

AFFIDAVIT OF SAM PERKINS

1. I am 42 years old and I am a lifelong resident of Wilmington, New York. In 1999, I graduated from the New York State Police Academy and began my employment with the New York State Police. Before my appointment, I had to submit to a psychological evaluation and a polygraph test. I was fascinated by the equipment and the process, and as soon as an opening came up, I applied for assignment in the Polygraph Unit. I have been employed as a polygraph examiner for fifteen years.
2. I am a member of the American Polygraph Examiners Association, a professional association which provides accreditation to various polygraph training programs throughout the country and internationally. I have never received academic training in polygraph examination because New York does not have an accredited program. New York does not require polygraph examiners to pass a test or obtain a license. My training came exclusively through the New York State Police. After I retire, I plan to start a private polygraph service for private investigators and reality television shows.
3. Many people just don't realize what a polygraph examiner does and doesn't do. A polygraph machine isn't a "lie detector." It is probably more accurate to say the examiner, not the equipment, is the "lie detector." In order to get an accurate reading and write a thorough report, the examiner has to do three things: 1) conduct a pre-test interview, 2) collect data through the equipment, and 3) accurately analyze the data.
4. The pre-test interview is extremely important. The purpose is to orient the subject to the testing procedures, the purpose of the test, and the investigative target questions. People will report more useful information when they are asked by an interested listener who builds rapport. I try to build as much trust as possible with the subject during the pre-test interview. This allows truthful subjects to become accustomed to hearing and responding to test questions, while increasing the likelihood that deceptive people will display behaviors that can tip me off to sensitive areas. I like to engage the subject in what we call a "free narrative"—for example, I will ask direct and probing questions about a known incident and encourage the subject to elaborate. This helps me structure the test questions in a way that will give me the

most valid results. In the final stage of the pre-test interview, I show the subject the machine and the sensors and get informed consent to the procedure.

5. In April 2012, Detective Smith of the Wilmington Police Department called me to ask if I could perform a polygraph examination of a possible robbery suspect for the Wilmington Police Department.
6. I know Detective Smith professionally through various police organizations, and that Detective Smith would be a good source of referrals when I start my private polygraph service. I made arrangements to reserve an interview room at the State Police barracks. I set up a table for the polygraph equipment and two chairs, one for me and one for the subject. The polygraph examination could be seen and heard through an adjoining room with a one-way mirror.
7. I had never met Robin Berkman before the date of the polygraph examination.
8. When Berkman and Detective Smith arrived, I noticed that a younger person was with them. That person was later identified as Kelly Connolly, Berkman's half-sibling.
9. Detective Smith discussed the crime with me and the information that Detective Smith wanted me to obtain during the pre-test interview. In police parlance, Smith “liked” Berkman for the crime, and was certain that with just enough motivation, the case could be cracked!
10. I began the polygraph examination by asking certain baseline questions of Berkman, with a focus on the areas Detective Smith had discussed with me, especially how the perpetrator could have avoided the store’s security cameras while brutally attacking the clerk. Berkman claimed not to know, but also purported to have “thought a lot about that,” and then began to get emotionally upset. In my usual probing way, I asked Berkman whether the last few answers were accurate. Berkman then began to sob uncontrollably. Although Berkman was crying so hard it was difficult to understand what Berkman was saying, I am pretty sure Berkman said that Berkman was sorry for what had happened to the convenience store owner. Unfortunately, Berkman never admitted involvement in the December 17, 2011 robbery.

11. I knocked on the one-way mirror. Berkman looked up, surprised, and asked if Detective Smith or Kelly had been able to hear or see our conversation. I answered, “Of course.” After a few minutes, Berkman regained composure and left.

Dated: September 19, 2016

I affirm the veracity of the foregoing statement.

Sam Perkins

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