INVESTIGATING CRIMES THAT THREATEN NATIONAL SECURITY THROUGH THE LENS OF THE SIMULATED BEHAVIOR DETECTOR

INVESTIGAREA INFRACȚIUNILOR CARE AMENINȚĂ SECURITATEA NAȚIONALĂ PRIN PRISMA DETECTORULUI DE COMPORTAMENT SIMULAT

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Summary

Law enforcement authorities face significant difficulties in investigating crimes, which requires the use of more sophisticated research methods. Modernization of technical and scientific equipment and continuous training of specialists are priorities to ensure rigorous investigations and efficient justice. Cooperation with international organizations such as Interpol and Europol supports these efforts and allows the exchange of good practices in the investigation of serious crimes. As for testing with the simulated behavior detector, a logical sequence of steps is followed: preparation, test execution and interpretation of the results. It is essential to follow standardized procedures in order to obtain relevant and reproducible data.

Keywords: *truth, law enforcement agencies, legal norms, process, stage, conclusion, interpretation, decipherment, final report.*

Rezumat

Autoritățile de aplicare a legii se confruntă cu dificultăți semnificative în investigarea infracțiunilor, ceea ce necesită utilizarea unor metode de cercetare mai sofisticate. Modernizarea echipamentelor tehnice și științifice și formarea continuă a specialiștilor sunt priorități pentru a asigura investigații riguroase și o justiție eficientă. Cooperarea cu organizații internaționale precum Interpol și Europol susține aceste eforturi și permite schimbul de bune practici în investigarea infracțiunilor grave. În ceea ce privește testarea cu detectorul de comportament simulat, se respectă o secvență logică de etape: pregătirea, executarea testelor și interpretarea rezultatelor. Este esențial să se respecte proceduri standardizate pentru a obține date relevante și reproductibile.

Cuvinte-cheie: *adevăr, agenții de aplicare a legii, norme juridice, proces, etapă, concluzie, interpretare, descifrare, raport final.*

Introduction. The development of simulated behavior detector testing procedures has undergone remarkable evolution over time. During the period 1930-

1960, the polygraph test was structured in three main stages: an initial discussion with the test subject (pre-test), followed by the actual interview (the actual testing) and concluded with a post-test discussion.

Significant innovations were made in the 1970s by American specialists Gordon Barland and David Raskin [1, p. 126]. They introduced an additional step to the simulated behavior detector procedure: expert evaluation of the test results. This addition increased the complexity and accuracy of polygraph analysis.

By 1985, the process had been refined by recognizing the importance of a preparatory phase preceding the actual examination. Thus, the number of phases in the simulated behavior detector test was increased to five.

The basic content. Currently, it is even more detailed, including up to nine different stages, each with its specific role in ensuring the validity and reliability of the test.

The actual examination

The examination process in a polygraph test begins with the examiner asking a series of well-structured questions, and the subject's responses are recorded on the polygraph chart. This step is not limited to capturing the subject's responses, but also includes a detailed analysis of the physiological reactions that are triggered by these questions.

Verifying that the preliminary conditions have been met is an important step before starting the actual examination. Among these conditions is ensuring that the subject has given informed and voluntary consent. It is essential that the person being tested fully understands the nature and purpose of the test and participates willingly.

Assessing the psychofunctional state of the person to be tested is also a fundamental aspect to ensure the accuracy of the results. The examiner must ensure that the subject is in an adequate mental and physical state, checking for the absence of factors that could affect the test results. This includes assessment to rule out possible psychofunctional disorders, generated by the use of alcohol, drugs, narcotic substances or medications with psychotropic effects, as well as other substances that can cause confusion or alteration of the state.

This preliminary assessment is essential to ensure that the results of the polygraph test are representative and valid in reflecting the subject's real state. Attention to detail increases the reliability and relevance of the polygraph in criminal investigations, where the accuracy of the information is extremely valuable.

When conducting the polygraph test, it is essential that the subject follow a specific set of instructions to ensure a fair and accurate assessment:

- the subject is instructed to provide simple answers, limited to a clear and concise ,,yes" or ,,no";

- answers must be provided promptly, without undue delay, in order to maintain a consistent and clear flow of the test;
- the subject may make statements or add additional comments only after the completion of a set of questions and only with the explicit consent of the polygraph examiner;
- during the questioning, the subject is asked to avoid any bodily movements. The polygraph examiner will indicate appropriate moments for muscle relaxation and recreation during the session;
- the subject must maintain his or her gaze directed forward, without averting his or her eyes;
- closing the eyes is discouraged, except for natural blinking, which is normal and acceptable behavior;
- it is important that the subject keep his or her feet flat on the floor, with the entire surface of the sole in contact with the ground;
- if the subject did not hear a question clearly, he is instructed to remain silent and not provide an answer until the question is clarified.

We recommend that the actual testing begins with a stimulation test, which is carried out after the subject is informed and instructed about the rules to be followed. This test will reduce the anxiety generated by the new experience and will allow the assessment of the person's normal physiological rhythm, thus guaranteeing the accuracy of the measurements.

We believe that it is essential for the polygraph specialist to be seated sideways to the person being tested, in order to allow him/her complete visibility of the person during the entire testing session. Such positioning is beneficial in the permanent monitoring of the subject, an important factor for detecting any attempts to avoid or manipulate the results of the polygraph test.

Moreover, personal tests and experiments conducted on various individuals suggest that the formulation of questions by a person outside the subject's field of vision (behind him) can induce a feeling of discomfort. This discomfort can generate non-specific emotions, which contribute to increasing the level of anxiety of the tested person.

We come up with a recommendation for polygraph examiners working in law enforcement institutions in the Republic of Moldova: to reorganize their workspace and reposition the furniture in a way that reflects the previously mentioned aspects. It is important that the arrangement allows for a lateral positioning of the examiner with respect to the subject, thus ensuring optimal visual supervision and creating a conducive environment for the correct and efficient conduct of polygraph tests.

The polygraph examiner should adopt a calm and balanced approach to communication, using a low volume of voice. It is important that the questions are

asked in a uniform and monotone tone, without highlighting certain questions through intonation.

Using a constant and monotone tone of voice prevents unintentional emphasis on certain questions, thus helping to avoid influencing the subject's answers and preventing the appearance of bias in the analysis of the polygraph test results. This approach, which maintains the impartiality and objectivity of the testing procedure, is discussed in detail by Slater, Allen, and Mira Joseph in the work *Policing Project Five-Minute Biometrics Primers: Lie Detection I – Polygraphs* [2].

Furthermore, the National Research Council emphasizes that a polygraph test and its result are the joint product of an interview or interrogation technique and a psychophysiological measurement technique. The examination is not simply a physiological measurement technique, but involves interaction between the examiner and the examinee, which can influence the results [3].

The total duration of a polygraph testing session is determined by several factors:

- *the state of fatigue of the person being tested* – the level of fatigue of the subject can significantly affect the physiological responses during the test. A tired person may require a slower and more careful approach to ensure that the results are as accurate as possible;
- *the testing methodology used by the examiner* – different testing techniques have varying durations. Some methods may be more complex and require more time for their proper application and interpretation;
- *the professionalism and experience of the polygraph examiner* – the experience and qualification of the examiner influences the efficiency of the test. An experienced examiner can optimize the time required to obtain reliable results;
- *the goals and objectives set for the examination* – the objectives of the test, whether it is a general assessment of a person's credibility or the investigation of a specific case, determine the duration and complexity of the test;
- *the equipment used by the examiner* – the use of advanced technology can shorten the time required to perform the test and analyze the data, while older or less sophisticated equipment can prolong the testing process.

According to the practice described in American specialist sources [4, p.68], the duration of a polygraph test can generally vary between 35-40 minutes and up to four hours. This variation is determined by factors such as the complexity of the case under investigation and the testing methods used by the examiner. However, it is highlighted that extending the test beyond 90 minutes can lead to the subject's

fatigue, thus affecting the accuracy and psychophysiological relevance of the answers.

At the same time, in the *Manual of Good Practices for the Analysis and Interpretation of Polygraph Diagrams in the Romanian Police*, developed by the National Institute of Forensic Science, it is recommended that the total duration of the test not exceed four hours, and the optimal interval be between 60 and 90 minutes, in order to maintain the validity of the process and the psychological comfort of the subject [5, p. 15].

This perspective is also confirmed by the author's personal observations, formulated on the basis of direct practice: in some deliberate cases, the duration of testing was intentionally extended in order to assess the level of psychological resistance of the subject and the tendencies to manipulate the answers. However, such practices require a high degree of methodological caution and professional judgment in order to avoid distorting the results.

Specialists of the American Association of Polygraph Operators believe that examining more than three people per day will inevitably lead to a decrease in the quality and accuracy of polygraph testing.

This approach is supported by the standards of other organizations, such as the Colorado Sex Offender Management Board [6].

Additionally, in private practice, some examiners have reduced the maximum number of examinations per day to six, scheduling them at 1.5-hour intervals, in order to maintain the quality and accuracy of the tests [7].

According to the Minnesota Polygraph Association's standards of practice, a polygraph examiner should not conduct more than four diagnostic examinations or three evidentiary examinations in a day and no more than five examinations of any type per day [8]. This standard is intended to promote decisional accuracy in assessing credibility and to ensure the quality of testing. Limiting the number of examinations per day is important to maintain a high level of quality and accuracy in polygraph testing.

In the same vein, we must mention that the polygraph examiner is a human being, who in turn may have certain personal problems, sleep disorders, altered mood, lack of desire to perform the examination, increased irritability, poor physical condition and a negative attitude towards the person being questioned [9].

For this reason, the polygraph examiner can make serious mistakes right from the initial stages of the testing procedure, starting from the collection of materials and the pre-test interview to the composition of the tests and the technique of conducting the examination.

All this can not only affect the efficiency and accuracy of the examination, but can also compromise the overall integrity of the process.

Moreover, in the case of criminal investigations, errors in polygraph testing can have particularly serious consequences. An inaccurate result can lead to the wrongful accusation of an innocent person or the release of a guilty person, thus affecting the integrity of the entire judicial system. Therefore, it is essential that polygraph examiners are extremely aware of their responsibility and ensure that they are in optimal physical and mental condition before conducting any examination, in order to guarantee the accuracy and reliability of this crucial process in the investigation of crimes.

The specialized literature and the analysis of jurisprudence highlight the existence of documented cases in which the application of polygraph testing contributed to serious miscarriages of justice, highlighting the limits of this method in the criminal process. Among these cases, the following relevant examples can be mentioned:

The Juan Rivera Case (Illinois, 1992) [10].

Juan Rivera was convicted three times for the rape and murder of an 11-year-old girl, Holly Staker. During the investigation, he was subjected to two polygraph tests administered by employees of John E. Reid & Associates. After being told he had failed the test, he was subjected to intense interrogation that resulted in a false confession. DNA tests later ruled him out, and in 2011 the court overturned the conviction, criticizing the unreliability of the confession and the disregard for exculpatory evidence. Rivera was released after 20 years in prison and received a $20 million settlement.

The Case of Jeffrey Deskovic (New York, 1990) [11].

At the age of 16, Jeffrey Deskovic was subjected to a polygraph test by a local sheriff's department officer. After hours of questioning and without a lawyer or parent present, Deskovic falsely confessed to a crime. He was convicted and spent 16 years in prison before DNA testing proved his innocence. He was later exonerated and awarded $41.6 million in damages.

Understanding the arguments presented above, it is clear that setting a fixed limit on the number of polygraph tests per day is not a feasible approach. Instead, the number of examinations performed per day should be determined by the individual skills and abilities of the examiner, as well as the complexity of each individual examination. Each case requires careful attention and adequate preparation, which can vary considerably from one situation to another. However, given the large amount of preliminary work required prior to the actual testing, such as information gathering, pre-test interviews, and technical preparation, we recommend that no more than two polygraph tests be conducted per day. This recommendation is intended to ensure a rigorous and meticulous approach to each examination, as well as to protect the examiner's well-being, which are essential elements in

guaranteeing the accuracy and integrity of the polygraph testing process. This restriction not only supports the maintenance of a high level of work quality, but also contributes to reducing the risk of errors that can have serious implications in the context of criminal investigations.

Interview during testing

Conducting pre-test and post-test interviews is a widely recognized and indispensable practice for the successful conduct of polygraph examinations. The interview conducted during the test contributes significantly to improving the efficiency of these examinations. The main objectives of the interview include:

- stimulating the areas of the test subject's memory that store information about the details of the crime, to facilitate access to this important data;
- reducing the person's confidence in his ability to mislead the polygraph device, asking questions that make him think more carefully before trying to falsify the results;
- assessing the correctness of the direction chosen for the polygraph examinations and, if necessary, adjusting it based on the information obtained, thus ensuring that the examination process follows the most effective path.

At the heart of this interview is the challenge to the testee to express his/her opinion on the topics covered during the test. For example, in a hypothetical situation where a theft from an art gallery is being investigated, after the test is completed, the person may be asked to provide conjectures about the places where the stolen artworks could have been hidden. Despite possible initial denials, persistence and strategic questioning can lead to valuable information.

The value of these statements lies in the fact that an innocent person, unaware of the possible hiding places of the stolen goods, on the one hand, will have difficulty imagining such places, and on the other hand, his/her ideas will often be primitive. On the other hand, if the suspect is involved in the crime under investigation, his ideas can take two forms: a) if the suspect has a low level of intelligence and poor self-control, during the discussion about possible hiding places, he will indicate places close to the real ones; b) if the suspect is calculating, carefully monitors the situation and controls his behavior well, he will suggest several different places where the stolen goods could be hidden, without mentioning the real places.

If the results of the interview are consistent with those of the testing, the discussion can be oriented as follows: „Your statements suggest that the stolen goods could be hidden in the garden, under a tree. This is confirmed by polygraph testing (it can be demonstrated with the results). Notice, the accuracy of the polygraph is

remarkable". Sometimes, after such a discussion, the suspect may begin to give testimony.

If the suspect mentions dozens of different places to hide stolen goods, but avoids the location in the garden, under a tree, the discussion can be directed as follows: „You mentioned a multitude of places that could be used as hiding places. Why didn't you include the garden, for example? Is this an accidental omission or did you prefer not to reveal the actual hiding place? The polygraph indicates that the stolen items are buried in the garden (test results can be presented)". In this context, the response may be something like: „Yes, I forgot, it would be possible to hide them in the garden, under a tree". Thus, the suspect unconsciously reveals additional information that specifies the hiding place [12, p. 138].

In the literature, V.A. Varlamov mentions multiple situations in which polygraph examinations, combined with an adapted interrogation strategy, have contributed decisively to the elucidation of complex criminal cases. In this context, we will report a case that occurred in 2009 in the city of Volgograd in Russia, involving the use of the polygraph to solve the mysterious disappearance of a girl.

The exemplified situation refers to the unexpected disappearance of little Elena N., aged four, from a mountain village. The girl was left unattended for a few minutes by her mother, who went to the garden to pick parsley for lunch. Upon returning, the mother discovered to her dismay that her daughter had disappeared. No one in the neighborhood could provide information that would help to elucidate the mystery. In the absence of witnesses and clues, the investigators' attention turned to the girl's parents, considered potential suspects. The father was the first to be examined with a polygraph, and the results revealed reactions suggestive of both illegal possession of weapons and involvement in a violent act.

The next set of questions concerned the location of the girl's lifeless body, suggesting options such as the immediate vicinity, the neighboring mountains, hidden in a well, buried, or even thrown into the water. The polygraph reactions indicated that the girl could have been buried or thrown into the water. This ambiguity necessitated further discussion with the suspect.

During the conversation, the suspect insisted that he knew nothing about the fate of his daughter, claiming that he was not at home at the time of her disappearance. However, after the insistence of the specialist, who challenged him to assume the possible hiding places of the body based on his knowledge of the area, the suspect mentioned that, although he had searched unsuccessfully for six days, he was ready to continue the search, if the body had not been taken by water.

This testimony provided two significant pieces of information: the intention to use a shovel for the search and the reference to water as a possible element involved in the hiding of the body. Following these discoveries, the polygraph

examination was temporarily interrupted, and the specialist together with the criminal investigation officer initiated a direct investigation on the spot. This action opened the way to new hypotheses and essential questions regarding the suspect, which were subsequently integrated into the continuation of the polygraph testing. The results obtained, in combination with the recent flood that altered the course of the river in the village, strengthened the suspicion that the body could have been hidden near the water. By returning to the polygraph test with new questions and a new view of the situation on the ground, the examiner was able to create emotional pressure and, with the accumulation of new evidence and arguments, the suspect finally confessed, indicating the precise place where he had buried his daughter's body, just before being dislodged by the waters.

This experience illustrates how the interaction between a series of carefully formulated questions and a careful interpretation of the answers obtained through the polygraph test, together with a deep understanding of human nature, can unlock the hidden truth of a tragedy, providing clarity in an initially unclear scenario. Although the use of the polygraph does not invariably ensure the complete disclosure of the truth, the expertise of the specialist in decoding the answers is a determining factor in elucidating complicated cases.

This case also highlights the indispensable role of direct intervention on the spot by the polygraph specialist. The inclusion of an on-site investigation carried out by the polygraph specialist was an important step in understanding the circumstances of the commission of the crime. Thus, direct interaction with the crime scene is a key aspect, which, by adding new details to the polygraph testing process, enriches and refines the search for truth. In this regard, the Japanese model of applying psychophysiological testing provides for the active participation of the polygraph examiner in the on-site investigation, considering that this direct involvement significantly increases the accuracy of the formulation of questions and the interpretation of physiological reactions. This practice is also supported by specialists such as Iu.I. Holodnâi, who emphasizes the value of the examiner's operational involvement in the specific context of criminal prosecution.

The Japanese model is also analyzed in the local specialized literature, being recognized as a good practice applicable in other jurisdictions.

We find that the on-site visit of the polygraph specialist is a necessary and useful element. The report from the on-site investigation of the criminal investigation officer does not always fully reflect the complexity of the very important elements for a polygraph examiner. This means that the direct involvement and observations of the specialist in polygraph testing can reveal additional details, thus contributing to a better understanding and approach to the investigated case [13, p. 110-115].

We recommend integrating on-site visits into the practice of polygraph examination specialists in the Republic of Moldova, a practice currently absent from their standard procedures. The benefits of this approach are highlighted by the example of Japan, where participation together with the operational group in on-site investigations is a mandatory requirement for the polygraph examiner, demonstrating the importance of this practice in increasing the effectiveness and accuracy of investigations [14, p. 28-32]. The implementation of the respective method could bring significant improvements in the polygraph examination process, contributing to a better understanding of the context and more efficient identification of the truth.

Polygram analysis and formulating conclusions

Polygram analysis and formulating conclusions represent the final stage of the examination of simulated behavior and involves a careful examination of the obtained polygram. Having the records of all physiological parameters in the form of diagrams, the polygraph specialist proceeds to their interpretation, which ends with the formulation of a conclusion.

State-of-the-art polygraph machines allow for immediate automated conclusions, but experienced polygraphists prefer to manually analyze and evaluate polygrams. The automated conclusions of the polygraph are called ,,reasonable conclusions", but they are not able to distinguish between authentic reactions and artifacts.

In the American specialized literature, John E. Reid and Fred E. Inbau have highlighted the limits of automated technology in the interpretation of psychophysiological reactions, emphasizing that the so-called ,,reasonable conclusions" generated by polygraph systems cannot accurately distinguish between authentic reactions and physiological or behavioral artifacts. They argue that human analysis remains indispensable for the validation and contextualization of the recorded reactions, since automated interpretation risks leading to errors in the absence of a rigorous correlation with the investigative context and the observable behavior of the subject [12, p. 138].

In contrast to the views expressed by Reid and Inbau regarding the limitations of automated interpretation of polygraph reactions, manufacturer Lafayette Instrument Company claims that recent technological developments have overcome these constraints. Their state-of-the-art system, the LX6, together with the associated software, LXSoftware, integrates advanced analysis algorithms, such as the Objective Scoring System (OSS-3) [15], which provides a more objective and standardized assessment of the physiological reactions recorded during testing. These modern systems allow for real-time recording and analysis of data, significantly reducing the influence of subjective factors and human errors in the interpretation process. The LX6 is also equipped with high-precision sensors and additional

functionalities, such as synchronized audio-video recording, which contribute to a better contextualization of the subject's reactions.

Through these innovations, Lafayette Instrument Company claims to have managed to significantly improve the accuracy and reliability of polygraph tests, thus eliminating concerns related to the limitations of previous systems.

As the practice of recent years shows, computerized conclusions have only indicative value, since it is the polygraph examiner who ultimately makes the final statement, relying on his professional knowledge and skills, as well as his ability to profile subjects.

This point of view is shared by several internationally renowned practitioners, such as John A. Larson, Stanley M. Slowik and James Allan Matte, who reiterated the importance of the human factor at the international exhibition „Securex Poland 2023" (Poznań, MTP Poznan Expo and Congress Center), dedicated to security technologies and the application of the polygraph in judicial investigations [16].

As a result of the above, it is necessary to state that the efficiency of the examination with the application of the polygraph depends substantially on the examiner's ability to combine technical skills with those of a profiler, integrating behavioral analysis into the process of interpreting physiological reactions.

Specialists in the field of detection of simulated behavior with the application of the polygraph emphasize that the rigorous development of question batteries and the careful interpretation of polygrams contribute decisively to the accuracy of the test results, an aspect also highlighted by Olsson [17].

These skills, together with the ability to properly manage interactions with the subject, constitute the key elements of the professionalism of a polygraph specialist. Acquiring these skills is not easy and cannot be learned only from textbooks, which requires a significant period of study and practice under the guidance of an experienced polygraph specialist.

Therefore, in order to correctly analyze the results obtained, the polygraph specialist must meet the following conditions:

- have a clear understanding of the logical structure of the polygram;
- be familiar with the informative signs of physiological reactions that determine the situational significance of the stimulus;
- be able to distinguish between authentic reactions and artifacts.

Law No. 269/2008 on the application of simulated behavior detector (polygraph) testing does not contain an explicit definition of a polygram. At the same time, the definition provided in Decision No. 3 of 02.03.2016, issued by the State Commission for Polygraph Testing, which approved the Unified Methodological Norms for Conducting Polygraph Testing [18], can be considered vague and insufficiently clear to provide an adequate understanding of the concept of a polygram.

In the Republic of Moldova, the Unified Methodological Norms for Conducting Polygraph Testing approved by the *Decision of the State Commission for Polygraph Testing No. 3 of March 2, 2016* in section C, regarding the analysis and evaluation of testing results, at points 35, 36 and 37 expressly provide: ,,Analysis of testing data using the polygraph - refers to any structured method, whether manual or automated, for evaluating the interpretation of physiological data recorded on the polygraph in terms of the sincerity of the person tested or the information hidden by him. This encompasses both the analysis of the polygram and of behavioral reactions (nonverbal language, other psychological indices)".

According to British polygraph specialists, a polygram can be defined as ,,[a] complete graphic record of physiological data from a polygraph test with the necessary annotations. Often called a polygraph chart".

In our view, a polygram is a continuous synchronous graphic record of the dynamics of physiological processes recorded during testing.

Through the polygram, subtle variations in respiratory activity, cardiovascular system and electrodermal activity are illustrated, providing a complex and detailed picture of the subject's physiological responses during testing.

For more than seven decades, in accordance with international standards, a polygram has included a graphic record of the dynamics of at least three physiological parameters: *respiration, cardiovascular system activity and electrodermal activity*.

If a polygram does not contain a graphic record of at least one of the physiological parameters listed above, then such a polygram is considered invalid and cannot be accepted when formulating a conclusion.

At this final stage of interpretation, conclusions are formulated based on the analysis of the polygram, which can be:

- *categorical or cer-positive conclusions* – categorical assertions suitable for conversion into evidence of guilt;
- *cer-negative conclusions* – suitable for evidence of innocence;
- *probability conclusions* – are the product of situations in which the expert can only formulate a hypothesis regarding the possibility of the existence of a certain fact.

Based on the information obtained, we recommend that the specialist include the following aspects in the final report:

- date, time and place of testing;
- reasons for testing; information about the initiator of the investigation;
- data about the polygraph specialist who conducted the testing;
- questions asked during testing;
- materials provided to the polygraph specialist;

- complete information about the person tested;
- details about the presence of other people during testing;
- use of equipment and technical methods;
- content and results of testing.

We also recommend that the report mention the fact of obtaining the written consent of the testee to participate in the examination. If during the testing circumstances relevant to the case are identified, but which were not included in the questions, the polygraph specialist has the right to mention them in the report.

Additional information about the behavior of the testee, obtained during the final interview, written statements of the testee and other participants, as well as data on the methods applied can be included as annexes to the report.

We believe that if the testing is carried out by a commission of specialists, a single report will be drawn up, if the opinions coincide. In case of divergences, each polygraph specialist draws up a separate report on the disputed issues.

However, the formulation of a conclusion regarding the existence of an event or specific circumstances that occurred is not within the competence of the polygraph examiner, since, according to the legislation in force, the conclusion of the specialist represents only a source of information, with an orientation significance and cannot constitute evidence in any proceedings [19].

In the context of *Law No. 269/2008 on the application of testing to the simulated behavior detector (polygraph)*, we note a discrepancy between the definition of the testing result and what is specified in subsequent methodological norms. According to this law, the result of testing with the application of the polygraph is defined as an opinion of the polygraph specialist drawn up on the basis of information obtained from the tested person. Surprisingly, however, the methodological norms approved by the Resolution of the State Commission for Testing with the Use of Polygraph do not mention this opinion, but stipulate that the polygraphist should draw up a research report on simulated behavior, *which includes the results of the testing,* the margin of error, and other information relevant to the initiator of the testing [20].

Conclusion. This discrepancy raises questions regarding the main document that should be generated by the polygraph specialist during polygraph testing. It is necessary to clarify which of these two documents should have priority and be considered central in the process of testing and interpreting the results. This aspect is important for ensuring a consistent and uniform application of legislation and methodological norms in the field of polygraph testing.

Therefore, it is important for the competent authorities to analyze and resolve this discrepancy in order to ensure a clear interpretation and coherence in the regulations on the use of polygraph in legal proceedings.

We believe that this stage of polygraph testing represents a fundamental pillar in judicial proceedings, especially in the work of law enforcement agencies. The quality and professionalism demonstrated in the management of this procedure largely determine the effectiveness of the use of polygraph in criminal proceedings.

Also, the success of this method in judicial investigations contributes to its consolidation as a tool in discovering the truth and, possibly, in its recognition, in a certain perspective, as a legal means of evidence in our legal system.

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