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Forensic Assessments

Polygraph Examinations

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Edward F. Novak, Attorney at Law
One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004-2391

Re: Matthew Bandy

Dear Mr. Novak:

At your request, on 26 September 2006 I conducted a polygraph examination of your client Matthew Bandy. The purpose of the examination was to assess his credibility with regard to allegations that he used his computer to download and view child pornography from the Internet. After receiving information from Yahoo.com, on 16 December 2004 the police searched the Bandy residence and seized a computer and compact discs. A further investigation revealed that the computer hard drive contained images of young children in sexually explicit poses and the CD also contained such images. Matthew Bandy has been charged with violations involving child pornography. However, has denied that he downloaded, uploaded, stored, or viewed any such photographs.

The polygraph examination was conducted in Phoenix, Arizona. At the outset of my interaction with Matthew Bandy, I explained his rights, generally described the procedures that would be used in the examination, and obtained his written consent to administer the examination. During the pretest interview, Matthew Bandy stated that he had never used his computer to download or upload any sexually explicit photographs of minors, that he had never viewed any such photographs on his computer, and that he had never recorded any such photographs on a disc. He stated that before the police came to his house on 16 December 2004, he was unaware that there were sexually explicit photographs of minors on his computer.

A control question polygraph examination was administered. It included a number test to assess Matthew Bandy's reactions when he answered truthfully and deceptively according to my instructions and to familiarize him with the recording procedures. The question structure of the polygraph test included relevant questions concerning the issues to be resolved by the examination, probable-lie comparison (control) questions that were reviewed so as to elicit a "No" answer, and neutral questions that were answered "Yes." Following the number test, all of the questions were reviewed and discussed with Matthew Bandy to eliminate any possible ambiguities and to elicit only "Yes" and "No" answers.

The question sequence, which was presented five times, included the following relevant questions, all of which were answered "No":

- R1. DID YOU EVER USE YOUR COMPUTER TO DOWNLOAD OR UPLOAD A SEXUALLY EXPLICIT PHOTOGRAPH OF A MINOR?
- R2. DID YOU EVER VIEW A SEXUALLY EXPLICIT PHOTOGRAPH OF A MINOR ON YOUR COMPUTER?
- R3. DID YOU EVER RECORD SEXUALLY EXPLICIT PHOTOGRAPHS OF A MINOR ON A DISC?
- R4. DID YOU KNOW BEFORE THE POLICE CAME TO YOUR HOME ON DECEMBER 16, 2004 THAT THERE WERE SEXUALLY EXPLICIT PHOTOS OF MINORS ON YOUR COMPUTER?

The physiological recordings were obtained with a Stoelting Computerized Polygraph System (CPSII), which continuously recorded on a computer precise measures of thoracic (TR) and abdominal (AR) respiration, skin conductance (SC), relative blood pressure (BP), and peripheral vasomotor activity from the finger (PL). All of the physiological measures were permanently stored in the computer together with the text of each question, when each question was asked and answered, and any artifact designations entered by the examiner.

The polygraph charts were subjected to a detailed numerical evaluation that has been demonstrated by extensive scientific research to be highly reliable and valid. This scoring method compares the relative strength of reactions to relevant and comparison (probable lie) questions, such that negative scores are assigned when the physiological reactions to the relevant questions are stronger and positive scores are assigned when reactions to comparison questions are stronger. Total scores of -6 or lower for the entire test indicate an overall deceptive outcome, total scores of +6 or higher for the entire test indicate an overall truthful outcome, and scores less than 6 in either direction are inconclusive.

Matthew Bandy obtained a total score of +18, which indicates that he was truthful overall in answering the relevant questions listed above. The pattern of scores on the individual questions indicates that he answered truthfully to each of the relevant questions. On the basis of the polygraph examination, it is my scientific and professional opinion that Matthew Bandy was truthful when he denied uploading, downloading, storing, or viewing sexually explicit photographs of minors. The scientific evidence indicates that the confidence in these conclusions is approximately 95%.

Sincerely yours,

David C. Raskin, Ph.D.
Emeritus Professor of Psychology
Licensed Polygraph Examiner