



D22 Survey of the Adopt Situation of Polygraph Identification by the Court of Appeal During the Period of 2002 in Taiwan

Lee Chen, MS, Fuh-Kuo Lee, BA, and Fuh-Kuo Lee, BA, Scientific & Technical Research Center, Investigation Bureau, Taiwan, ROC, 74, Chung-Hwa Road, Hsing-Dien City, 100, Taiwan, ROC*

After attending this presentation, attendees will understand the application of lie-detection on the court system in Taiwan.

For the forensic community in Taiwan, this gave a foundation on the future research work of the cooperation relationship between court and the forensic lab (the new litigation law with a overall cross examination process is applying from October this year). For the other country, it is a good presentation to explain one of the reason why the polygraph test can be used in trial in Taiwan.

After the Survey of 100 appeal court cases related to polygraph identification, we have evaluated the adopt rate about the variables of detection theory, legal category, overrule reason, questioned rate & the power level of co-evidences, and through the analysis, we found some trends are good for future reference on the use of polygraph identification in the court system of Taiwan.

All the cases are randomly sampled from the case report of Taiwan High Court, and the periods covered the entire year of 2002. Through this survey and the analysis on all variables, we found there is a high rate of adoption on the polygraph identification by the court in Taiwan. About the different of detection theory, more court prefers the memory and response impact theory than the interrogation theory. For the overrule reason, most rejections are reasoned by lack of other co-evidences, the reason of against the logical speculation is the second. The questioned and contended rates are not as high as our original prediction, we think it is because most of the examinants are examined voluntarily, that means the screen processes for the qualify of examinants are in highly validity.

This is the first attempting to make understanding on the application of the polygraph test in this country. Because the litigation process is going to change on all trial court from September of this year, the cross-examination will be applied on the new process. This is a revolutionary change and no doubt for the strong impact on forensic evidence identification, the lie-detection identification also include. On this crucial time, the result of this research is good to open a new door for the future research work on the application of the polygraph identification in this country.

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