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Problems Related to the Polygraph Use in Ukraine

Further active introduction of the polygraph in domestic law enforcement, including criminal proceedings, against the backdrop of positive developments in this direction, shows a number of issues that require thorough analysis and professional judgment. One of them is the practical process of unregulated use of the polygraph in Ukraine, which creates barriers to full use of its results as legitimate. However, the state of the day shows that the polygraph has already been used quite systematically, particularly in three areas of activity: the selection of candidates for vacancies (personnel «screening»),

special (internal) audits and internal investigations, and the fulfillment of tasks within pre-trial and trial proceedings on committed criminal offenses. However, some investigators, prosecutors and judges often raise questions concerning national little practice of the polygraph use; insufficient development of legal documents that regulate its use; the usefulness of this device and its results in criminal, civil, economic, administrative proceedings; the lack of awareness of the international law enforcement use of the polygraph and its results. Indeed, we agree with the part of the issues outlined above, but the other part needs to be given reasonable explanation of the misunderstanding of the problem nature. I particularly emphasize the Ukrainian sufficient practical experience in the use of the polygraph in open operative statistics of law enforcement agencies of Ukraine. We highlight that the results of the expert polygraph examinations of physiological indices controlled by the polygraph have probative value and in conjunction with other collected evidence are used in criminal, civil, economic, administrative domestic proceedings. It is generally accepted practice of foreign research results of the polygraph, despite the fact that most of them leaves such operations until the end of the legislative regulation. For most foreign countries, potential polygraph users, the selection of these activities into a separate part of the legislation is not an end in itself. They are not guided so much by the law itself, but by the quality of expert researches, including the polygraph use. However, we see that it is appropriate for Ukraine to select this activity into a separate law in order to relieve the tension in society regarding the legal regulation of the polygraph and its results in the national law enforcement practice.

Keywords: polygraph; polygraph expert; legal regulation of the polygraph use; law enforcement activities.