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## **Report of Polygraph Examination**

# ***Marc Gafni***

**December 14, 2007**

**For**

**Jacob Lehrer**

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## **Report of Polygraph Examination**

Subject:	<b>Marc Gafni</b>	Issue:	Sexual misconduct
Date of exam:	December 14, 2007	Requestor:	Marc Gafni
Examiner:	Gordon H. Barland, Ph.D.	File No:	07-DL28-1042R

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### **Background**

Following his polygraph examination of October 30, 2007, Mr. Gafni telephoned me and said he wished to be examined concerning an additional issue, relating to the rumors that he was involved in child sexual abuse. It was whether, after he had left her, Sarah Kabakow had sent him a letter telling him that she loved him, knew that he loved her, and they must live their lives together in order to be happy.

I told him that this was a poor issue for the polygraph. The polygraph is believed to be most accurate when a person denies committing a specific physical act, such as holding up a gas station. It would be more appropriate to examine Sarah as to whether she had written a letter, than him as to whether he had read it. More importantly, testing on the contents of a letter received nearly 30 years ago is inappropriate because memory is easily modified over time – often significantly – based on additional knowledge and experience. The questionable veracity of recovered memories is an example.

Mr. Gafni was adamant that he had a very clear memory of that letter. We agreed that if he wished to be tested on this issue, I would have to include a caveat to the effect that because of the complexity of the issue, one could not have as much confidence in the results as one would have if the issue was unambiguous. That notwithstanding, Mr. Gafni asked to be examined on this additional issue.

The examination was conducted on December 14, 2007 in the DaVinci Suites in Salt Lake City starting at 2 p.m. and ending at 5 p.m.

### **Pretest interview – administrative portion**

I explained the procedure to Mr. Gafni at the outset, advising him of his rights vis-à-vis the polygraph; that there is always a possibility of error in any diagnostic procedure; that the entire exam is being digitally recorded, and that the results are confidential. He signed an informed statement of consent regarding the polygraph.

During the pretest interview, I reviewed Mr. Gafni's medical and psychological background to see if anything had happened since the previous exam, and whether there was anything which would make him unsuitable for the current examination. There was nothing which would interfere with the examination.

### **Pretest interview – investigative portion**

We discussed his recollection of the letter from Sarah Kabakow. He said his memory of that letter is very vivid to this day. He received it after he had broken off his relationship with her. It was a sweet, tender letter in which she said she loved him, she knew he loved her, they were meant to go through life together, and only thus could they be happy.

### **Numbers test**

After discussing the matters under investigation, I conducted a numbers test, in which I instructed Mr. Gafni to choose one of five numbers, three through seven. He wrote the number on a piece of paper while my back was turned and concealed it beneath his leg. I told him I would ask him whether he wrote the number one, two, etc., through seven. He was to answer each question "no," thereby lying about which number he had selected. This re-acquaints him with the testing procedure and provides a chart which portrays his normal level of reactivity, both when telling the truth and when lying. I had no problem in correctly determining that his selected number was "6." This indicates that he is a fit subject for the polygraph and that he reacts normally.

### **Examination**

I conducted a **Utah Zone Comparison** test with four relevant questions regarding his relationship with Sarah Kabakow. I thoroughly reviewed the questions with Mr. Gafni prior to conducting the first chart. I made sure he understood what each question meant, that he agreed to have each question included in the test, and that they were worded in such a way that he could answer each with a simple yes or no.

The relevant questions on this test were:

1. After your relationship with Sarah was over, did she write you that you were her one true love? Answer: Yes.

2. After your relationship with Sarah was over, did she write that you were meant to be together forever? Answer: Yes.

## Results

I ran a total of three charts. I found no persuasive evidence of countermeasures, and the charts were capable of being scored. I evaluated the charts using the Federal 7-position numerical scoring system and the Federal decision rules for multi-issue tests. On a scale in which a score of +3 or higher on every question signifies no deception indicated, and a score of -3 or lower on any question indicates deception, Mr. Gafni +3 or higher on every question (**NDI, no deception indicated**).

I also evaluated the charts with the PolyScore (v. 6.0) algorithm developed by the Applied Physics Laboratory of Johns Hopkins University, under contract from the Department of Defense. No editing was necessary. PolyScore evaluated the charts as **no deception indicated**, and calculated the probability of deception as being less than .01.

## Conclusion

It is my professional opinion that Mr. Gafni answered the relevant questions truthfully. Because of the nearly three decades that have elapsed since Ms. Kabakow's letter would have been received, confidence in this conclusion is necessarily somewhat less than would otherwise be the case.

Respectfully submitted,

*Gordon H. Barland*

Gordon H. Barland, Ph.D.