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Lieutenant Colonel Colon

AFJAGS Podcast: Episode 26

Busting Polygraph Myths with Lieutenant Colonel Carlos Colon – Part 1

HOST: MAJOR RICK HANRAHAN, USAF

GUEST: LIEUTENANT COLONEL COLON, USAF

In this 2-part interview we're going to tackle the polygraph examination ... and bust the biggest myths and misconceptions on them. We'll take a deep dive into what polygraphs are, how they're used, how aspects of them can be admissible in court, the tech behind them, and the experts that use them.

MAJOR RICK HANRAHAN:

In this two-part interview we're going to tackle the polygraph examination and bust the biggest myths and misconceptions on them with Lieutenant Colonel Carlos Colon, an Air Force JAG reservist and full-time FBI Special Agent and polygraph examiner and coordinator.

To date, Lieutenant Colonel Colon has conducted over 900 polygraph exams, and in this interview we will take a deep dive into what polygraphs are, how they are used in investigations and screening tests, how aspects of them **can** be admissible in court, the tech behind them, and the experts that use them.

[Upbeat Intro Music]. Here are a few clips from part one, of today's show.

SHOW EXCERPT, LIEUTENANT COLONEL COLON:

The reality is there is a lot more to the actual polygraph than the actual charts. But what is said during the pretest and posttest **is admissible** because that is just an interview. When we are asking those questions there are physiological changes that are going on, and those are result of the autonomic responses in your body. It is what, sometimes you hear as the fight, flight, freeze response.

ANNOUNCER:

Welcome to The Air Force Judge Advocate General's Reporter Podcast, where we interview leaders, innovators, and influencers on the law, leadership, and best practices of the day. And now to your host from [The Air Force Judge Advocate General's School](#).

MAJ HANRAHAN:

Welcome to another episode from [The Air Force Judge Advocate General's School](#) at Maxwell Air Force Base. I'm your host, Major Rick Hanrahan. Remember, if you like the show please consider subscribing on Apple Podcast and leaving a review. This helps us to grow in outreach to the JAG Corps and beyond.

We have quite an interesting topic and show for you today on, busting polygraph myths with our guest Lieutenant Colonel Carlos Colon. Lieutenant Colonel Colon is no stranger to this topic with over 900 polygraph examinations under his belt as an FBI agent currently assigned as the division polygraph program coordinator and examiner in Tampa, Florida. In fact, we had to postpone our initial interview due to a polygraph exam that he had to conduct.

Sir, with that, thank you for taking some time to speak with us today.

LT COL COLON:

Hello, welcome. Glad I could help you and I am here today to answer whatever questions and try to shed a little bit more light on polygraph and some of the myths that I've continuously heard throughout my career.

GUEST INTRODUCTION**MAJ HANRAHAN:**

Lieutenant Colonel Colon enlisted in the U.S. Army reserves as a military policeman in 1995, while attending the University of Florida. While continuing his reserve duty, he attended Stetson University and received his juris doctor *cum laude* and a Master's degree in business administration. In July 2002, he transferred from the Army Reserves to Air Force active duty as a JAG. Four years later, he transitioned out of active duty to the Air Force Reserves as a JAG individual mobilized augmentee or IMA. In 2008, he entered the FBI as an agent and has been assigned to divisions in Topeka Kansas, San Juan, Puerto Rico, and now Tampa, Florida.

In his first two assignments he worked in the violent crimes squad, domestic terrorism squad, violent gang squad, among other units and became a division polygraph examiner along the way. He also performed collateral duties to include, SWAT operator and sniper, firearms instructor, tactical instructor, among other duties. He is currently assigned the Division Polygraph Program Coordinator and Examiner in Tampa Bay, Florida and on the Reserve side he is the IMA to the SJA at Hurlburt Field, Florida.

PODCAST INTERVIEW**MAJ HANRAHAN:**

So sir, kind of with that backdrop, 900 polygraphs. By my count, at one polygraph a day, that would take about two and a half years of doing polygraphs. And I thought, we as the government weren't really doing these that much anymore. So, perhaps you can talk to our listeners a little bit more about this in your current duties in both the FBI and also what you do in the Air Force Reserve.

LT COL COLON:

Sure, no problem. And exactly what you say it's one of those things I hear a lot of when people know that or I speak about what I do for the FBI as a polygraph examiner. There's a lot of mystique to it, I guess. I've heard everything from, "Oh that's voodoo," "That's not science," this, that, and the other. And, a lot of individuals believe because I hear a lot, "It is not admissible in court. So, why do we do those?" Things of that nature. We'll go into more detail about that, but for the FBI and for most federal agencies the polygraph is actually a very important tool. And that is one of the things kind of hit with most individuals, it's a tool. That is what the polygraph is.

So, in my present position I do wide variety of polygraphs and primarily it's whatever the division needs. I do everything from what we call consider screening polygraphs examinations. Which are applicants who are applying to the FBI. Whether, a special agent

position, support position, anybody who is trying to get employment with the FBI has to go through a polygraph examination. One of the things that comes up is, a lot of people believe that you cannot make that a requirement for employment. However, there is the [Employee Polygraph Protection Act](#) that came out back in about, 1988—that focuses on commercial businesses, though.

For the Federal Government especially police agencies, we are allowed to make that a requirement for applying and getting a position with our organization. So, I do a lot of those. Even interns, if we have an intern, a college intern who is going to work with us they still have to take a polygraph because it's part of their background investigations.

Then, we also as employees. Since we have our background investigations that are conducted about every about five to six years. Part of that depending on your level of clearance, is also a polygraph examination and this is just to ensure that, it is related to security focusing on what we consider to be a counterintelligence focus examination. Just to ensure that we don't have an individual who is engaging in espionage, possibly terrorist activities as a member of the FBI.

Beyond that, there are a wide variety of other polygraphs that I conduct. Anybody going into witness protection program has to go through polygraph examination. I can potentially polygraph witnesses of any kind of criminal investigation. And primarily really the real focus of why I do what I do is, doing polygraphs of subjects of investigations. So, these are individuals who are alleged to have conducted some kind of crime and again we can go into more detail about exactly when it's appropriate to do a polygraph on one of these cases but my role is to come in and then do a polygraph of that individual to see if what they are saying regarding that alleged crime is true or not.

Obviously, a lot of times it is their stating that they had nothing to do with the allegation against them. So, my role is to come in, conduct that polygraph and then see, are they being truthful, are they being deceptive, and then most importantly get the information, the truth. Get that confession. So that is a wide variety of the type of polygraphs that I do as a FBI polygraph examiner.

BEING THE EXAMINEE

MAJ HANRAHAN:

So sir, obviously you're sitting on one side as the examiner in the polygraph but you mentioned to me in prep for this interview a few days ago when we discussed this topic how what your experience was like as being the examinee. Can you talk to that for a second?

LT COL COLON:

Yes, no problem. And that is good one because as an examiner, I've actually been examined myself about four times already. I actually did an internship myself when I was in law school with the FBI and in order to get that internship, as I stated, I had to do a polygraph. And it was a full polygraph examination what we call, full scope. Which was my background suitability type questions and counterintelligence focus. I can tell you going through that it wasn't a fun experience. So, I understand the anxiety, nervousness that individuals have when they come in because I have been there. I had to do that one as an intern and then when I, years later, actually applied to be a full-time employee had to do another polygraph. Another full scope.

So, I've been through that process. And it is, it's not a very comfortable experience. It's not somebody [sic] and that anybody looks forward to or nothing like that but it does serve its purpose. And the funny thing about that is when I left my polygraph, my pre-employment polygraph, I told individuals, "I'm not sure I am going to get this job" or "I did think that I was that bright of a person." Or, "The polygraph examiner felt like my dad scolded me for every little thing I did." Now, years later fast-forward being on this side I kind of understand. Oh, I get why he asked me that question. I get why he did

that or that. So, the polygraph examiner obviously is not there to be my friend when I was on the receiving end of the polygraph, but I get the purpose of it and it was very important because it made sure that from a perspective of being an employee at the FBI there were no issues in my background that could cause problems. Especially with the amount of responsibility and authority that I'm giving as a Special Agent in the FBI.

And even as an examiner, since I am an employee, I'm subject to my five-year background re-investigations and last year as a matter fact, I had to do my five-year reinvestigation polygraph examination and had to go through the same thing that every one of our employees go through.

So again, I understand their frustration, their nervousness, anxiety because I went through the same thing. And even knowing the exact questions that they were going to ask, because it is the exact same test, I still went in there with a lot of nervousness and anxiety not because I am betraying my country or anything, it is just the nature of the examination. But I got through it just fine and most employees do without any issues and stuff.

So, it is designed like that for a purpose and when you look from the macro level of why we do that it does serve a purpose. Especially, for the FBI it is well-known, we had [Robert Hansen](#) back in the 80s and 90s that betrayed our country and engaged in a lot of espionage and that is why we do what we do. It's best to avoid that type of individual and subject. The majority of individuals are not doing anything wrong to a polygraph in order to avoid another situation like that.

POLYGRAPHS

MAJ HANRAHAN:

And sir, we have obviously a large audience of military listeners and I can imagine many of them are sitting there going, but we don't do polygraphs in the military. Can you speak to that and also, discuss what are the biggest myths and misconceptions about polygraphs?

LT COL COLON:

Well, in regards to the military, one myth right there is that the military doesn't do polygraphs. That is actually a myth. The military does do polygraphs examinations. Now it does not do them for employment of all military members obviously with the sheer number of military members that come in every year that would be very difficult and the reality is that based on upon the clearance that most military members receive, they don't need a polygraph examination. However, there are positions within the military that because of that security clearance, specifically top-secret, SCI type clearances, those military members do go through a polygraph examination.

Matter of fact I actually have, and even civilians I should say, and where I'm going with this is living in Tampa, Florida we have MacDill Air Force Base. We have Special Operations Command, Central Command, as you can imagine a lot of positions that require those sensitive clearances. And I've actually have conducted counterintelligence polygraph examinations for individuals at MacDill in order to get their clearance. So, even as a military member or DoD civilian you can get a polygraph in order to get that clearance.

Plus, all services like myself working for the FBI, all services have polygraph examiners assigned to those departments. Specifically, the Office of Special, excuse me, OSI, the Air Force OSI, Office of Special Investigations, Army CID, Criminal Investigations Division. They all have polygraph examiners who do a lot of what I do in regards to criminal investigations polygraph examinations. Matter of fact our certification to become federal polygraph examiners when I went through my course it was with some individuals who were from different services that were going through the program to become polygraph examiners as well.

MAJ HANRAHAN:

So, kind of with that in mind, sir, what you think are the biggest myths about polygraphs then? I mean obviously we have military members within our law enforcement

divisions that are trained, and I think you mentioned they get trained the same location, correct, that the FBI goes to?

LT COL COLON:

Correct. Yes, all federal examiners. So that would be the FBI, DEA, CIA, so all the three letter organizations, and all military as I said OSI, CID, all NSA all those organizations. Their polygraph examiners for any federal organization goes through same course, which is the National Center for Credibility Assessment, it is actually out of Fort Jackson Columbia, South Carolina. It is about a three and a half month long course and we all, in order to become a federal certified examiner, have to go through that course and pass that course. So, what it does is, it puts us all on exactly the same standards following the same protocol when it comes to administering our polygraph examinations. And NCCA, actually inspects all federal agencies as well periodically to ensure that we are complying with the protocols set.

And when I mean protocols, is there are different types of tests, formatting tests, that can be done with polygraph but we all abide by protocols to ensure that, and this will go to some of the myths that we will be discussing, to ensure that it's not me, Special Agent Carlos Colon saying an individual is lying or being deceptive. I'm following strict protocols that are all based upon years of research that have been conducted. That indicate these are good protocols and what gives some credence to our program as a polygraph examiner.

MAJ HANRAHAN:

Sir, I think you had also mentioned that this training that you get at the federal level is not the same that you would get a state level or local level.

LT COL COLON:

Correct. There are polygraph examiners, there actually a ton of polygraph examiners. Local departments, here a matter fact, Hillsborough County Sheriff's office has examiners. Tampa Police Department has polygraph examiners. So local law enforcement, local agencies have

polygraph examiners. Now, those individuals because it is not federal, do not go to the course that I went through, that all of us on the federal level go through.

There are quite a few different polygraph schools that are out there and they're administered throughout various states. You can probably do a Google search in your state and see if there is a polygraph school where you can go can go on your own and become a polygraph examiner. There are actually, private organizations that individuals become certified polygraph examiners because polygraph is not just for criminal cases, they're for civil cases as well.

You can see plenty of things and when I mean civil, it goes back to, I get the question well, hold on, they're not admissible in court. You know you have the Employee Polygraph Protection Act, that doesn't allow an employer to use that as a basis for employment. And those are all true. The thing though, is that the polygraph can be used for various different things. Infidelity cases, when you have a domestic situation, individuals can pay to have their spouse or family member polygraphed. When it comes to private employers, they cannot use a polygraph for a basis for employment. However, say there is a theft within the company, there is an issue going on and the evidence indicates that a certain individual may be the one responsible. The employer can offer that individual to take a polygraph and if the individual agrees to it—because a polygraph, one of the things and this goes to another myth is, nobody can be forced to take polygraph. I can't force somebody to take a polygraph.

I know some individuals will say, you just said in order to get employment with the FBI you have to take polygraph. And that is true, that is a criteria. Just like, you have to pass a physical fitness test to become a special agent of the FBI. There are certain criteria's in place. But if you refuse to take a polygraph that's fine you have to consent to take the polygraph. Any polygraph examinee that I have whether it is an employee that we have already working for us, a new applicant, an

alleged subject of a crime, they all have to consent to the examination. So, that is why the polygraph is used a lot of different forms. So, you do have state level examiners either for police agencies or in the private sector and they go to separate schools based upon whatever criteria the state may put in for getting certification to become a private polygraph examiner.

MAJ HANRAHAN:

And sir, would it be safe to say that there is kind of two main buckets then? You have your bucket, where you use polygraph more or less for the employment decisions and then the other bucket for law enforcement or investigations.

LT COL COLON:

Correct. Yeah, the way we break it down is for those administrative ones, they're screening examinations. Those would be for employment purposes. That would be the five-year re-investigations, that would be the applicants whether an intern or new hire, contractors that we have. Those are what we considered the screening test because we are not, we're not going for a specific issue. We are screening for a variety of issues to ensure there's nothing there that may cause issues with providing this person access to classified information or employment with our agency.

The others, are we call specific issue examination. And these are the ones that are directed to a specific issue. For example, we have a bank robbery subject. I will give a polygraph on that individual specific to the issue of that bank robbery. It is not a bank robbery, a murder, a carjacking. That would be multiple issue and that is not really in the most effective use of a polygraph. As a matter fact, that is against the formats that we use. So that is the big difference between the two. There's the screening which are more the administrative where you see for the employment stuff, and the specific issue where you see will reconsider operational. Criminal investigations, if we have a counterintelligence investigation going on. Things of that nature.

MAJ HANRAHAN:

So, I can see listeners especially our military listeners going, okay, obviously there is a lot of training done, certifications that are needed to be in place. Especially at the federal level and that you can and we do use polygraphs. But obviously, we can't use them in court. Which you mentioned, but what can we use out of a polygraph, or what information can we kind of glean or take through a polygraph that could potentially be used in a criminal investigation?

LT COL COLON:

Absolutely, and that is one of the first things. I even get that from applicants the first thing I hear because I open it up and say, "Okay, what do you know about polygraphs? Tell me what you know about polygraphs? What are your feelings on polygraphs?" During the pretext phase of my polygraphs that I administer, and that always comes up, "Well, it is not admissible in court." Well, the reality is that when it comes to admissibility it actually varies from jurisdiction. And what I mean by that is it's federal, state to state. Some states ban it completely you cannot use it all. And I will get to what I mean by "all" because really what we are talking about is the actual examination itself, the data that we are talking about. Others can be used, the results can be used by stipulation and others it's all can be admitted on objection. So, it all depends on the jurisdiction first of all.

So when people say, "It's not admissible in court." Well, that is not 100 % true. And beyond that, even if the data, right, the charge that I collect, that is what we call the data. The actual information that I'm looking at to determine whether someone's being deceptive or not. Even if that data is not admissible, which in most jurisdictions it is not. Matter of fact you know for the most part you can even mention the word polygraph during a trial unless it somehow came in by some exception. But the reality is that there's a lot more to the actual polygraph than the actual charts.

When I administer a polygraph, there's three phases of a polygraph. There is the pretest phase, there's the actual examination, the administering of the examination where you attach all the components and I am asking the specific questions and collecting data. And what I mean by data is physiological data that's ultimately what we are looking at when we conduct a polygraph examination. Your heart rate, your blood pressure, your sweat gland activity, things of that nature. And then there's the posttest phase. So those three phases.

Again, the data that physiological information that I'm collecting when I'm actually administering the examination may not be able to come in. The results of the examination of whether the person was deceptive or non-deceptive, what we consider passing and failing because it's not really passing or failing when it comes to a polygraph. For us we call it if you are not getting through DI, deception indicated, where there is indication that you're being deceptive for whatever it is that I am asking. There's NDI, which is non-deception indicated—where that would be more of the passing. There is no deception indicated on what I am asking. And then there is middle ground—where we call inconclusive, which is not that you're passing or failing, it's just, for a wide variety of reasons, the data is just not clear exactly on which way you are going, and we will retest the individual.

But the reality is that when it comes to admissibility it's just that data portion. What everyone forgets is that pretest phase. Which depending on what I am doing for an applicant, that pretest phase may go half an hour, forty-five minutes—because they're pretty standard questions. At that point the applicant has already been interviewed, they have already provided SF-86 that a lot of individuals who work for the federal government know, and we're just trying to verify that they've been honest and straightforward about all that information they provided.

In a criminal test, I may be talking to the subject of that criminal investigation about the polygraph, an hour, two hours, three hours—depending on what we are talking about, what's coming out, things of that nature, before I even administer the examination. If an individual does go DI where they are indicating deception my posttest which is what some may consider that interrogation portion of the exam examination, is to find out exactly well what it is that they're being deceptive about. Get that specific information, get that confession. Well, what is said during the pretest and the posttest **is admissible**, because that is just an interview. An interview/interrogation, which as special agent of the FBI is really the bread-and-butter of what I do as a polygraph examiner and even before I became a full-time polygraph examiner with the cases that I investigated that is all I did. Interview/interrogation, interview/interrogation and the information that comes out of that is admissible.

So, when we talk about admissibility, yeah the data itself, the results on whether the individual went deceptive indicated or non-deceptive indicated may not be admissible. But everything that the individual tells me during that examination pretest, posttest is admissible. And that is one of those myths, that people think nothing is admissible which is not the case.

And at the end of the day, for me as an examiner, that data is really confirming what I suspect already during the pretest phase. Because if I'm doing my job well as an interviewer, I have a pretty good indication of where the person is at during that pretest phase anyway. And, what I mean by that, is that based upon my experience, my training and doing interviews—there's a lot of interviewing techniques that we've been trained on—and through experience when you start interviewing somebody you start getting indicators of, yeah this person I'm not getting the full skinny. I'm not getting the full facts. There seems to be more here and this person seems to be withholding information. So, I have

a good indication of where this examination is going to go and the reality is that the exam itself, the data tends to confirm what I already suspected during the pretest; and then I go into my posttest to actually get the further information. So that is where all that other stuff is admissible.

MAJ HANRAHAN:

And sir, if I can interject is that the benefit of doing a polygraph examination versus just a quote, normal examination?

LT COL COLON:

Well, when we say exam, the way that I would differentiate, there is a polygraph examination and then just an interview.

MAJ HANRAHAN:

Interview, correct.

LT COL COLON:

Correct yeah just to be clear on that. So, and you are right what is the benefit of the polygraph? I get that a lot. If it is not admissible the data and it just the interview portion. What is the difference? Why can't non-polygraph special agent investigators do it? And the reality is we have, and most agencies have excellent interviewers. That when I went to the Academy we spent a lot of time training on interviewing interrogation skills. We had mock investigations, and actors would come in, and we would practice consistently, continuously on honing and fine-tuning our interviewing techniques. So yeah, it is not one of those that polygraph has to be done one over the other. What tends to happen is where polygraph is beneficial is that it's a tool. And that is what I keep telling individuals, it's a tool. Like many tools that we have when you're conducting investigations whether it's surveillance, putting up a pole camera, doing a wiretap. A polygraph is another tool. And if used appropriately it's a very effective tool.

Because what differentiates a lot is you will have an individual and where the evidence is maybe not 100 percent concrete against the individual, which tends to be in most cases. It's not like TV where there is always the smoking gun within the last 10 minutes that they all find out stuff. The reality is in the real world it ends up being a lot of circumstantial evidence. A lot of evidence points at this individual, but not 100%. You know there is the CSI factor that we talk about where, I know in TV they pull up their phone and they have DNA data, 100% on everybody.

The reality is, we do have obviously have technology that helps us, but it is a limited factor. So, what happens a lot is when an investigator has evidence against an individual, maybe circumstantial, but they believe this individual is, they have interviewed the person and the person refuses to take that extra step and admit to whatever it may be.

Polygraph is effective because the individual, as long as they consent to take the polygraph when they come in, they see that polygraph instrument, the tool. That is sometimes in it of itself is enough that the individual, say's, "Okay, you know what I am going to give it all up." If they don't, I get the benefit of now seeing what is physiologically going on with that individual. Which a fellow agent who is just administering an interview without the actual data portion doesn't see what is going on.

And, that tells a lot because at the end of the day what polygraph is, is when we are asking those questions there's physiological changes that are going on and those are result of the autonomic responses within your body. It's what sometimes you hear as the fight, fly, freeze response. Anytime there is a threat against us the body reacts, physiologically speaking. And when it comes to being asked questions and deceptions, we all were raised certain ways. Most of us know that lying is wrong. Lying, cheating, and stealing is wrong. So

as adults, when we go to lie or withhold information or try to be deceptive, our body knows we're doing something wrong and it's a threat to us, and the body reacts physiologically speaking—and that is what we are honing in as a polygraph examiner.

And I can see that in this data and that's what helps me confirm what I believe possibly in the pretest and what the investigator who has already interviewed this person maybe multiple times believes. But now, we have the hard data, where you can confront that to the individual, and it is that effective tool that gets them, kind of pushes them over the edge finally to completely be truthful, put it all out there and tells exactly what happened.

MAJ HANRAHAN:

Well sir, it clearly sounds that there are some benefits for sure in using the polygraph as a tool as you mentioned. But when we discussed a few days ago in prep for this interview we both mentioned how we hardly, if ever saw the polygraph used in, at least from the Air Force standpoint in criminal investigations. I personally never saw it used and I know I'm just speaking for myself, so that is a bit anecdotal. But it just seems to be very rare in a criminal investigation, but obviously it sounds like the FBI is using this tool quite frequently, right? Could you speak to that? Why may that be a case when there is a distinction with how it is being used at the FBI. Is this just more of an FBI tool or is this just something that the larger JAG Corps just isn't aware of?

LT COL COLON:

Yes, I think it goes to that. Because when I prosecuted as an active duty JAG, I never had a polygraph that was ever used. It wasn't even something I thought of. And as we discussed and prepped for this, I don't even remember it being brought up when I was going through JASOC to become a JAG officer for the Air Force. In that course I can't recall it ever coming up or us even discussing it.

When I went through my academy at the FBI it was something that wasn't really discussed much either. And I think that it's one of those myths and stuff that

in my agency we use it a lot but even then, one of the struggles I have is a lot of times is I can't force, in our agency, the individual who runs an investigation is called a case agent. They are the ones, who come up with the investigative plan. They determine on how the investigations go. They are the lead investigator.

I, as a polygraph examiner, can't tell a case agent "You need to use a polygraph, and you will use a polygraph in this case". It is for the case agent. It is a tool that they have and it is their determination. Just like when I was an investigator, primarily as a case agent lead investigator before becoming a full-time polygraph examiner.

So, what happens is, is without that individual even thinking about using a polygraph, I don't ever even get called. Even though the case may be a perfect case for the use of the polygraph. And I saw that even as a new agent.

When I started out, polygraph wasn't something I really thought about until actually I had a case that I worked with matter of fact, Army CID, The Criminal Investigation Division when I was assigned to Topeka, Kansas out in Fort Riley. I had an old five-year-old homicide case where on base they pulled the vehicle out of one of the lakes on base and inside was a badly decomposed body. Long story short, it was unfortunately a dependent spouse that was killed about five years prior—body was put in the vehicle, and the vehicle was dumped in the water—and just in happenstance the vehicle was found. Well, during that investigation there were several different leads. A lot of circumstantial evidence, because one of the things in that case, the body was so badly decomposed that the autopsy came back without any finding. What that meant was, they couldn't say was this a suicide, was this an accident, was this a homicide—because there just wasn't enough of the body left to do that.

However, based upon the circumstance of how the body was found and some other evidence that we had, myself and the CID agents that I was working with believe that this was a homicide. So, we pursued the investigation

as a homicide, and we had several different leads. One individually, we found who was still in the Army was actually at Fort Bragg, and a lot of the evidence pointed at him being responsible for the subject's death which was a female. Well, we used the polygraph the individual kept denying, denying, denying that he had any involvement with the subject's death. Had any involvement even though we had evidence that the individual was romantically involved with the victim. Conducted a polygraph examination and sure enough he passed the polygraph.

Well, the polygraph, recall I said it was a specific issue examination we asked him specifically about the murder being involved in the death of this victim. Well, he passed that. In that polygraph, the polygraph examiner was an excellent examiner out of our Charlotte division. He is still an examiner now and now I am a colleague of his. As an examiner he actually was able to get the individual to confess that what was causing the problem was he denied having any kind of relationship with the victim because he was married at the time and was still married and he was concerned that would cause problems in his marriage. So, I found the polygraph to be very effective even though this wasn't the actual subject, the individual who did it. It actually helped my investigation because I was putting a lot of resources, myself and CID towards this case. Towards this individual. And once he passed the polygraph, now our resources even though we had no other leads at the time could be focused on trying to apprehend the true subject. Sure, enough through our investigation now that we weren't focus solely on this individual, we found another individual.

Same thing happened. We went to go talk to him and he actually would not admit to actually being involved in this individual's murder. However, we asked him if he would be willing to take a polygraph. He decided to take it and failed it and our polygraph examiner actually was able to get a confession out of him. And sure, enough he

confessed to murdering the victim, explained in detail and everything. Which fit what we believed based upon the circumstantial evidence. So that is where I became a believer in polygraph as being an effective tool for an investigation. In that case we had a lot of circumstantial evidence and we just couldn't narrow it down to one specific individual or have enough evidence and even with this final subject, I remember they AUSA, Assistant U.S. Attorney that was assigned to the case that I was investigating said, "Yeah, this guy looks like he did but it is all based on circumstantial and without a confession we just cannot indict him." So, without that polygraph this individual would've never been indicted. There would have never been justice for that poor victim and it all ended up working well.

So, I've taken that with me now when I become and examiner try to explain to agents that I talk to, because unfortunately their only exposure to polygraph is their pre-employment polygraph. Which as I stated at the beginning is not the best feeling you don't think, "Oh, this guy just hates me. He is just out to get me." Even employee employees with the five-year. "Oh this guy is just out to get me." So, they have kind of this negative connotation with polygraphs, so they don't reach out to it and it is a very effective tool when used appropriately.

MAJ HANRAHAN:

That concludes part one of the interview with Lieutenant Colonel Carlos Colon. In part two, we continue discussion on busting the biggest polygraph examination myths.

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GLOSSARY

- **AUSA:** Assistant U.S. Attorney
- **CIA:** Central Intelligence Agency
- **CID:** Criminal Investigations Division
- **CSI:** Crime Scene Investigation
- **DEA:** Drug Enforcement Administration
- **DI:** deception indicated
- **FBI:** Federal Bureau of Investigation
- **IMA:** Individual Mobilization Augmentee
- **JAG:** judge advocate general
- **JASOC:** Judge Advocate Staff Officer Course
- **NCCA:** National Commission for Certifying Agencies
- **NDI:** non-deception indicated
- **NSA:** National Security Agency
- **OSI:** Office of Special Investigations
- **SWAT:** Special Weapons and Tactics
- **SJA:** staff judge advocate