

CONSENT TO INTERVIEW WITH POLYGRAPH

I, _____, consent freely and voluntarily to be interviewed by Special Agents of the Federal Bureau of Investigation, which I also know as the FBI, in connection with _____

I agree to the use of the Polygraph or so-called "Lie Detector" during this interview or any part of it, and I am willing to be present at the time and place of interview for such time as necessary to complete the interview. No threats or promises of any kind have been made to me to obtain my consent to this interview.

Signed _____

Witnesses: _____

Date _____

Place _____

Mr. KASS. What is the person waiving?

Mr. MOHR. He is waiving his right or privilege to not take the polygraph examination.

Mr. KASS. Does he waive his right or privilege not to have his fingerprints taken?

Mr. MOHR. No, he can't do that.

Mr. KASS. Why do you make a difference?

Mr. MOHR. The courts have held the fingerprints are a matter of identity and are not a matter of incrimination and therefore, one can be compelled to have his fingerprints taken when placed under arrest.

Mr. KASS. Are there any other type of tests or interrogation devices where the person has to sign a waiver?

Mr. MOHR. I don't recall of any at this time.

Mr. KASS. What is he waiving? Is he waiving his constitutional right? Is he waiving his right to have his privacy invaded? You use the word "waiver."

Mr. MOHR. The word "waiver" means just that. As I indicated, he has the free choice to either submit to the test or not to submit to it. And the fact that we have him sign this form shows that he consents to be interviewed with the use of the polygraph.

Mr. KASS. Does he consent to be interviewed by an FBI agent in the first place?

Mr. MOHR. Yes.

Mr. KASS. What happens if he denies it?

Mr. MOHR. The interview is terminated.

Mr. KASS. What happens if he refuses to take a polygraph examination?

Mr. MOHR. There is no polygraph examination.

Mr. KASS. Is there any record or notation made in that person's file that he refused to take a polygraph examination?

Mr. MOHR. The file would reflect he was offered the opportunity of submitting to a polygraph examination and he refused.

Mr. KASS. Why would you put that in there?

Mr. MOHR. For the same reason that he was offered the opportunity of an interview and he declined.

Mr. KASS. Is there any significance placed on this refusal?

Mr. MOHR. No.

Mr. KASS. Do you pass this information to any other agency?

Mr. MOHR. It could conceivably happen another agency could be furnished data from our files.