a blood pressure reading like the doctors with a systolic number over a diastolic number, you know, 120 over 75. We just put in there a blood pressure and we get a relative blood pressure reading on the chart, that you can see that tracing going up when the blood pressure goes up and it goes down when it, when the blood pressure falls. And in there, we also have each heartbeat and how hard is that heart beating and how fast is it beating?

Uh, after that, we have the latest thing that you mentioned is called a plethysmograph. That goes on the end of a finger and it has a light in there and the light shines through the skin into your blood vessel and actually monitors how much blood comes into the end of your finger on every question. And that's the only thing they found in 100 years, since they developed the polygraph the way we know it, that is diagnostic for truthfulness or deception.

They've tried a lot of things to add to it, but that's the only one that passed all of the scientific rigors and testing that they said that's good enough to put on the polygraph in conjunction with everything else, um, that we use.

**Matt:** Why do you believe, Jerry, that there's only been one sensor added to the polygraph in 100 years despite the indisputable fact that science has really advanced at a tremendous pace during that period? To me, as somebody who only kind of looks at this from the outside, that strikes me as sort



of bucking the trend, so to speak, when it comes to scientific advancement over the course of that same 100 years.

**Jerry:** There's been a lot of testing on different things, such as the brain. Why can't we just map the brain and see where the lies come from? And then we'll know if a person's lying very easily. But the testing and the amount of medical equipment that you would need, and then to have someone sitting in a chair with that equipment on, the person running the polygraph would know how to place that on and then trying to interpret the results without a lot of, maybe, medical knowledge. That became something that is just not useful to put into a polygraph that we carry around with us and hook up into any office. You know, we can use any chair, any office.

They have done a lot of scientific testing and the only other thing that seems promising right now is a dilation of pupils. And they actually have a whole separate device that they have a person read questions and look at a, read some documents. And they have goggles or glasses that track the pupils as it goes across the page. And they start to look at where you're lingering, on what words you linger on, which somehow, and this interprets whether you're lying about the subject. And also if the pupils are dilating that's a very accurate sign that someone is lying. And the funny thing about that is, I've known about these, this pupil dilation for 30, 40 years. And I've been teaching this three-, four-day class on interviewing. I always wanted to become an expert, where I could get somebody out of the class and say, uh, all right, I want you to pick a number 1 to 50 and then go 10s, 20s. Oh, it's in the 30s, 31, 30, oop 35, and be able to get it like that.

And there are some people that seem to be able to do it just based on pupil dilation. I've tried it so many times. I do it at parties. It's never worked for me. I can't. I don't know. I just don't get part of it. But the scientific testing is proving that's one more thing. And I was asking about it at one of our seminars, why don't we include the, you know, put those goggles on someone or whatever you need to use it? And, uh, they said that to incorporate that, they want to use it as a standalone device instead of adding it to the polygraph. And they said, this thing is so accurate, why would we just add it onto a polygraph when we can do something business-wise just with that in itself? So there is a business right now with the pupil dilation.

**Matt:** Well, you mentioned at parties, I, I, as soon as you said that it came to my mind, Robert De Niro in "Meet the Parents." That's Jerry Lewis right there. Don't mess with him at a cocktail party.

Let's uh, let's take it one step further and against that backdrop about the machine itself. Generally, how is then the interview structured after the subject is connected to those sensors? And, and how is that interview designed so that the polygraph machine can chart the body's autonomic responses to truthfulness or lack thereof?

**Jerry:** Oh, very good. It's basically a, you know, polygraph is an art and a science. It used to be a lot more art and not as good in the science department. But since the 90s, they've been doing so many studies and using the science of the polygraph to get the answers more accurate. You know, I'm very happy with the accuracy of the polygraph right now. What the science tests prove, if you do everything properly and use the proper equipment and treat the person you're polygraphing in the



way that's prescribed to produce the best results, it's about a 91% accuracy rating. So, with a 9% error rating in there.

And the way that you have to do it is everybody is going to be very nervous when they come in. If they're truthful, they're worried about being wrongly accused. If they're lying, they don't want to be caught. And actually, being wrongly accused of something is a bigger fear than being rightly accused of it. The worst thing, if you did something, the worst thing is I did it, I got caught. If you didn't do it, and you're talking a lot of my tests are abusing children, and you'd rather be accused of murder than be accused of molesting a child, right? So when these people come in, they are just, their whole life is in tatters and they don't, can't predict the future. And what if --this hasn't even gotten out yet to their neighborhood and what if their schools and their neighbors and their kids? The amount of stress on a person accused of possibly abusing a child, when they come in.

And we're very successful in spite of that stress, right, by doing certain things during the test. So they're going to come in. We'll have a discussion about how it's going to go. And, uh, you know, the nervousness, we're going to factor that out. And then we do a pretest interview where I collect information about their background. And, how are they feeling today? Any medical issues, medications they might be on? I talk about other drug use or have they had any alcohol, you know, in the night before? What's their use of it? And just get a general feeling for the person and what their background is and have they ever been involved with law enforcement before?

I only do criminal testings. There's other kinds. I just do the criminal.

Once you go through the background form, then you conduct your interview about the case. And when you're talking to someone about the case and how did they get to be in this position, you know, it's very interesting that you can glean things from the interview. You know, truthful people say certain things differently than people that have something to hide. And there's very little information out there about that so that the people coming in are not armed with information about what you might be listening for in their statements, right? Like on TV everyone knows they look for body language and everyone knows they better disguise their body language and they have to have good eye contact and they have to answer right away and they have to try to be calm and look you in the eye and sit in a certain way. So people are aware of that, and they do practice that when they come in and you can kind of spot that, you know.

But when you're interviewing someone about what happened to them and, uh, you know, how it happened, and are they a suspect? It's very interesting because when you ask someone, I ask during the pretest interview before we've gotten to the test, I say, you're here because you're our suspect in this kind of a case. What would you want me to ask you on the polygraph? Well, truthful people: ask me if I did it. You can ask me anything you want about this case. That's why I'm here. You can ask me if I did it, do I know who did it? Was I there when it happened? Did I get any of the money later? Do I know anything about it? Do I know who did it? And they go through a litany of questions that they want to be asked.

But most of the time, in my experience, you ask the deceptive person, you know, what questions would you like me to ask you on the test?



First, they'll say, well, I never did this before. No, I said, I know, but you're here to prove your innocence, so what do you think I should ask you?

Well, uh, geez, I mean, you're the examiner. You should know that.

I said, I know the questions that we could ask, I'm just curious. What, you know, is there any question you want me to ask you?

Ask me, am I a good person? Ask me, do I have friends and people like me? You know, things like that.

I said, okay. So, I mean, right away, even in the background, not that you can use that to formulate your opinion later, but it sure makes it easier when the person's giving you the direct questions that you're going to ask anyway, right?

Once you go through the questioning process before the test and you explain the technique, now you have to come up with the questions for the polygraph. So, there's going to be three types of questions. There's neutral questions. And, you know, is today Monday? Are you sitting down? Are the lights on in this room? Are you in New Jersey right now? They're neutral questions that are not scored for any answer and they allow the person during the test to come back to their norm. And we know that's what their norm tracing, right? You could be scared to death and be truthful, and you could be lying through your teeth and be very calm. So what this does is, you look at what their norm is going to be, for comparison's sake, just to see, okay, their norm is their heart rate's very high, their blood pressure's up because they're nervous. That's their norm for today, we're not holding that, you know, against that person, right? So you get a good look at what they look like, uh, with the neutral questions.

And then we have, obviously, the relevant questions, you know, are you the person that did this? Did you steal that money? Things like that. So it's pretty obvious to everyone what the relevant questions are going to be.

And then we have what's called comparison questions. And the problem with the polygraph is that when people come in and they're all stressed and they're all nervous. So, obviously, the relevant questions are going to be a problem for them to some degree. When they hear, did you steal the money? That's what I've been accused of for the last six months. Did you touch that child? If anybody thinks I touched the child, what's going to happen to my name? These questions just trigger an emotional response in people, which you can see on the polygraph. And it becomes a difficult thing.

So, they developed, years ago, comparison questions. And these are questions where we can ask people to lie during the test. And you can ask them very simple lies. Did you ever steal anything during your life? Have you ever told a lie to a loved one? And they say, well, of course I have. So we're going to say, okay, I'm going to ask you that on a test, you're going to lie about it. So now you have your neutral questions mixed in with your relevant questions. And you also have these questions that we know the person is telling a lie. So we can compare --in the computer now, we use



the computers-- we can compare what their lie pattern looks like. Obviously, the more a question affects them that they're lying to, um, they might have a larger response to that one.

And it's interesting that a person that is guilty of the crime in every sense, and you're asking four relevant questions, they may only react to one or two of them. It's not a lie detector where every time a person lies, you get this big response, that that's obvious, right? So what you do is if a person that's totally guilty in every sense of the crime, you may only get one or two deceptive-type responses.

So, at the end of, we run three charts with the same questions mixed up each time. There's 11 questions generally, uh, involved in those three types. And at the end, we're going to take the questions, and we're going to score them. And then we're going to add their score up. And you get an aggregate score at the end of three charts. And that's going to put them in, we have a list of in one scoring session if you're a plus-three or higher, you're truthful. If you score a minus-three or lower, you're considered to be deceptive. And if you're in the middle, minus-two to plus-two, that would be considered an inconclusive test.

So, that's kind of the art and the science. But one bigger thing that adds to the art of it, I think, is before we do any testing on the relevant questions, we run what we call an acquaintance test. And on an acquaintance test, here you have a person that's never taken a polygraph test before, they're very worried, they don't know how it's going to sound. And you're going to have the person sitting in front of you looking to the side, they're not going to be looking at you because what if you asked a relevant question and they're watching you and you and you innocently make a face and they're like, oh, no, that's it, that I did bad on that, yeah, right? So we don't have people watch us during the test. They're going to look sideways at a wall or close their eyes and we're going to be talking to them, you know, to ask the questions. And there's a long space between each question, 20-some seconds long, that the person will be waiting for the next answer.

So we, we want to give them an idea what it's going to be like before we go through the test with the relevant questions on it. So we have an acquaintance test. And during that test, you're going to hook them up to the polygraph. You're going to put all the attachments on. And then you're going to have them pick a card out of a deck of cards and they're going to lie about the card they picked. You can have colors on cards in front of them and where a card is red, they're going to say it's blue. So there's all kinds of different ways of just having them tell simple truths and simple lies.

So you're going to run that test where, they're going to sit there and they're going to be answering questions truthfully and deceptively. So they get to see how the test feels, how you're questioning them. And then you can assure them that that test has showed me, as the examiner, they're a good subject to be polygraphed. There's nothing that's interfering.

And as far as drugs that people take-- because of their health, they have to take it --or because they're trying to defeat the polygraph, there's really no medications or drugs, you know, pot, people smoke pot before the test, right? And they want to be mellowed out, which is fantastic because it gets rid of all the surface nerves I'd have to get rid of anyway. And the deception shows right through. I love it when the people used to come in and smoke pot ahead of time thinking that it was



going to mellow them out for the test. But the only way the medications really affect the test, if you took so much of something-- whether it be a legal or illegal substance or alcohol-- to where you didn't react to anything, you were just out of it. I went to a prison once and they, they gave the prisoner, I forget the name of that drug off the top of my head where he was just-- lithium, I think it was-- and he was just almost drooling. He couldn't answer questions just sitting there.

I said, well, if they can't react on a polygraph to anything, you certainly can't test them. But even if they've taken a depressant, as long as you're getting responses there, the deception would show up greater than the truthful answers anyway, just to a lesser degree. So really, no medications that are going to interfere. But that acquaintance test, letting people experience it, and then assuring them-- which would be the art of it-- that this test is going to be okay, it's going to work on them, even though they're worried and scared about what they're being accused of, as long as they're going to be totally truthful they're going to get good results on the test. But if they're going to try to lie about anything, obviously that's going to show up loud and clear.

So it kind of puts the person-- they're not totally relaxed. They don't, they're not totally confident in the polygraph. You know, a lot of people don't, really aren't sure that it works. But that part of the procedure I find really helps people then go through. And usually by the third test, people like, oh, I can't believe I'm almost relaxed a little bit, you know. Because now they've been through it and they see what it's about. They've answered the questions.

When they get ready for the test and they say, oh, now I got it. Now I'm getting nervous again. I said, didn't I ask you these questions during the pretest interview? And they said, yeah. I said, you took your polygraph then you already answered those questions. Your body already reacted to them. I said, when you take the test, I'm not accusing you, did you steal the money? You already told me you did not. I'm asking you to confirm, did you steal the money? No. It's not, no! Right?

**Matt:** Yeah

**Jerry:** Doing that pretest interview and running that acquaintance test, you really help people lower their guard and, uh, get rid of some of those surface nerves, which makes it for an easier test.

**Matt:** So, the polygraph isn't without serious criticisms, Jerry. For example, federal law passed in 1988, called the Employee Polygraph Protection Act, prohibits just about every private employer from using lie detector tests, either for pre-employment screening, or during the course of employment. Employers are generally prohibited from requiring or requesting a job applicant to take a lie detector test or from discharging or disciplining or discriminating against an employee or job applicant from refusing to take a test or exercising their rights under the act.

Similarly, the criminal resource manual promulgated by the United States Department of Justice impresses on federal prosecutors the various ways that they should be moving to exclude polygraph evidence. In most states, polygraph evidence is inadmissible. But yet, there are some various ways that a polygraph can be very useful tool, speaking from a defense attorney's perspective.



Um, but I want to get your general... before we dive into some of those ways and maybe even some war stories about how the polygraph is a useful tool, I want to get your personal view on, would you agree that there are some limits necessary on the polygraph? That it shouldn't just be an open door that's fully admissible and used in all settings?

**Jerry:** Yes, I would agree with that. I mean, everything depends on who's conducting the test, what training they've had, what technique they're using, what instrumentation. You know, to just blanketly say that anybody saying they're a polygraph examiner and they have the equipment that then can run a test and be admissible in a court proceeding, you know, um, they wouldn't, no one would be comfortable with that.

And, uh, you know, we've had, uh, judges come, you know, the *McDavid* decision where, if the test is stipulated, it can be entered into court here in New Jersey. And that simply says, if the prosecutor agrees before the test, if the defense attorney agrees before the test, that whatever the results say that I would get, uh, would be admissible in court, we could run the test, uh, just the way I described, and then I would testify at the trial to my opinion of whether somebody had told the truth.

And for, when I, my early years, of 1981 starting and for years after, we would go to prosecutors offices and they would have, you know, maybe once a week, we'd be there for a stipulated test of some kind. But now it's, it's developed where one side or the other is not going to agree ahead of time, you know, to the results. There's very, very few stipulations.

I've also heard judges teach us juries don't want you to sit in that chair and tell them who's lying. That's their job. They're to listen to the witnesses and the questions that are asked and answers, and it's up to them to decide who they find credible. So, it almost can work against you.

The EPPA law, with the Employee Protection Act, in other states, we never had that in New Jersey that we could do, uh, tests like that, employees or private testing like that. But other states have big businesses doing it. But EPPA, really, the Employee Protection Act comes down and it was challenged many times. It comes down to the basic fact, that's been tried in court, that if an employer hears that someone failed the polygraph and they say, oh, I won't use it against them. The court's already ruled, yes, you will in some way or another, right? You're going to use that either to hurt them and not promote them or fire them or, you know, get them some other way. So, you know, I see that as being a fair ruling on the EPPA, right? I mean, I feel from doing it that if it's done correctly, it could be used in a lot of these settings, but I understand, you know, the negativity there, too.

**Matt:** Yeah. And so that really brings us full circle, having gone through the art, the science, the art of the questioning, the science of the physiological, autonomic human response. And it really brings us full circle to the crux of where polygraphs are used today in the criminal law. And that's really bottom line in the defense of cases. It's very seldom that prosecutors even, you know, request that a subject be "put on the box," as we call it.

**Jerry:** Not true. I would say I would argue that.



**Matt:** Yeah. Well, you know, at the end of the day, no defense lawyer is going to actually allow their client to be subjected to a polygraph. But on the other hand, as has been my experience, sometimes as a defense lawyer it's very beneficial for you to put your client on the box and ascertain, number one, are they being truthful to you? Because yes, clients do lie. Uh, I know that might be earth-shattering to some people, but clients do lie. And number two, if there are positive results, especially from somebody that has as much cachet and carries as much weight in this community as you do, Jerry-- and I have examples to prove this-- a passed polygraph from Jerry Lewis is pretty much a get-out-of-jail-free card, if you're able to leverage it in a pretrial negotiation. That's my, Matt Adams, that's my opinion.

Because, I mean, I've had examples where clients have been accused of theft. And it's, you know, cash business, ATM-loading business. And they're conducting an investigation. The police say, hey, we think it's your guy. He had the opportunity and who wouldn't like a, you know, an extra \$50, \$100,000 in cold, hard, green cash in their pocket, uh, all things equal. And we think, you know, with that motive and that opportunity, he probably did it and we'd like him to come in and subject himself to a polygraph by our examiner. And my answer is hell no. Hell no. But at the same time, I can confidentially call you, engage you under the Kovel Doctrine that we utilize in connection with forensic accountants and investigators, that brings you under the umbrella of my attorney-client privilege, and I can have you examine my client. And if he passes-- particularly if you conduct the examination-- I want to shout that from the rooftops. In fact, I have. And we have a couple of cases together where we've used that very successfully, Jerry, in theft circumstances.

But, you know, what are the most frequent cases you are called on to administer polygraphs today? And how does that compare, for example, when you started in the 80s? When the art and the science were a little bit more accepted in court.

**Jerry:** Well, when I started the, I had very poor training on, you know, I'm sorry to say. The, uh state police hadn't picked an examiner to get trained for more than 10 years, I think, before I was in the process to be chosen. And, uh, when they went to a school, they went to the Keeler Polygraph Institute out in Chicago, and it's run by Glen Harrelson. And he was the personal polygrapher for, uh, the famous attorney, F. Lee Bailey, right? So he had a lot of credit.

**Matt:** Now, now disbarred famous attorney, F. Lee Bailey.

**Jerry:** Right. Exactly. And, but at the time he had a lot of, uh, credibility and cachet and he did a lot of the, uh, famous cases, Las Vegas, uh, MGM Grand fire. He worked on the Vietnam, uh, My Lai massacre. Here in New Jersey, he polygraphed Rubin "Hurricane" Carter. He also, uh, worked on the Boston Strangler case, uh, what F. Lee Bailey had. And F. Lee Bailey always said he allowed Albert DeSalvo to claim he was the Boston Strangler, but he never had him plead guilty to that in court.

So there were two types of rapes that were happening in Boston, and one was what they called the "gentleman rapist" that would worm his way in. He talked to the women, he was very nice to them, and he treated them-- and it's a weird word to use but-- in a respectful manner as he was raping them, if they, if you follow what that means.



But the Boston Strangler was the one that was doing all of the horrific mutilation of his victims. And, uh, Albert DeSalvo wanted to, when he got arrested being the gentleman rapist. And he was also being blamed for the Boston Strangler rapes. If he would not deny it in the public eye, he wanted to write a book and get some money for his family so that they could live, you know, now that he's in prison.

But the, F. Lee Bailey was careful to say he never let him plead to any of those cases in court. But Len Harrelson, our instructor, told us that he actually went to a prison in Indiana where the real Boston Strangler is imprisoned and went to polygraph him. And, um, the, the, at the last minute, the person refused. But he had told us back in 1981, Albert DeSalvo was really not the Boston Strangler.

He had all these amazing cases, right? So, our troopers had all been trained out there and it was very good. But when I applied in the state police, they were looking for a polygraph examiner. As a road trooper, I like the criminal, I like to solve burglaries and thefts and things like that, rather than being on the road and writing a lot of summonses. So, I think the station commanders were happy to let me move on into the detective world. But I applied for this opening. There were, I believe, 38 troopers throughout the state. Many of them were a lot more experienced than me and already detectives. They knew how to interview. You know, I was, I was not to that level, you know.

But somehow out of 38 troopers, they selected me to go to the school. So it was seven weeks in Chicago. And I learned the instrumentation. I learned physiology. I could trace a drop of blood through the whole body. I knew the valves and all this. But the art of actually running the test and getting people in there and dealing with them and calming them, and.... I was more nervous when I graduated that school and came back to New Jersey, I was hoping to go with another, we only had, two other examiners when I came back from the school. And we were booked up six weeks ahead of time, three people every day. And when I came back-- and I didn't even know these detectives I was now working with-- I said, I get to go with you now and I get to learn how we really do it in the field. They said, no, we got you set up three people a day. Go figure it out.

I was more scared than any suspect that walked in that room. He's shaking, I'm shaking. The last thing I wanted to do was turn that thing on. Because then I had to come out and face these seasoned detectives --who already had a pretty firm opinion of whether this guy did it or not-- and especially if I was going to disagree with their opinion, which happened quite often. That was a really tough emotional thing that I had to, to get through.

I definitely became depressed. I couldn't get out of bed in the morning. I was facing these... okay, you work in a bank, right? And there's six grand missing. Now I'm dealing with housewives and grandmothers and the, the president of the bank is telling them, one of you stole money and you're going to be fired today. And they're coming in petrified. I'm like, I have only been doing this a little bit of time. I hope I get everything right, right? What day do you want to be wrong? Or what day do you not care if you're wrong. How about the 55-year-old lady who works in a bank, what if you're wrong on her? She's going to go back and now get branded as a liar that she steals money from the bank when she really didn't. She knows the minute she comes in that room, did she steal the money or she didn't? And at the end of my two-hour polygraph, I'm supposed to know exactly she did or didn't. And I was really struggling with that. And not, I mean, that's a theft case. I was doing



homicides. I was being called out at two in the morning to interview a homicide suspect that had just been interrogated for a couple hours and threatened with the poly. Polygraph's coming, you better tell us!

And, uh, I would stay up every night till two a.m. or later because I knew as soon as I went to bed I would wake up and have to go to work. So I just delayed having to get up and go to work. And, uh, there was really nothing that the guys in my unit could do to help me. I'd call them on the phone at night. You know, I'd say, hey, this, this guy, when I asked him if he did it, I got a big cardio reaction and what could they say? Okay, he probably did it. I said, yeah, but then when I asked him this, he had a breathing. Oh, maybe, you know, so.

I was so nervous and so upset and I started writing down from day one every person I tested. To this day, I have it. What I call them: truthful, deceptive, inconclusive. And, uh, I was waiting to hear if I was correct or not. Because if I was not right and I was wrong, I was going to get out of the unit. Because I'm hurting people either way. Letting a person that did it go and the detectives already knew he did it and I come out and say, no, he didn't. Or I'm blaming innocent people of being guilty. I couldn't live with that.

So I was really, really struggling and I had this list of people, but I found most of our tests were who-done-its. They were at the end of the investigation phase and there wasn't enough to figure out who did it. So the last thing was, let's bring everybody in for a polygraph. So seven people work, a quick check. Okay, there's money missing out of the safe. We'll test all seven. So there'd be three days of me going there and testing people and coming out and telling the detectives who I thought did it or didn't do it, you know. But if I didn't solve the case with a confession and I went home not knowing the answer and not knowing if I was right or not three times that day. It was a terrible-- I feel sorry for my wife because every night I came home, I talked to her and what's she going to say? Well, you're probably right. I said, I don't know if I'm right. You know, uh, that was an--

**Matt:** So it's an agonizing process, it sounds.

**Jerry:** Agonizing because I had --other schools had had better training. I'm sorry to say, I had good training. I knew how to run the test. I knew how to do the physiology. But as far as actually getting a person in there and running it and then examining the results. So, you know, I started to look for things to help me, you know. What time people would show up for the test, which is so innocuous, right? But I was looking at every single factor to try to give me an edge when people came in. Because what day do you want somebody to beat you? I'm testing eighth graders for thing, pulled up a fire alarm. Do I want an eighth grade kid that pulled the fire alarm to go back to school and tell her I beat this big trooper in there on the polygraph, he couldn't even tell. There's not one day that you could walk in that room and not care if you got the right answer.

**Matt:** So, is that what you is that what you attribute honing this skill over all these years, too, is, is the idea that you just, you had to be right and you couldn't live with yourself if you had misinterpreted these graphs?



**Jerry:** Yeah, and I'm sure other examiners felt that and I don't know how they handled-- they all seem to handle it better than me. Because heck, I was really, really distraught. And what do you, you can't go into work and say, hey, you guys picked me out of 38 troopers. Yeah, I can't handle it. I can't do it. You know, you're not going to go in and say that. So uh--

**Matt:** So today, in your practice, is it correct that a lot of the work you're doing is on the defense side? And it's basically in that context that I gave you the example of, and that we've worked together on a couple of times, is, is defense lawyers really looking for a confidential assessment of their own clients credibility and their own ability to potentially use the, the test result as a, as a negotiation--

**Jerry:** Yeah--

**Matt:** Tool?

**Jerry:** And let me just finish the topic. I think I should put this in there as far as polygraph goes, you know. How many times was I wrong in those beginning days when I really had, you know, less experience doing it? Um, you know, a lot of cases weren't solved, so I don't know on a lot of them whether I was right or not. But of all the cases that I called, um, over the years, I've only had a few come back to say that your opinion was wrong. So that, that's pretty amazing to me right there. And that's before the science of the polygraph elevated to the point it is now.

**Matt:** I want to read something to you, Jerry, and it's coming directly out of the United States Department of Justice Criminal Resource Manual section 1-499 subsection 262 on polygraphs. And it's entitled, "Polygraphs Introduction at Trial." And it says the following, and this is in the guidance to Assistant United States Attorneys, federal prosecutors throughout the United States. And it says, quote, "The FBI polygraph unit has provided affidavits and live testimony in several District Courts to rebut a defendant's proffer that his polygraph results are reliable and stands ready to assist any prosecutor confronted with such a motion to introduce polygraph results."

How do you react to that with --

**Jerry:** Saying affidavits from FBI polygraph examiners to use in court to say the polygraph is not accurate?

**Matt:** Yeah.

**Jerry:** It's interesting to me because in the biggest cases in our country, what do they do? The secrets of Los Alamos nuclear plant are stolen. Oh, we're sending a team of polygraph examiners out there, right? The CIA takes polygraphs, the Secret Service, the FBI, to get a job. We just had ICE right? They had a raid out there in Colorado looking for that gang and they were all missing and they said that someone tipped off the gangs. What did they do? They're running polygraphs.

If a child is missing in any instance, it's recommended by the federal government, run a polygraph on the parents immediately. And I'll tell you what, you be the person running a polygraph on a father and a mother that called up and said, my 5-year-old, I got up and they're not in the house. I have to



take that father the whole time and in the room for a couple of hours trying to do this test when he's like, can you just check outside? Can you see if anything happened? But now his wife's been waiting in the waiting room for his two hours and now she's going to come in. And you have to go out and tell 40 investigators who are doing a search for this boy, yeah, the father is truthful. He's not involved. The mother, you know. But that's, that's the way they're using the polygraph. But yet in court, they're saying, all right, maybe it's not, good enough, right?

So, it all depends on the training. And now, don't we have, uh, decisions where it can be admitted under *Daubert* here in New Jersey, right? If everything, if the science is correct and the person's training is correct, and it was run properly, then it could be admitted.

**Matt:** Let's shift gears for a few moments and let's hone in a little bit more on the art, rather than the physiological scientific aspects, of what it is that you do. And that's really this related field of statement analysis.

What, Jerry, is statement analysis?

**Jerry:** You know, statement analysis has not been classified as a science. But I've been asked many times in court, you know, could they make me an expert in it? And then it's always said, well, it's not really a science, you can't be an expert in it.

But, uh, statement analysis is listening to the way people tell their stories and the words that they use. And there is some rules that we can apply, which I found-- I learned this in 1983, and I've been using it in every interview since that day, and it's absolutely amazing. Whereas the polygraph is using a person's, physiological responses to questions during a test, right, the statement analysis is listening to what information the person has, and how are they delivering that? And there's so many times when people who are lying, you could be listening to them for a while and then they make one sentence that just tells you, okay, this is the person that did it.

And I think the beauty of it is, in police work, right, all the years you go to training and interviewing, it's when you get to the part where the person standing on the stage says, well, this is what the liars do. That's when everybody gets the pen and pencil out and they're leaning forward, because they don't want any liar to get by him. It's the ego comes into play, right? They're all aggressive by nature. They want to catch the bad guy. Tell me what the liars do. So, they hear that information, and it's almost all body language-- which I can tell you right now, there's not one body language signal that's accurate for truthfulness or deception. Not one. Not eye contact. Not the way they sit in the chair. All the stuff you hear and read on TV is all baloney. It doesn't work. You'll be more accurate not looking at the person you're interviewing or talking to them over the phone than you would be if they're sitting right in front of you.

**Matt:** Why is that? Why is that?

**Jerry:** Because they know you're looking at body language and they know how to control it. And there is no science that backs up that their eye contact, uh, or the way they sit in the chair or the way they look when you ask a question or they hesitate, there's no proof in any scientific study that that's



accurate to other than... well, I'll give you an example. They did the latest test and they took people off the street who have no training and they let them watch videos and determine. They were 54% accurate. Just like flipping a coin. They then got the same number of experienced detectives that interview for more than 20 years experience. And have them watch the videos, they come out 54%, exactly the same.

Because these things that you're trying to look at are not based on whether somebody's being honest. They're based on emotions that the people feel. They're accurate for the emotions. You can tell somebody's sitting in front of you is angry, embarrassed, you know, whatever. But you can't tell if they're lying from looking at them.

So then, the study show, okay, they're, 54%. What gets even worse is if you're a detective and aggressive and you've learned these and when you go in the room and you're talking to someone and you're watching them, they've never been taught what truthfulness looks like.

**Matt:** They've only been taught what the bad guys do when they lie.

**Jerry:** Exactly. So you go in there and start watching somebody-- do this as an experiment amongst yourselves --hey, go in and watch that guy, see if they're lying. Anything the person then does, ah, I saw that.

**Matt:** How then do you analyze a statement? If you have to exclude what you're referring to as these emotional variables that we've all been sort of trained to say. Oh, he's fidgety. He must be lying through his teeth. Then how are you then training police officers to isolate those things, remove them from their analysis? And what do they then focus on?

**Jerry:** Okay, so I've heard detectives criticize other detectives and you'll always hear this: you never even asked the guy if he did it. How are you supposed to do an interview you didn't even ask the guy if he did it. Right? I never ask anyone if they did it other than on the polygraph interview. But here's the truth about lying. If you want to catch somebody, I'm telling you in one simple way, this is how you're going to do it: Truthful people tell you everything, right? And they tell the truth a certain way. But what the liars do is they tell the truth they can tell. The truth they can tell. And truthful people just tell the truth.

So I'll give you an example: denials. As soon as you talk to a person for an hour and a half about the interview, as soon as you want to tell them, I think you're not being honest. The first thing they're going to do is deny that. Oh, yes, I am. No, I did. Right? So you're going to listen as they go through the stages to confess. So the first thing is, they're going to deny doing it, right? Expect that. So the truthful person's denial is, what I do to them, just to set it up, is I get everybody to admit that they're a suspect in some way. Even during my pretest interview, right? We were talking about that before. What do you listen for? I'll say that first. Why are you here? Well, how come people think that you might be guilty of it? And as soon as they paint the picture that, for whatever reasons they are a suspect to some degree, expect to hear a denial. Truthful people. People think that, but I didn't do it, right?



But what you won't hear from the deceptive people is a good denial. They'll be like, well, I'm never home. I'm always working. And, the day that they're saying this happened, my wife was home, right? Well, she was in a different room. And, uh, I never sit with the, with this person. I never sit alone with them anyway. Like they bring those, but they don't deny doing it.

So let me give you this example. Truthful people, when they deny, they say, I did not do it and they put their pronoun in the answer. And you could say, well, people I talk to, they don't speak English as a first language. They just speak slang. They're not just going to put the-- if you start listening, you will find most truthful people in their sentences take responsibility for what follows by saying, I. I went here, I did that. I heard this. And I try to believe those sentences where that pronoun is in there. Anytime the pronoun is not in there I end up wondering. And I go back to question those, right? So, the truthful person says that.

The deceptive person can truthfully tell you all these things, right? I deny it. That's sounds like a pretty good denial. They're not denying it. I mean, they're not really denying. They're just saying I'm denying it, right? So, that's not a denial. It's just, I'm denying it. And it sounds good and it looks good. They'll say, I'm innocent. Every person could say they're innocent unless they've actually gone to court and been proven to be guilty. Because we're all innocent until we're proven guilty, as the title of our podcast here, right? So they'll say to you, I'm innocent, or they'll say, I'm not guilty. They'll say, I'm telling you, I didn't do it! I'm saying I didn't do it and they're telling-- that's true. They're telling you they didn't do it. They're saying they didn't do it. They are innocent. They're not guilty. All those things are facts. But that's how the liars lie to you. They'll say, everything I've told you is true, basically, so far. They haven't lied yet, right? I haven't lied to you-- yet. So the truthful people are going to say, I did not do this. The liars can truthfully say those other seven denials that I just gave you. And as soon as I hear those--

Read the paper on any case. And if they interview the person, does he say I didn't do it? Or does he say I'm innocent? It's very easy. You can start watching these crime shows. And you can start to figure people out if they're asking the questions and they're answering. And that's just, that's just one thing, the denials.

**Matt:** Yeah, and you had a pretty famous statement analysis case that you were involved in, in the late 90s in New Jersey that's sort of born of a tremendous tragedy where a child was abducted and killed by a registered sex offender, which has led to some of the sex offender registration and notification laws throughout the country now known as Megan's Law in, in her honor.

Talk to us a little bit about that. Because my understanding of that case is that the statement you analyzed was actually provided to you by phone. You didn't even sit in the same room such that you were capable of observing these false markers of truthfulness, right? Talk to us about that.

**Jerry:** Yeah. I mean, basically, it's a different part of statement analysis. And what you do is, let's say you had a theft at Burger King and you got to go in and interview everybody. You give everybody a piece of paper and you tell them, write down everything you did today from the time you got up until now. You collect your piece of paper and you go back to your office and you read them and



you'll be able to pick out truthful statements there. And you might be able to pick out the person that stole the money. That's what I would do every day, you know, doing the polygraph.

But in this case, with Megan Kanka being missing. She was missing on the street about 6 o'clock and the police did a really thorough job and they found a guy named Jesse Timmendequas was the last person that saw this, Megan, you know, alive that night. And he said that she walked by him, he was outside and said hello to her. And that was it.

And they took a statement from him. And their statement was taken properly. They asked the right question. Because he started from the morning and gave a description of what he did all day. Right? So they brought him into the police department. This was in Hamilton, New Jersey. And they interviewed him and someone analyzed the statement that he had written down and they felt that it was a truthful statement and they released him. They cleared him of any involvement and they released him. So, he went home.

So, Bob Hover, who was in the State Police Missing Persons Unit, he did a lot of, you know, work on this case. He called me on the QT from a room in the back where nobody was listening. He said, look, I don't want to, you know, get anybody upset here or anything like that. He said, they've cleared this guy but he was the last one to see her. And usually that's pretty indicative of who the guilty person might be.

He said, and they cleared him based on a statement, but I know you've been doing it since the beginning and longer. So, if I read you a statement over the phone, will you be able to analyze it? And I said, you know, I'll try. So the way you analyze one of these statements that somebody gives you of what they did that day is that truthful people-- believe it or not, it's hard to believe, it doesn't matter what their education as far as, you know, how they did in school-- but they write it like you would write an English composition. They have an introduction to their day, they have the main body and they have a conclusion. So the introduction would be: I got up, I went downstairs, I had my breakfast, I got dressed, I got ready to go to work. That's the intro. And then at work, they would break it down because that's where the theft of the money at Burger King would happen. They know that. So they put more time and more sentences in the middle part of their statement. And they end it with a couple sentences: and then you came here and you asked me to write the statement

**Matt:** They know to focus on the relevant.

**Jerry:** Yeah, they do it automatically without really you telling them how to-- you can't say, tell me who you spoke to, where'd you go? You, you can only say, tell me everything you did. And they have to edit it and put in what they think is important. So my job, he's reading me this statement over the phone. I'm sitting at my kitchen table in Sussex County and I'm writing down, I know the crime happened around six o'clock, she's missing. So I'm waiting, so I'm listening for, when the main issue is going to start. So, 88% of his statement, I'm just making the little line of the 1234/, 1234/, 1, 2. I know I'm still in introduction and I have all of these lines going down. It ends up 88% of what he wrote, had nothing to do with this, was before six o'clock and at six o'clock.



He starts messing up his words: I've seen Megan going next door and uh, yeah a couple other sentences and then he got all confused. And he stopped and he hesitated he goes: well there back then and he's drawing arrows and he's saying that, well, no, there my friend came home then and then after that, oh, yeah, and I went over here. He wrote the statement an hour or two after it happened, right? Why is his memory out of sync? You can't remember what you did two hours ago and put it in order? He had all out of order. Because the thing that the liars do is they leave out the crime, what they did, but the mind says, I got to fill it in. And they fill it in with things that you can pick out. They don't make sense. They don't fit. So, it was a very easy statement, 88% intro, and a little bit of main issue. And then no conclusion to his day at all. He just ended it, right? So, it was totally a 100% deceptive. And I told Bob that, and then I called my two examiners to go down. They interviewed him.

The interesting thing was, they told the detectives, go get him again, so he went home. The detectives show up, said we want to interview you. He came back with his boyfriend to the police station. His boyfriend waited in the hallway. And as they were interviewing, they had seen he had put garbage out at the curb and they brought that back with him, the police. And they were looking through it and they found like blood, little bloody items and some other things. So, uh, when my examiners were interviewing and doing a polygraph on Jesse, they, you know, obviously knew he was lying. They saw he failed the polygraph. And they were talking to him trying to get him to own up to it, you know, and he wasn't owning up to it. So, you know, they give him a break. We're going to take a break.

And when they opened the door, Jesse's boyfriend was in the hallway. And unbeknownst to anyone, I think he became convinced that Jesse was guilty by listening to the detectives maybe finding this evidence in the garbage. So, when he walked in, he asked our troopers, can I talk to Jesse while you're on a break? And they said, yeah. And he goes, Jesse, they got you. I'll stand by you. And Jesse said, yeah, I did it. I'll take you to where she is. So, I mean, he trusted his friend. And when his friend told him, they know you did it, then he believed it, you know. Very amazing, yeah.

**Matt:** Yeah, one of the truly horrific, gut-wrenching murder cases in the history of the state of New Jersey and perhaps maybe the nation, which has led to sweeping reforms.

I want to pivot one last time, because I would be remiss if I didn't ask questions about this next topic on our podcast. Particularly because we've heard from lots of folks on this, on this program about what happens when confessions go wrong, the lives that are wrecked. And the impact of false confessions in particular --and wrongful convictions more generally -- on destroying people's lives, undermining the faith in our justice system and the parade of horrors that follows all of that.

How do you feel when you see stories in the news or in popular culture about police interview techniques that are overly aggressive, that are intended to perpetuate that ego that you talked about earlier, that often comes along with the authority of being in law enforcement?

**Jerry:** Yeah, it's a very terrible thing and it paints law enforcement in a very bad light that you just want to convict someone, anyone, you know, no matter what, and they go in and use threats. I mean, it might seem like it would be a natural thing to say to a suspect, you better confess. But in reality,



that's a threat of, like, or what? Or else, right? It leaves that. So, like, in the teachings, you have to really be cognizant of not putting the person in a position where you're giving them any kind of threat or ultimatum.

The other thing is, the first thing that you need to get a confession is some kind of credibility and trust, right? And it hurts me if the detective has done a good job of developing trust, but then says something like that, you know, where the person believes him. And the ones that I've read and, and, uh, things where they said, well, if, you know, if you don't admit to it, you're looking at the gas chamber. And I'm sure that they think, well, nobody believes that, nobody, he won't really believe, you know. But if they've developed trust and credibility with someone during their interview, and then they throw out statements, you know, like that...

What I find and what I teach, and it's maybe a little different way of looking at it. Do you have to convince a suspect 100% it's in their best interest to confess? Do you think you can ever convince any suspect that committed any crime, no matter how menial it is, that it's 100% good if they admit to their parents, to the police, the courts, the public, that they did this?

I mean, you're never going to have that, right? And I know there's experts out there who will say, any interrogation where a person admits anything against their own self admission had to be wrong. The interrogation had to be wrong, because nobody would do that naturally. But what I found was, I'm not looking to convince people 100% they should confess because you're never going to get there.

But put the 50% dividing line there. Where do you have to go? Right? They're making their mind up. If they're anywhere under 50% of deciding they should confess, they're not going to confess. But even 51%, anywhere over 50%, their mind has been determined, they made a decision to confess. So, I would only think anybody that's confessed to me, somehow I convinced their mind at least 51% to confess.

But my methods were very, uh, easy going, friendly, and, um, I made sure-- I tried to make sure -- never to throw out any kind of these ultimatums are threats. And people would get upset, you know, the law enforcement in these cases, and yell at them and say, hey, you're lying to us and we know it and things like that. You know, I would just talk to people about what would they gain if they own up to it? Right? So what would somebody gain? You think that's a bad way of going about it because they're going to go to jail, you know, so what have they gained? But what I believe in not lying about it is if they admit to it, can they start to have a better life and people respect them a little bit more?

And you see the people that, you know, uh, the guy that hacked all the computers in the government for millions of dollars of damage. What happens to him? He goes to jail. Then they go grab him and they bring him out to teach all the federal employees how to, you know, do this, right? So there's ways of people can turn the part of their life around where they've been doing these things. And by owning up to something can become a better person, you know, something like that.

**Matt:** What are the techniques you've seen that are most likely to result in bad or false confessions?



**Jerry:** You know, it just seems to me I haven't really encountered but the ones I see on in the media, you know. As far as me being in the room or being with someone, I've seen law enforcement get upset and yell and use those kinds: you better confess, you know, something like that. But I haven't seen it really work. You know, for me, I would go a different route if they were doing that.

**Matt:** What would you say counter to, you know, the bad cop that would say, you know, pound the table, I want the truth or you're getting the gas chamber. What would your tact be?

**Jerry:** Well, first, I got to have a meeting outside, and I would say you can't, I'm not doing that. I'm not going to be a part of, you can't talk to some, you know, tell somebody something like that. You know, we would end it.

**Matt:** What's, what's your approach? What's your approach? If you're doing the questioning, then of that individual.

**Jerry:** Would be uh, all right, you know, let's say whether I don't know if I've done a polygraph and they're deceptive, usually that would be the case for me, right?

Or I see something in the interview and I'd say, look, you know, obviously, to me, it looks like at this moment, maybe you haven't been 100% honest. And, uh, I said, that's a decision that you have to make. You know, I respect that. You don't have to, uh, tell me everything, but I said, I think that you're a good person. And I think that you would like to tell the truth at different times. And, you know, is there anything to gain from doing that? Obviously, you know, as a police officer, you can't say any gain legally. You can't say you're going to get, retrial intervention, or they're going to reduce the sentence on you because you were good enough to own up to it.

The legal part of it you can't. But if you truly have been talking to somebody about what their life is like and say, you know, are there any benefits to you, you know, and your family and things like that. A lot of times most people --and this I think goes against the thinking of law enforcement-- most people really do feel bad when they commit a crime and they feel guilty for stealing and things like that. And, uh, you know, they would like that guilt to come out. So, I just kind of have a conversation. And the biggest thing that I think that makes someone confess or that gets them in that decision-making to push them up the line-- they might come in there on a 0 to 100 scale at a five. I'm not confessing, I'm 95% sure I'm not.

But the thing that pushes them up towards 50 is thinking the person they're talking to knows the answer. So if I've done the polygraph or I see something in a statement and can present them and say, you know, it obviously looks like you haven't told the whole truth here, and they believe that. Just think in your own life the times when either you've been questioned by someone.

You know, it could be as simple as you're on a diet and you tell your wife, I, you know, I'm on a diet and then you go to the store and you pick up a couple of doughnuts and eat them on the way home. If she knows that you ate those doughnuts, are you going to lie? You know what I mean? Like, it puts you in a position of, she's looking at you like, I know you ate them. It's as simple as that. And when you get into a crime, even, I think it's that motivation when it's hard to look somebody in the eye



when they absolutely know that you're lying right to them. And I think that's what kind of gets them up close to that 50% mark. Just that. So, the thing that, you know, I do is talk to them like, You know, I think they're not being honest and the more that they believe that I know the answer, I think that gets them to start thinking, you know, should I confess? Or it's it's hard to lie anymore about it. You know, things like that.

**Matt:** What do you think was the biggest travesty of all time when it came to false confessions? And what what do you think went wrong? When you think about the false confession cases, the big ones that are out there.

**Jerry:** Well, you know, you know, what about I'm just there's some out there, right? But what about the juveniles in Central Park that were accused?

**Matt:** The Central Park Five, yeah.

**Jerry:** Raping and then hitting her with a brick, I believe. And those tactics, they had the parents come in to some of the interviews and the tactics, I think that, you know, they use there. I think they were promising, if they admitted doing it, they'd be able to go home with their parents or something like that. I don't, I don't know all the particulars. But the things I had heard as they were saying, if you own up to doing this, you know, you can go home with your mom right now and, and actually lying, you know, to these kids to where they're all like, okay, you know, I'll, I'll say that and then they made up what their friends did.

What did he do? Well, he did this and he did, you know, it turned out none of them were involved at all. You know, that was horrific. Because they were branded and they, they had statements admitting that they did these things with, details and descriptions that they had to get from the police, right? Not good.

**Matt:** Well, Jerry, it's been really a fascinating little more than an hour talking with you today, and I think our audience is going to get a lot, a lot out of this. There's probably some more we can unpack, so hopefully if you have some more time one day, we'll, do it again and talk about another aspect of your very dynamic background and career and expertise.

I know that I've come to rely on you at the, in those cases where there may not be a lot of evidence on either side. The documents, the physical evidence is just nonexistent. There is an allegation and there really is a he said/she said type of situation. And I know that your analysis has oftentimes been groundbreaking to try to move the needle in favor of my client. Or, to be instructive on what I need to know about my client's ability to, to stand up in a, he said/she said type of case. So, I'm really so delighted that you've been able to share that with our audience. I think that they're going to find this is interesting as I did. That really is all the time that we do have for today's episode of "The Presumption of Innocence." We've been talking with Jerry Lewis, the renowned polygraph examiner. Until next time. We'll see you back here on the program. Thanks so much. Take care.