

From: Morrison Bonpasse at Chad Evans Wrongly Convicted Committee
[mailto:morrison@chadevanswronglyconvicted.org]
Sent: Tuesday, November 13, 2012 4:52 PM
To: Mansur, Gail F
Cc: John Consigli, Consigli Polygraph Examinations
Subject: Request for scheduling polygraph exam for Chad Evans #75414, during the first two weeks of December

Dear Gail,

I write to request the prison's approval of a polygraph exam for Chad Evans, #75414. Chad has requested that it be performed by John Consigli, of Consigli Polygraph Examinations of Merrimac, Mass. John is a former Captain in the Massachusetts State Police and former President of the American Polygraph Association.

Chad had a polygraph exam on April 30, 2012, but a subsequent review by the NH State Police determined that there were sufficient flaws in the conduct of the exam to consider it void. Hence the need to schedule this exam, this time by a seasoned professional. The first exam was conducted by a former Lieutenant in the New Hampshire State police, but he was a recent graduate of a polygraph school.

I am Chad's advocate and Chair of the Chad Evans Wrongly Convicted Committee and met with him on Thursday, November 8 to discuss this request. He does not currently have an attorney, and is acting pro se, and he approves this request.

Mr. Consigli has advised that he is available during the first two weeks of December, so can the polygraph room be reserved for one day during that period, and arrangements made for Chad to be brought to that room? Four hours should be sufficient.

Thank you very much.

Very sincerely,

Morrison

Morrison Bonpasse
Executive Director
Chad Evans Wrongly Convicted Committee
71 Sullivan Street
Keene, NH 03431-2075
207-586-6078
www.chadevanswronglyconvicted.org
morrison@chadevanswronglyconvicted.org

----- Original Message -----

From: [Mansur, Gail F](#)

To: [Morrison Bonpasse at Chad Evans Wrongly Convicted Committee](#)

Sent: Thursday, November 15, 2012 11:39 AM

Subject: RE: Request for scheduling polygraph exam for Chad Evans #75414, during the first two weeks of December

The Warden has asked me to respond to your request. The Warden is not authorizing a private party to conduct a second polygraph at this facility. An exception to past practice was made when the first test was conducted. Absent a Court Order directing that such a test be done, the request is denied.

Gail

CHAD EVANS WRONGLY CONVICTED COMMITTEE

71 Sullivan St, Keene, NH 03431 - chapters: Keene & Rochester

Morrison Bonpasse, Executive Director

P.O. Box 390, Newcastle, ME 04553

207-586-6078

www.chadevanswronglyconvicted.org morrison@chadevanswronglyconvicted.org

16 November 2012

Re: Request for reconsideration of request for permission to conduct polygraph examination for Chad Evans #75414

Richard M. Gerry, Warden
New Hampshire State Prison for Men
P.O. Box 14
Concord, NH 03302-0014

Dear Warden Gerry,

I write to ask you to reconsider the request of inmate Chad Evans for permission to have a second polygraph examination.

Chad has requested that it be performed by John Consigli, of Consigli Polygraph Examinations of Merrimac, Mass. John is a former Captain in the Massachusetts State Police and former President of the American Polygraph Association. A copy of John's resume is enclosed.

As you know, Chad had a polygraph exam on April 30, 2012, and the initial scorings were that he passed the exam. Enclosed is a copy of the initial report by the examiner, John Healy, a former Lieutenant in the New Hampshire State Police. In a second scoring using a computer program, Healy determined that Chad's probability of telling the truth was 98.9%.

To ensure that the results were accepted by the State of New Hampshire, we asked the Office of the Attorney General to have the State Police Polygraph Unit review the exam. That review by the NH State Police determined that there were sufficient flaws in the conduct of the exam to consider it void. Enclosed is a copy of the State Police report. Hence the need to schedule this exam, this time by a seasoned professional. John Consigli has asked other members of the American Polygraph Association for help in formulating the best possible questions for Chad's exam, so as to ensure the highest quality exam.

As you know, the State of New Hampshire supports the use of polygraphs in many ways, including the staffing of the State Police Polygraph Unit. Polygraph exams are required for applicants to state and local police positions, and exams are regularly conducted at the prison for sex offenders. While the results of polygraph exams are not deemed sufficiently reliable to be presented as evidence in criminal trials, they are still held in high regard by law enforcement officials.

Chad Evans has claimed his innocence of assault and murder since his initial police interview on November 9, 2000, the day that Kassidy Bortner died at the home of her babysitter. Over the past three years, a website has been created for Chad at www.chadevanswronglyconvicted.org. As I discussed with you at a Families Now Involved meeting last Spring, I've written a book about his case, EYE CONTACT - The Mysterious Death in 2000 of Kassidy Bortner and the Wrongful Convictions of Chad Evans and Amanda Bortner. It's available from Amazon.com in hard copy and Kindle format. Also now available from Amazon are Volumes 2 and 3 of EYE CONTACT, which are collections of his letters to me in the years 2010 and 2011, respectively. Together, all this information paints the picture of a wrongful conviction.

I understand that you cannot take a position on the guilt or innocence of your inmates, and we are not asking you to take sides. Rather, we are asking that you help in the search for truth in this case. Chad is simply asking if he and a polygraphist can use the prison's polygraph room for up to four hours.

If Chad Evans was wrongly convicted, then the State of New Hampshire is spending needlessly approximately \$35,000 per year, and also losing tax revenue that Chad would generate if he were free. You surely do not want innocent men in your prison. Not only is it costly, but the presence of wrongly convicted inmates impairs the credibility of the entire system.

I've researched the use of polygraphs in cases of wrongful convictions and have found 20 cases where post-conviction polygraphs of inmates have supported their eventual exoneration. The first such case was of Loren Hamby in Colorado in 1939, when a pioneer in the development of the polygraph, Leonard Keeler, traveled from Chicago to give a polygraph exam to Hamby, who had been convicted of murder. Hamby passed the exam, which led to the recanting of statements by a key prosecution witness and Hamby was freed.

Your approval of the April 30 exam was much appreciated, and if the results had been accepted by all sides, there would be no need for another exam. Thus, this case is extraordinary, due to reasons we did not anticipate.

I am Chad's advocate and Chair of the Chad Evans Wrongly Convicted Committee and met with him on Thursday, November 8 to discuss this request. He does not currently have an attorney, and is acting pro se, and he approves this request for scheduling a second polygraph exam.

Thank you for your reconsideration.

Very sincerely,

JOHN E. CONSIGLI

21 W SHORE ROAD, MERRIMAC, MA 01860

TELEPHONE (978) 500-5183

EDUCATION:

ANNA MARIE COLLEGE

GRADUATED 1981

MASTERS DEGREE IN CRIMINAL JUSTICE

NORTHEASTERN UNIVERSITY

GRADUATED 1979

BACHELOR OF SCIENCE WITH HONORS IN CRIMINAL JUSTICE

NORTHERN ESSEX COMMUNITY COLLEGE

GRADUATED 1976

ASSOCIATE OF SCIENCE DEGREE IN CRIMINAL JUSTICE

MASSACHUSETTS STATE POLICE ACADEMY

GRADUATED 1975

SALEM STATE COLLEGE

COMPLETED ONE YEAR IN 1969 - BUSINESS ADMINISTRATION

NEWBURYPORT HIGH SCHOOL

1964 - 1968

EMPLOYMENT /EXPERIENCE:

JOHN CONSIGLI POLYGRAPH EXAMINATIONS

SEPTEMBER 2004 TO PRESENT

MASSACHUSETTS STATE POLICE

CAPTAIN OFFICER-IN-CHARGE – INTERNAL AFFAIRS SECTION/ADJUNCT SUPERVISOR
OF POLYGRAPH UNIT – 2003-2004

CAPTAIN EXECUTIVE OFFICER, TROOP “A”/OIC POLYGRAPH – 2002-2003

CAPTAIN DIVISION OF STANDARDS AND TRAINING, CHIEF OF STAFF/OIC POLYGRAPH
UNIT – 2001-2002

SGT. / LIEUTENANT

/CAPTAIN POLYGRAPH UNIT 1991 TO 2001

CORPORAL ESSEX COUNTY DISTRICT ATTORNEY’S OFFICE [HOMICIDE INVESTIGATIONS]
1981 – 1991

TROOPER SP ANDOVER 1975 - 1976
SP LOGAN 1976
SP CONCORD 1976 - 1977
SP ANDOVER 1978
55 TEAM 1978 – 1981

POLYGRAPH TRAINING:

- RECEIVED BASIC POLYGRAPH TRAINING FROM THE BACKSTER SCHOOL OF LIE
DETECTION SAN DIEGO, CA. 1987, FINISHING SECOND IN THE CLASS.
- CLEVE BACKSTER: BORN FEBRUARY 27, 1924 WAS THE INTERROGATION INSTRUCTOR AT THE
U.S. ARMY COUNTERINTELLIGENCE CORPS (CIC) AT FORT HOLABIRD, MARYLAND 1946; IN
1948 HE WAS APPOINTED THE CHIEF OF A SECURITY SECTION IN THE CIA WHICH INCLUDED
POLYGRAPH. MR. BACKSTER RECEIVED HIS BASIC POLYGRAPH TRAINING FROM THE RENOWNED
LEONARD KEELER, CONSIDERED THE FATHER OF MODERN DAY POLYGRAPH.
- IN 1950 MR. BACKSTER BECAME THE DIRECTOR OF THE KEELER POLYGRAPH INSTITUTE. AND

IN 1961 HE STARTED THE BACKSTER SCHOOL OF LIE DETECTION. MR. BACKSTER HAS BEEN INVOLVED IN TRAINING POLYGRAPH EXAMINERS FOR OVER 50 YEARS AND CONTINUES TO DO SO TO THIS DAY.

ADVANCED POLYGRAPH TRAINING:

- COMPLETED THE FBI ADVANCED LAW ENFORCEMENT POLYGRAPH COURSE 1991 AT THE FBI ACADEMY QUANTICO, VA. (4 WEEKS)
- DEPARTMENT OF DEFENSE ACADEMY FOR CREDIBILITY ASSESSMENT (DACA) SENIOR EXAMINER COURSE (1 WEEK) PENSACOLA, FL. 5/2010
- MARIN CERTIFICATION 12/2010

POLYGRAPH PRIMARY INSTRUCTOR EXPERIENCE:

- ADJUNCT FACULTY – PRIMARY INSTRUCTOR AT BEHAVIORAL ASSESSMENT INTERNATIONAL, BASIC COURSE IN POLYGRAPH FOR DUBAI POLICE DEPARTMENT, DUBAI, UNITED ARAB EMIRATES (2012)
- ADJUNCT FACULTY – PRIMARY INSTRUCTOR AT PENNSYLVANIA STATE POLICE ACADEMY AND HARRISBURG AREA COMMUNITY COLLEGE POLYGRAPH INSTITUTE, FT. INDIANTOWN GAP, ANNVILLE, PA (2002 TO 2010)
- ADJUNCT FACULTY – PRIMARY INSTRUCTOR AT GAMMA GROUP, UK, BASIC COURSE IN POLYGRAPH, MUSCAT OMAN (2002)
- INTERVIEW/INTERROGATION COURSE, MUSCAT, OMAN (2002)
- ADJUNCT FACULTY – AXCITON SCHOOL OF APPLIED PSYCHOPHYSIOLOGY BASIC COURSE IN POLYGRAPH, KUALA LUMPER, MALAYSIA (2001)

SKILLS/ACCOMPLISHMENTS:

- PAST CHAIRMAN OF APA BOARD OF DIRECTORS 2005
- PRESIDENT OF THE AMERICAN POLYGRAPH ASSOCIATION 2003, 2004 (TWO TERMS)
- COMMITTEE MEMBER APA QUALITY CONTROL COMMITTEE 2010, 2011, 2012
- COMMITTEE CHAIRMAN OF APA SCHOOL ACCREDITATION COMMITTEE 2007
- PAST VICE-PRESIDENT OF THE AMERICAN POLYGRAPH ASSOCIATION (FOUR TERMS)
- PAST DIRECTOR OF AMERICAN POLYGRAPH ASSOCIATION (TWO TERMS)
- REGIONAL DIRECTOR FOR THE AMERICAN POLYGRAPH ASSOCIATION
- REGION III STATE COORDINATOR FOR THE AMERICAN ASSOCIATION OF POLICE POLYGRAPHERS
- APA PRIMARY POLYGRAPH SCHOOL INSTRUCTOR CERTIFICATE
- APA POLYGRAPH SCHOOL INSPECTOR
- SUPERVISOR OF ALL TYPES OF INVESTIGATION, INCLUDING HOMICIDES AND INTERNAL AFFAIRS FOR LOCAL POLICE DEPARTMENTS.

PUBLICATIONS:

- CHAPTER IN *HANDBOOK OF POLYGRAPH TESTING*, ACADEMIC PRESS, COPYRIGHT 2002, EDITOR MURRAY KLEINER, AUTHORED: CHAPTER 8, ENTITLED: *POST-CONVICTION SEX OFFENDER TESTING AND THE AMERICAN POLYGRAPH ASSOCIATION*

MEMBERSHIPS/ASSOCIATIONS:

- AMERICAN POLYGRAPH ASSOCIATION (APA)
- AMERICAN ASSOCIATION OF POLICE POLYGRAPHERS (AAPP)
- SIGMA EPSILON RHO HONOR SOCIETY, NORTHEASTERN UNIVERSITY
- AMERICAN ASSOCIATION OF STATE TROOPERS
- THE RETIRED TROOPERS ASSOCIATION

SERVICE AWARDS, MERIT AWARDS:

- NUMEROUS SPEAKER AWARDS PRESENTED BY THE APA
- NUMEROUS SERVICE AWARDS PRESENTED BY THE APA FROM MEMBERSHIP COMMITTEE; PCSOT COMMITTEE; CONTINUING EDUCATION COMMITTEE; SEMINAR COMMITTEE; STATE ADVISORY COMMITTEE; QUALITY CONTROL COMMITTEE; FAIR ELECTION COMMITTEE
- NUMEROUS MERIT AWARDS PRESENTED BY THE APA FOR:
 - EDUCATIONAL ACCREDITATION COMMITTEE – GENERAL CHAIR
 - NOTED SERVICE
 - SUB-COMMITTEE FOR DEVELOPMENT OF APA COMPETENCY EXAMINATION – GENERAL CHAIR
 - SUB-COMMITTEE FOR DEVELOPMENT OF CORRESPONDENCE COURSE – GENERAL CHAIR
 - LEGISLATIVE COMMITTEE – GENERAL CHAIR
 - SUB-COMMITTEE ON DEVELOPMENT OF A MODEL LICENSING LAW – GENERAL CHAIR
 - SUB-COMMITTEE ON DEVELOPMENT OF LONG-DISTANCE LEARNING COLLEGE DEGREE PROGRAM – GENERAL CHAIR
 - SUB-COMMITTEE ON DEVELOPMENT OF QUALITY CONTROL REVIEW PROGRAM – GENERAL CHAIR
 - RESEARCH & DEVELOPMENT COMMITTEE – GENERAL CHAIR
 - SUB-COMMITTEE FOR CLINICAL SEX OFFENDER TESTING- GENERAL CHAIR

LECTURES:

LECTURED AT THE FOLLOWING ASSOCIATIONS IN POLYGRAPH/ INTERVIEW/ INTERROGATION:

- MAINE LICENSED PRIVATE INVESTIGATORS ASSOCIATION PORTLAND, ME. NOV. 2008

- INTERNATIONAL CONGRESS OF FORENSIC SCIENCES GUADALAJARA, MEXICO. MAY 2008
- AMERICAN POLYGRAPH ASSOCIATION NATIONAL AND REGIONAL SEMINARS 1998-2005
- CENTER FOR SEX OFFENDER MANAGEMENT SEMINAR (99)
- INTERNATIONAL ASSOCIATION OF ARSON INVESTIGATORS SEMINAR (98)
- AMERICAN PROBATION & PAROLE ASSOCIATION 22ND ANNUAL TRAINING INSTITUTE (98)
- BASIC INVESTIGATORS COURSE - MSP ACADEMY
- NEW RECRUIT TRAINING - MSP ACADEMY
- NORTHEAST REGIONAL POLICE INVESTIGATORS (NERPI) TRAINING SESSIONS
- METRO FIRE/ARSON INVESTIGATORS ASSOCIATION
- BUNKER HILL COMMUNITY COLLEGE
- AXCITON SCHOOL OF APPLIED PSYCHO-PHYSIOLOGY – LECTURER AT THE BASIC COURSE IN POLYGRAPH, MSP ACADEMY (00)
- NEW ENGLAND STATE POLICE INFORMATION NETWORK (NESPIN) SEMINAR ON POLYGRAPH AS AN INVESTIGATION AND PAROLE TOOL (00)
- AMERICAN SOCIETY FOR INDUSTRIAL SECURITY (ASIS) MEETINGS
- AXCITON SCHOOL OF APPLIED PSYCHOPHYSIOLOGY, POST CONVICTION SEX OFFENDER TESTING COURSE LECTURER (00)
- FIRST NATIONAL POLYGRAPH SEMINAR OF MEXICO, CISEN HEADQUARTERS, MEXICO CITY, MEXICO – GUEST SPEAKER (00)
- US DEPARTMENT OF JUSTICE CENTER FOR SEX OFFENDER MANAGEMENT, SECOND NATIONAL SUMMIT IN WASHINGTON, D.C., FORUM PARTICIPANT (00)
- AMERICAN POLYGRAPH ASSOCIATION REGIONAL SEMINAR, WAKEFIELD, MA (03 MAY)

CONTINUING EDUCATION:

- 46TH ANNUAL AMERICAN POLYGRAPH ASSOCIATION (APA) NATIONAL SEMINAR AND WORKSHOP AUSTIN, TEXAS SEPTEMBER 11-16, 2011
- 45TH ANNUAL AMERICAN POLYGRAPH ASSOCIATION (APA) NATIONAL SEMINAR AND WORKSHOP MYRTLE BEACH, SOUTH CAROLINA SEPTEMBER 12-17, 2010
- 44TH ANNUAL AMERICAN POLYGRAPH ASSOCIATION (APA) NATIONAL SEMINAR AND WORKSHOP NASHVILLE, TENNESSEE AUGUST 2-7, 2009
- 43RD ANNUAL AMERICAN POLYGRAPH ASSOCIATION (APA) NATIONAL SEMINAR AND WORKSHOP INDIANAPOLIS, INDIANA AUGUST 18TH-22ND, 2008
- 42ND ANNUAL APA SEMINAR AND WORKSHOP NEW ORLEANS, LA. AUGUST 19TH-24TH 2007
- AAPP 29TH ANNUAL SEMINAR AND WORKSHOP PORTLAND, ME. APRIL 24TH -28TH, 2006
- 41ST ANNUAL APA SEMINAR AND WORKSHOP LAS VEGAS, NEVADA JULY 17TH-21ST 2006
- AAPP 28TH ANNUAL SEMINAR AND WORKSHOP CHICAGO, ILLINOIS APRIL 25TH-29TH.
 - MISSOURI POLYGRAPH ASSOCIATION SEMINAR ON 7-POINT SCORING AND STATEMENT ANALYSIS AUGUST 31ST – SEPTEMBER 2ND, 2005

- TENNESSEE POLYGRAPH ASSOCIATION SEMINAR ON POLYGRAPH TESTING AND EXAMINATION TECHNIQUES 16 HOURS MARCH 24TH AND 25TH, 2005
 - 40TH ANNUAL APA SEMINAR /WORKSHOP SAN ANTONIO, TEXAS AUGUST 1ST-5TH, 2005
- 39TH ANNUAL SEMINAR/WORKSHOP COVERING LATEST PROFESSIONAL TECHNIQUES AND INSTRUMENTATION – APA, ORLANDO, FL AUGUST 1ST – 6TH, 2004
- MULTI-CULTURAL INTERVIEWS; CHILD MOLESTERS' A BEHAVIORAL ANALYSIS – APA, VIRGINIA BEACH, VA, NOVEMBER 4TH – 5TH, 2004
- PRINCIPLES OF CHART INTERPRETATION/QUALITY ASSURANCE AND BEST PRACTICES – VIRGINIA BEACH, VA, APA, NOVEMBER 4TH – 5TH, 2004
- CERTIFIED FORENSIC LAW ENFORCEMENT POLYGRAPH EXAMINER, CERTIFICATE #1332, AMERICAN ASSOCIATION OF POLICE POLYGRAPHERS, MAY 04
- INTERNAL AFFAIRS: LEGAL AND OPERATIONAL ISSUES – INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, DURHAM NH, JUNE 7TH – 9TH, 2004
- THE AMERICAN ASSOCIATION OF POLICE POLYGRAPHERS 2004 TRAINING CONFERENCE, VANCOUVER, BC, CANADA, MAY 3RD – 7TH, 2004
- ANN O'DELL: LAW ENFORCEMENT OFFICERS WHO BATTER – STRATEGIES BEFORE AND AFTER THE INCIDENT – BOSTON POLICE DEPARTMENT, BOSTON, MA SEPTEMBER 24TH, 2003
- 38TH ANNUAL SEMINAR/WORKSHOP COVERING LATEST PROFESSIONAL TECHNIQUES AND INSTRUMENTATION – APA, SPARKS, NV, AUGUST 4TH – 8TH, 2003
- APD MANAGEMENT CONSULTANTS, INTERNAL AFFAIRS SEMINAR, TEWKSBURY POLICE, TEWKSBURY, MA, JUNE 10TH, 2003
- THE AMERICAN ASSOCIATION OF POLICE POLYGRAPHERS 2003 TRAINING CONFERENCE, HILTON HEAD, SC, APRIL 28TH – MAY 2ND, 2003
- CONTINUING EDUCATIONS SEMINAR/WORKSHOP ON COMPARISON QUESTION: ESTABLISHING PSYCHOLOGICAL SET, PROPER UTILIZATION OF ACQUAINTANCE TEST, TEST QUESTION CONSTRUCTION, MULTI-CULTURAL TESTING, COMPARISON OF THREE MAJOR SCORING TECHNIQUES, COUNTERMEASURES, AND CHART INTERPRETATION, APA, WAKEFIELD, MA, MAY 5TH – 6TH, 2003
- 37TH ANNUAL SEMINAR/WORKSHOP COVERING LATEST PROFESSIONAL TECHNIQUES AND INSTRUMENTATION – APA, ALBUQUERQUE, NM, JULY 29TH – AUGUST 2, 2002
- CONTINUING EDUCATION SEMINAR/WORKSHOP ON PRE-AND POST CONVICTION POLYGRAPH TESTING AND INTERVIEWING AND INTERROGATION, APA, NEW CUMBERLAND, PA, NOVEMBER 7TH – 8TH, 2001
- 36TH ANNUAL SEMINAR/WORKSHOP COVERING LATEST PROFESSIONAL TECHNIQUES AND INSTRUMENTATION – APA, INDIANAPOLIS, IN, JULY 16TH – 20TH, 2001
- SEX OFFENDER TREATMENT AND MONITORING PROGRAMS, APA, FORT LAUDERDALE, FL, AUGUST 3, 2000
- 35TH ANNUAL SEMINAR/WORKSHOP COVERING LATEST PROFESSIONAL TECHNIQUES AND

- INSTRUMENTATION – APA, FORT LAUDERDALE, FL, JULY 31ST – AUGUST 4TH, 2000
- CONTINUING EDUCATION ON INTERVIEW AND INTERROGATION TECHNIQUES AND SEX OFFENDER TESTING, APA, VIRGINIA BEACH, VA, NOVEMBER 4TH – 5TH, 1999
 - CONTINUING EDUCATION ON INTERVIEW AND INTERROGATION TECHNIQUES, TEST QUESTION FORMULATION, CHART INTERPRETATION, COURTROOM TESTIMONY AND AXCITON COMPUTER WORKSHOP, APA, OMAHA, NE, OCTOBER 12TH – 14TH, 1999
 - 34TH ANNUAL SEMINAR/WORKSHOP COVERING LATEST PROFESSIONAL TECHNIQUES AND INSTRUMENTATION – APA, DALLAS, TX, AUGUST 1ST – 6TH, 1999
 - POLYGRAPH TESTING IN CONJUNCTION WITH SEX OFFENDER TREATMENT AND MONITORING, APA, MAY 28TH, 1999
 - DEVELOPMENTS IN SEX OFFENDER MANAGEMENT, SUPERVISION, AND CONTAINMENT, MASSACHUSETTS COALITION FOR SEX OFFENDER MANAGEMENT, BOSTON, MA, APRIL 7TH, 1999
 - CONTINUING EDUCATION ON USE OF POLYGRAPH METHODOLOGY AS A SUPERVISION AND TREATMENT TOOL FOR SEX OFFENDERS, PART II, APA, HARRISBURG, PA, APRIL 15TH – 17TH, 1999
 - AXCITON COMPUTERIZED POLYGRAPH TRAINING – AXCITON SYSTEMS, INCORPORATED, FEBRUARY 8TH, 1999
 - CONTINUING EDUCATION ON USE OF POLYGRAPH METHODOLOGY AS A SUPERVISION AND TREATMENT TOOL FOR SEX OFFENDERS, PART I, APA, HARRISBURG, PA, NOVEMBER 19TH – 21ST, 1998
 - ANALYTICAL INTERVIEWING, MASSACHUSETTS STATE POLICE ACADEMY, SEPTEMBER 30TH – OCTOBER 3RD, 1997
 - 33RD ANNUAL SEMINAR/WORKSHOP COVERING LATEST PROFESSIONAL TECHNIQUES AND INSTRUMENTATION – APA, ARLINGTON, VA, AUGUST 3RD – 7TH, 1998
 - CONTINUING EDUCATION ON NAVIGATING THROUGH THE 90'S AND BEYOND, APA, LAS VEGAS, NV, AUGUST 14TH – 18TH, 1995
 - 28TH ANNUAL SEMINAR/WORKSHOP – FACING A NEW TOMORROW, APA, NEWPORT BEACH, CA, JULY 26TH – 30TH, 1993
 - PROBLEM SOLVING LEADERSHIP FOR QUALITY DRIVEN PERFORMANCE, MASSACHUSETTS STATE POLICE ACADEMY, APRIL 20TH – 21ST, 27TH – 28TH, 1995
 - BASIC MOTORCYCLE OPERATORS COURSE, MASSACHUSETTS STATE POLICE ACADEMY, JANUARY 30TH – FEBRUARY 3, 1995

LITIGATION INTELLIGENCE SERVICES, LLC
76 PLEASANT POND RD
WARNER, NH 03278
603-746-4994

REPORT OF CONFIDENTIAL POLYGRAPH EXAMINATION

DATE: 05-01-2012

REFERENCE: Polygraph Examination: Chad Evans

CONFIDENTIAL TO: Bonpasse Exoneration Services, Mr. Morrison Bonpasse

ARRANGEMENTS:

At your request, as Chad's advocate, Chad Evans volunteered to be examined on the polygraph, a psycho physiological detection of deception technique. The purpose of the examination was to assess this individual's truthfulness in reference to the death of Kassidy Bortner, which took place on November 9, 2000 and to assist in the request that the investigation into her death be re-opened.

Prior to the examination, I reviewed pertinent reports; the original complaint prepared by Sgt. White and spoke with you several times.

PROCEDURE:

Chad Evans consented to the videotaped recording of the examination. He further verbally and by signature acknowledged the polygraph consent form. I examined Chad on 04/30/2012 beginning at 9:00 AM in the polygraph suite at the New Hampshire State Prison. The examination concluded at 1:00 PM.

An extensive, three hour, pretest interview was conducted with Chad. Based on my training and experience I noted no common indicators of verbal or physical deception.

Throughout the entire polygraph procedure, I found him to be attentive and co-operative. He seemed intent on being able to show his truthfulness to the relevant issues under consideration.

When asked to give his version of the events of Nov 8, 9, 2000, he gave a lengthy and detailed statement. I detected no linguistic signs of deception or editing.

I asked Mr. Evans a series of questions to determine if there was any reason that he should not undergo polygraph testing. After asking him these questions, I was of the opinion that there was nothing that would prevent Mr. Evans from being able to produce physiological tracings that would be reliable for interpretation purposes.

During the pre-test interview, I emphasized to Mr. Evans that the relevant test questions that I was going to ask him were confined to the events that occurred on November 8, 9 in the year 2000, when he was with Kassidy Bortner.

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Following the pretest examination, an intest phase of the examination was then initiated. The examination utilized a Lafayette Polygraph Instrument, which recorded physiological responses into software designed by the manufacturer.

Relative changes in blood pressure, rate, and strength of pulse rate, electro dermal activity, and respiratory inhalation and exhalation patterns were recorded for analysis. .

It is equipped with a motion sensor that is designed to detect any physical countermeasures that a subject may attempt to employ in order to defeat the polygraph examination or any incidental movements that could create physiological reactions.

The following relevant questions were asked during the examination:

Between Nov 8, and Nov 9, 2000, did you hit, punch, kick, or strike Cassidy Bortner?

Are you the one who caused those injuries to Cassidy Bortner between Nov. 8 and Nov 9, 2000?

Between Nov 8 and Nov 9, 2000 did you inflict those injures to Cassidy Bortner?

Prior to the intest phase of the examination all questions were reviewed with the subject in complete detail. The questions were based on the investigative information and reports and my interview with Chad.

The testing format that I used was a multi-faceted test of a single issue employing the three question Utah Zone Comparison Technique. The procedure that I followed to present the polygraph test to Mr. Evans was the procedure taught by the New England Polygraph Institute of Moultonborough, NH and the Canadian Police College, Polygraph Training School. The protocol that I used to interpret the polygrams was the Utah Scoring System.

CONCLUSION:

Following Mr. Evans polygraph examination, I applied the Utah Scoring System to the physiological tracings that he produced. The Utah Scoring System involves assigning numeric values to the physiological reactions dependent upon their strength and characteristics. If each of the relevant question spot score totals are on the plus or minus side, the +/-6 rule applies. The +/- 6 rule means that an aggregate numeric total when the individual relevant question scores are combined that is +6 or greater indicates truthful answers were given to the relevant questions, a total of -6 or less indicates that the answers given to the relevant questions were deceptive and a total value ranging from +5 to -5 renders the test results inconclusive.

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The aggregate numeric value produced was +15.

After careful analysis of this subjects physiological data, and procedural review of the subject's examination, based on the accepted criteria for numerical analysis, it is the opinion of this examiner that he was not reacting strongly to any of the relevant questions on this examination, and that no deception was indicated when he answered "NO" to the relevant questions.

Very Truly Yours,

John M. Healy

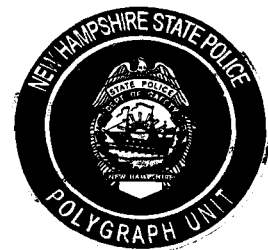
John M. Healy



Colonel Robert Quinn
Director

State of New Hampshire
Department of Safety - Division of
STATE POLICE
POLYGRAPH UNIT

33 Hazen Drive, Concord, N.H. 03305
Telephone: (603) 223-3856 Fax: (603) 271-2520



August 22, 2012

Jeffery Strelzin
Senior Assistant Attorney General
Chief of the Homicide Bureau
NH Department of Justice
Attorney's General Office
33 Capitol Street
Concord, NH 03301

Dear SAAG Strelzin,

At your request the New Hampshire State Police Polygraph Unit conducted a Quality Control / Quality Assurance review of a polygraph exam conducted on April 30, 2012, by Mr John Healy of Litigation Intelligence Services, LLC, located in Warner, New Hampshire, and administered to Mr. Chad Evans. The exam was in regards to the homicide death of Cassidy Bortner, who died on November 9, 2000.

Attached you will find an eight (8) page report detailing the review of the exam as well as a Curriculum Vitae and various documents to support my initial polygraph training and polygraph related continuing education, all of which will show that I have received the proper training to have conducted this review.

Although the attached report will go into detail regarding the overall review I can summarize that based on my review of this exam it would be my opinion that this exam be considered INVALID and not relied upon to any degree in assessing Mr. Evans' truthfulness or deception in regards to the questions he was asked during the exam. The issues with the exam range from deviations from the accepted exam format, poor or improper question formulation, improper component settings, and examiner error(s).

Should you have any questions regarding this review, the report or any documents provided please contact me at any time at (603) 223-8579, or via email at jeffrey.ardini@dos.nh.gov. Thank you.

Respectfully,

TROOPER JEFFREY A. ARDINI
NH State Police
Investigative Services Bureau
Polygraph Unit - Commander



Colonel Robert Quinn
Director

State of New Hampshire
Department of Safety - Division of
STATE POLICE
POLYGRAPH UNIT

33 Hazen Drive, Concord, N.H. 03301



REPORT OF POLYGRAPH EXAMINATION
QUALITY CONTROL / QUALITY ASSURANCE

DATE: July 31, 2012

TO: Jeffery A. Strelzin
Senior Assistant Attorney General
Chief of the Homicide Bureau
NH Department of Justice
Attorney's General Office
33 Capitol Street
Concord, NH 03302

RE: Chad Evans Polygraph Review

Dear SAAG Strelzin,

At your request I recently conducted a Quality Control / Quality Assurance review of a polygraph exam conducted by the followingsubject:

Mr. John M. HEALY
Litigation Intelligence Services, LLC
76 Pleasant Pond Road
Warner, NH 03278
Telephone: (603) 746-4994

This exam was conducted by HEALY on April 30, 2012, the following subject:

Mr. Chad EVANS
DOB: 10/15/1971
Inmate Number: 75414
NH Department of Corrections
State Prison for Men
281 N. State Street
Concord, NH 03301

This exam was being conducted at the request of:

Mr. Morrison BONPASSE
Bonpasse Exoneration Services

The exam was conducted at the following location:

New Hampshire State Prison for Men
NH Department of Corrections
281 N. State Street
Concord, NH 03301
(603) 271-1860

According to the information I was provided in connection to this exam it appeared that this exam was administered to EVANS to explore his involvement and / or culpability in the November 2000 death of:

Kassidy **BORTNER**
DOB: 02/04/1999 DOD: 11/09/2000
21 Months Old

This exam was conducted approximately ten (10) years after EVANS had been tried and convicted in the homicide of BORTNER.

The following is a breakdown of the review of this exam;

REVIEW OF THE EXAM FORMAT

Upon receiving the electronic polygraph file and written report regarding this exam I reviewed the report completed by HEALY. This report described the arrangements, procedure, and conclusion related to the exam he administered to EVANS. This report also included a description of the exam format utilized, the scoring criteria used to evaluate the charts, and the exam score.

In HEALY's report he claims to have used a "multifaceted test of a single issue employing the three question **Utah Zone Comparison** Technique." HEALY also stated that this technique is taught by the New England Polygraph Institute of Moultonboro, New Hampshire, and the Canadian Police College both of which instruct the Canadian "A" (single-issue) and Canadian "B" (multi-issue) as their primary polygraph formats. However, HEALY does not state or offer any evidence that he has been formally trained in this format, or has received any certification in this technique such as a certificate or syllabus from the school in which he received his polygraph training.

As a graduate of the Northeast Counterdrug Training Center Polygraph Institute, located in Fort Indiantown Gap, Pennsylvania, and having attended various polygraph related in-service and continuing education courses, I have been instructed in the Utah Zone Comparison Technique and its scoring protocol (See attached *Curriculum Vitae*, certificates and school syllabus). In my training I have learned that the Utah Zone Comparison exam has two formats; a multi-issue format for exploring up to four (4) different issues, and a single-issue format used for exploring one (1) specific issue. However, in certain circumstances, the single-issue format can be used to explore multi-facets of the same issue. Ultimately, upon reviewing the question template for this exam, the charts, and the audio / video recording I was able to determine that HEALY used a variance of the single-issue Utah format, and by a variance I mean that it would appear that HEALY deviated from the required established format for a single-issue exam.

The validity of the accepted polygraph format in use today is based on research done on the formats and is based on the assumption that the format used is followed exactly as developed. Additional factors are also considered in the validity of a format, such as pre-test procedures, proper screening of examinees, proper advisements and / or directions, proper question formulation, proper gain settings, questions spacing, starting and stopping of the exam, and other factors. However, the format in-and-of-itself can be considered the foundation of the actual exam and if the exam is not formatted specifically as dictated by the research that supports it then the results of that exam will not be supported by any research and therefore can not be trusted for accuracy.

In regards to the test administered to EVANS by HEALY, HEALY claims to have used a single-issue Utah Zone Comparison Technique. The proper question format for this specific exam is as follows:

1. Introductory Question OR a norm
2. Sacrifice Relevant
3. Norm
4. Comparison Question
5. Relevant Question
6. Norm
7. Comparison Question
8. Relevant Question
9. Norm
10. Comparison Question
11. Relevant

Upon review of the charts, question lists, and the audio / video of this exam I have found that HEALY deviated from the format in the following ways;

1. HEALY used both an introductory question as the first question, AND, HEALY also used a norm as the second question spot.
2. HEALY failed to insert a norm between questions 2 and 4
3. HEALY failed to insert a norm between questions 5 and 7

These three deviations from the established format would mean the results of this exam would not be supported by any research, thereby rendering the exam invalid based on the failure to use the proper format.

REVIEW OF THE TRACINGS

Upon reviewing this exam, to include the charts and the audio / video of the exam, I noted that the cardio tracing was very narrow, mostly no wider than a quarter of an inch throughout the exam. Upon watching the audio / video of the exam HEALY can be heard stating at the beginning of the acquaintance exam that he was having trouble adjusting the gains properly on the cardio channel. Also while watching the audio / video of the exam I heard and observed that HEALY utilized a thumb cuff (a small blood pressure cuff used on the thumb of an examinee) in lieu of the standard arm blood pressure cuff. While the thumb cuff is an accepted component for conducting polygraph exams if an examiner is using Lafayette Instruments software, which HEALY was, the examiner must make changes under the "preference" menu in the Lafayette software to "synch," if you will, the different components with the software. Specifically, if an examiner uses a thumb-cuff versus an arm cuff an examiner must go to the preferences menu and ensure the thumb-cuff box is checked or the tracing will be skewed and not properly recorded on the charts.

After seeing that HEALY had utilized the thumb-cuff in lieu of the arm blood pressure cuff I checked to see if HEALY had made the change under the software's preferences. Upon checking this I found that although HEALY had utilized the thumb-cuff he had not made the required change from arm-cuff to thumb-cuff in the software. This would explain why although HEALY had turned the gain on the cardio channel up as high as it would go during the test, the tracing would get no wider than a quarter of an inch.

Because the preferences in the software were not properly changed in regards to the thumb-cuff, and the vast majority of the cardio tracing is only a quarter of an inch wide, or less, it is my opinion that this tracing can not be deemed reliable and scored as part of this exam. That would render the cardio tracing irrelevant for the entire test.

REVIEW OF QUESTION FORMULATION

When developing relevant questions for a polygraph exam, specifically in regards to a specific-issue type exam, the questions must be as specific as possible to the issue being explored, leave no room for the examinee to rationalize or minimize the issue, and the questions need to be completely understood by the examinee. Additionally, relevant questions can not be made compound by using conjunctions, such as "and," or, "or." Semantics also need to be considered when developing your questions.

In regards to this exam one of the relevant questions HEALY uses is: ***Between November 8 and November 9 2000 did you hit, punch, kick, or strike Cassidy Bortner?*** In this one question HEALY uses both an "and" and an "or," clearly making the question compound and therefore vague. Also, HEALY uses ***"Between November 8 and November 9 2000...."*** By using between November 8 and November 9 2000 an examinee could rationalize that the question is specifically referring to midnight on November 8th, and if he hadn't done what is alleged at midnight he could answer that question with a "no" and be non-deceptive. Additionally, it is my understanding through speaking with you, Jeff, that K. BORTNER did in-fact die on November 9, 2000, but it was never conclusively determined when the fatal injuries were inflicted upon K. BORTNER, except through an estimated time line as established by the Medical Examiner. So, if the fatal injuries to K. BORTNER were inflicted late in the night on November 7th, and I recognize that it is an "if," the examinee could rationalize the question as something they did not do and therefore answer the question with a "no" and possibly be non-deceptive.

In this question HEALY also uses four different methods of causing injuries to the child, ***"hit, punch, kick, or strike...."*** Again, based on what I have come to learn about the case facts of this investigation it was never determined exactly how K. BORTNER received her injuries. So, the possible mechanism or cause of injury shouldn't be limited in the polygraph question. As some examples, what if K. BORTNER was forcibly "dropped," or, "thrown" down or against something, or, "swung" into something. Therefore, if K. BORTNER in fact wasn't specifically "hit", "punched," "kicked," or "stuck" then the examinee could answer HEALY's question with a "no" and possibly be non-deceptive. This is where semantics come into play.

Overall, the question described above and used by HEALY is vague and leaves potential for rationalization, minimization, and an interpretation of semantics. Since EVANS claimed to have had no complicity in the fatal injuries sustained by K. BORTNER, perhaps a better question would simply have been: ***"Did you cause those fatal injuries to that girl?"***

Another factor when formulating relevant questions is considering the use of the victim's name in a relevant question. As an accepted "best practice" it is encouraged that a victim's name not be used in a relevant question, especially if the examinee and victim are know / friendly / intimate / or otherwise connected to each other. The rationale being that just by introducing the victim's name into the question can induce an emotional reaction to the question and therefore possibly produce an artificial reaction.

The purpose of the Sacrifice Relevant question (which is not scored and always toward the beginning of an exam format) in an exam format is to introduce the examinee to the issue or offence being explored using direct terminology and to identify the alleged victim of that offence, such as *Regarding whether or not you stabbed John Doe.....Regarding whether or not you stole any of that money from Ma & Pa's Corner Store.....Regarding whether or not your penis ever touched Mary's vagina.....or, Regarding whether or not you caused those fatal injuries to Cassidy Bortner.....*, as examples. The reason for this question and the introduction of the issue or offence and the victim's name is to allow the examinee an opportunity to hear the allegation and the victim's name and to purge any emotional reaction associated with hearing the victim's name. Later in the exam a person victim should only be referred to as *"that man.....," "that woman....," "that girl..." "that boy..."*

An accepted variation to this requirement is if an examiner feels the victim's name needs to be in the relevant question. If that's the case then the name also needs to be in the comparison questions as well. This way if there is an 'emotional' reaction that reaction is evenly distributed throughout the exam.

In regards to the exam administered to EVANS my review shows that HEALY omitted the alleged offense or allegation from the Sacrifice Relevant Question by only asking EVANS, ***"With regard to Cassidy Bortner do you intend to answer truthfully each question on this test?"*** To fully lay out the issue at hand this question should have included a reference to the alleged act(s), such as ***"With regard to whether or not you caused those fatal injuries to Cassidy Bortner, do you intend to answer truthfully each question on this test.*"**

A review of the audio / video recording also shows that this issue of using the victim's name in the exam and the concern of an emotional reaction is brought up to HEALY by EVANS. This fact is interesting because while he brings up a valid point, it also may be indicative of EVANS having done research on polygraph prior to his exam. During the conversation regarding the use of the victim's name HEALY acknowledges that using the victim's name can invoke an emotional response and HEALY seems to indicate that he will not use the victim's name in the relevant questions. However, based on the audio / video recording, the question lists, and the charts, it would appear that the victim's full name was used in all three relevant questions, but not in the comparison questions, thereby going against currently accepted best practices for question formulation.

REVIEW OF PRE-TEST PROCEDURES

During my review of this exam I did not have a copy of the pretest work sheet used by HEALY. However, I did review the audio / video recording of the exam. During my review of the audio / video recording I noted that EVANS claimed to have recently suffered a broken ankle. Although I did not observe EVANS using crutches or displaying any obvious signs of limping or favoring an ankle while he moved around the room this is an important issue to consider during a pretest interview.

If, in fact, if EVANS had a "broken" ankle, or even a moderate to severe sprain, the potential pain and / or

discomfort associated with that injury could have an effect on the tracings produced during the exam and possibly cause artificial reactions. Additionally, if an examinee had done research on the polygraph instrument and / or procedures prior to the test that examinee may try to induce pain or discomfort at certain points in the exam in an attempt to alter the tracings.

During HEALY's pre-test interview he doesn't seem to explore this issue with EVANS or assess the potential impact it may have on the exam. Without further inquiry and / or discussion by HEALY with EVANS on the audio / video recording I can not render an opinion as to whether this exam should have even been conducted beyond this disclosure by EVANS. But, as a 'best practice' to ensure an examinee gets a fair and accurate exam it should be an examiner's preference to default on the side of caution and not proceed with an exam if an examinee is in any pain, discomfort, or experiencing any type of medical issue that could endanger the health and well being of the examinee, or potentially skew the tracings.

REVIEW OF CHARTS / IN-TEST PROCEDURE

A review of the four (4) specific-issue charts produced during this exam in conjunction with a review of the audio / video recording of the exam revealed some issues I believe are detrimental to this exam. They are detailed below:

- HEALY doesn't seem to give clear pre-test instructions to EVANS on how the test will be executed, how to remain still, and breathe normally, or provide any advisements on the adverse effects the use or attempted use of countermeasures will have on the exam.
- I noted that HEALY engages EVANS in conversation at various points during the running of the actual exam and during the time the charts are being recorded. This is not an accepted practice and should not occur during an exam.
- I noted that HEALY asked EVANS the same comparison question (C4) three (3) consecutive times on Series 2 / Chart 2, apparently due to examiner error, and HEALY engaged EVANS in conversation regarding the errors during this portion of the exam. While unexpected things can happen during exams due to examiner error, outside noises, the examinee sneezes or does some other unexpected, involuntary thing, or some unexpected equipment or component failure, this issue could have been easily addressed by not commenting on the error during the running of the chart, continued on after the first time C4 was asked incorrectly, and just finished out the chart. Then, the examiner could simply run an additional chart (minimum of three charts are required, but up to six can be run on a single exam). Engaging in conversation during the running of a chart is very problematic and should not be done.
- During a review of the Series 2 / Chart 2 tracing and the audio / video of the exam I noted that HEALY gave EVANS instruction on his breathing at or around question R5. Again, speaking to the examinee during the actual running of a chart is not acceptable and therefore further makes this chart unusable.
- In regards to the movement pad tracing on the charts I noted irregular, or even suspect movements on the part of EVANS during the exam. Ideally, if the gains are set correctly the movement pad tracing should show nothing more than the examinee's heartbeat. However, upon review of EVANS' charts I noted that EVANS moved more than would be expected or considered normal throughout the entire exam. Additionally, I specifically noted that the movement tracing seemed to indicate that EVANS made distinct movement(s) on the following questions; Series 2 / Chart 1- C6 and C9; Series 2 / Chart 2 - S1, C9, C4, and C6; Series 2 / Chart 3 - C4; and Series 2 / Chart 4 - S1. These notable movements all seem timely and consistent to only control questions which could be indicative of the examinee employing countermeasures. The possibility of EVANS using movement type countermeasures is also elevated due to

his claim that he was suffering from a broken ankle during the pre-test portion of the exam. This could be done by applying pressure to the effected ankle, or twisting the effected ankle to cause pain or discomfort which would translate into a reaction on the charts, as well as irregular movement tracings on the movement pad. Unfortunately, HEALY doesn't set up his camera in a way that EVANS' legs or feet are visible so it is difficult to come to a more concrete determination as to whether EVANS was manipulating his ankle, or doing something else as possible countermeasures.

SCORING REVIEW

In HEALY's report he notes that he used "the UTAH scoring system" to evaluate his charts although no hand scoring sheet was provided for this review. This "system" is referred to as the Seven Point Scoring System. This system assigns a numerical score based on a 1.5:1, 2:1, 3:1, type evaluation. Although it is my opinion that these charts are invalid based on the improper formatting, the excluded cardio tracing, poor or improper question formulation, possible countermeasures, and the possibility that the examinee had a broken ankle during the exam, myself an another NH State Police Polygraph Unit examiner, Trooper J.C. Decker, who recently completed the academic portion of his polygraph training at the NCTC Polygraph Institute and is also trained in the UTAH format, scored the charts on their 'face value.' This evaluation of these invalid charts using the seven point scoring system resulted in us both coming up with the following numerical score:

Question	R5	R7	R10	
Chart 1	+2	+2	+1	
Chart 2*	+1	+1	-3	*Included despite examiner error(s) based on belief that HEALY scored Chart 2.
Chart 3	-2	-1	-1	
Chart 4	+1	-1	+1	
<hr/>				
Sport Scores	+2	+1	-2	Overall Total: +1 INCONCLUSIVE

Based on the fact that HEALY claimed that EVAN had been deemed NonDeceptive with an overall score of +15 Trooper Decker and I applied the Empirical Scoring System to these charts to assess if HEALY had used this scoring system used for other formats. Below are the results of the scoring of the charts based on their 'face value' using ESS:

Question	R5	R7	R10	
Chart 1	+2	+2	+2	
Chart 2	Excluded due to obvious examiner errors			
Chart 3	+2	0	-2	
Chart 4	-4	-2	0	
<hr/>				
Sport Scores	0	0	0	Overall Total: 0 INCONCLUSIVE

SUMMARY

Based on my review of this exam I found a number of issues that in my opinion make this exam unreliable. These issues include:

- Improper Formatting of the exam
- Poor / improper question formulation
- Poor pre-test procedures in regards to screening EVANS' possible broken ankle, providing proper advisements and instructions.
- Improper setting of preferences in regards to the thumbcuff rendering the tracing useless
- Various examiner errors during the running of charts.
- Possible countermeasures by the examinee.

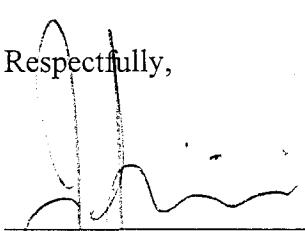
Lastly, I noted in HEALY's report that he states, "*I noted no common indicators of verbal or physical deception,*" and, "*I detected no linguistic signs of deception or editing,*" in regards to EVANS. While being cognizant of an examinee's body language and / or applying some level of statement analysis is useful while conducting any type of interview this type of evaluation has to remain distinctly separate from the execution of a polygraph exam, the evaluation and scoring of polygraph charts, and in the rendering of an opinion in regards to an examinee's deception or non-deception in connection to a polygraph exam. The rule being: trust your charts and only your charts when rendering an opinion.

Additionally, in HEALY's cover letter to you in regards to this exam review HEALY makes reference to applying "SCAN," a statement analysis technique, to some statement written by someone named "Marshal," adding that he had looked at it and found it "*interesting.*" HEALY also expresses his belief that there are "*likely many more wrongfully convicted people in New Hampshire prisons beside Chad EVANS,*" and he then makes reference to another case regarding a Brian Chevalier. My concern in reading these things in HEALY's letter and reports is that HEALY may have considered factors outside the sphere and scope of the polygraph exam and the charts in concluding his opinion. This is merely something I noted and felt relevant to mention as it would be my position that these non-polygraph related techniques have no relevance in the outcome of the polygraph exam and may, and I stress may, be an indicator of outside influences.

Based on my review of this exam, and using the material I was provided, it would be my opinion that this test be deemed **invalid** and not relied upon to assess the truthfulness of Chad EVANS in regards to the issue of his culpability in the death of Cassidy Bortner.

Should there be any questions regarding this exam, please, contact this office at (603) 223-579.

Respectfully,



TROOPER JEFFREY A. ARDINI
NH State Police
Investigative Services Bureau
Polygraph Unit



STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
NEW HAMPSHIRE STATE PRISON - CONCORD

P.O. BOX 14
CONCORD, NH 03302-0014
603-271-1801 FAX: 603-271-4092
TDD Access: 1-800-735-2964

William L. Wrenn
Commissioner

Richard M. Gerry
Warden

November 20, 2012

Mr. Morrison Bonpasse
71 Sullivan Street
Keene, New Hampshire 03431

RE: Chad Evans #75414

Dear Mr. Bonpasse:

I received your letter dated November 16, 2012 regarding your request for a second polygraph to be conducted by John Consiglo on Mr. Evans.

I have reviewed the packet of information that you included in your correspondence. Certainly Mr. Consiglo appears to be a highly credentialed polygraph examiner. However I do not support your request for another polygraph examination to be conducted at this facility. Apparently the results of the first examination were sent to Senior Assistant Attorney General Jeff Strelzin who in turn forwarded them to the State Police Polygraph Unit. The results of the State Police assurance review are contained in the eight page report filed by Trooper Jeffrey Ardini which you sent to me.

The administration of any polygraph examination is a lengthy process requiring special equipment, a suitable room and environment and adequate time. The logistics of conducting a polygraph at the prison are even more challenging for security reasons.

It is my understanding that Mr. Evans does not have an attorney and is acting pro se. It would be my position that Mr. Evans would need to work out an agreement in regards to the administering of a polygraph with Assistant Attorney General Strelzin for me to reconsider my decision. Should Mr. Strelzin provide a written request in support of another polygraph then time and effort will be expended to make the necessary arrangement.

I regret I can not provide you with the relief you seek.

Sincerely,

A handwritten signature in black ink that reads "Richard M. Gerry".

Richard M. Gerry, Warden
New Hampshire State Prison for Men

/gm

cc: File

----- Original Message -----

From: [Morrison Bonpasse at Chad Evans Wrongly Convicted Committee](#)

To: [Jeffery Strelzin, NH Senior Assistant Attorney General](#)

Cc: [John Consigli, Consigli Polygraph Examinations](#) ; [Richard M. Gerry, Warden, New Hampshire State Prison for Men](#)

Sent: Thursday, November 29, 2012 1:32 PM

Subject: Request for your support of scheduling second polygraph exam for Chad Evans

Dear Mr. Strelzin,

On November 16, I wrote to Warden Richard Gerry the attached letter (with enclosures) to ask his permission for scheduling a second polygraph exam for Chad Evans. To ensure that this exam was conducted with the highest standards possible, we have retained the services of John Consigli, former Mass. State Police Captain and polygraphist, and former President of the American Polygraph Association.

Warden Gerry promptly replied by his attached letter of November 20. (The text of the letter is pasted below in this email.)

I write to ask for your support of this proposed polygraph examination in the interest of truth and justice in the case of Chad Evans. "Support" may not be your preferred word, but I'm hoping that you will write to Warden Gerry of your interest or support or endorsement of such an exam. With such a letter from you, or Attorney General Delaney, the scheduling of the exam would be a simple matter of Mr. Consigli calling the Warden's office and working out a date and time convenient to the prison and Mr. Consigli. Then, as was done last April, the prison would make the arrangements to bring Chad Evans to the polygraph room on the scheduled date. Mr. Consigli would bring his own computerized polygraph equipment.

Thank you for your consideration of this request.

Very sincerely,

Morrison

Morrison Bonpasse
Executive Director
Chad Evans Wrongly Convicted Committee
71 Sullivan Street
Keene, NH 03431-2075
207-586-6078
www.chadevanswronglyconvicted.org
morrison@chadevanswronglyconvicted.org

Copy to: Chad Evans #75414, New Hampshire State Prison, P.O. Box 14, Concord, NH 03302-0014

November 20, 2012

Mr. Morrison Bonpasse
71 Sullivan Street
Keene, New Hampshire 03431
RE: Chad Evans #75414

Dear Mr. Bonpasse:

I received your letter dated November 16, 2012 regarding your request for a second polygraph to be conducted by John Consiglo on Mr. Evans.

I have reviewed the packet of information that you included in your correspondence. Certainly Mr. Consiglo appears to be a highly credentialed polygraph examiner. However I do not support your request for another polygraph examination to be conducted at this facility. Apparently the results of the first examination were sent to Senior Assistant Attorney General Jeff Strelzin who in turn forwarded them to the State Police Polygraph Unit. The results of the State Police assurance review are contained in the eight page report filed by Trooper Jeffrey Ardini which you sent to me.

The administration of any polygraph examination is a lengthy process requiring special equipment, a suitable room and environment and adequate time. The logistics of conducting a polygraph at the prison are even more challenging for security reasons.

It is my understanding that Mr. Evans does not have an attorney and is acting pro se. It would be my position that Mr. Evans would need to work out an agreement, in regards to the administering of a polygraph with Assistant Attorney General Strelzin for me to reconsider my decision. Should Mr. Strelzin provide a written request in support of another polygraph then time and effort will be expended to make the necessary arrangement.

I regret I can not provide you with the relief you seek.

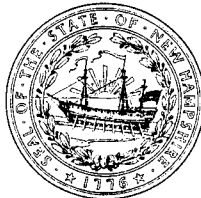
Sincerely,
Richard M. Gerry /s/

Richard M. Gerry, Warden
New Hampshire State Prison for Men
/gm
cc: File

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

November 30, 2012

Warden Richard Gerry
New Hampshire State Prison for Men
PO Box 14
Concord, NH 03302-0014

Re: State v. Chad Evans-Inmate No. 75414

Dear Warden Gerry:

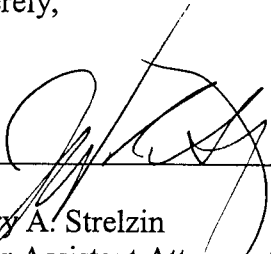
Mr. Bonpasse forwarded me a copy of your November 20, 2012 letter regarding the defendant, Chad Evans.

Please be advised that I do not support another polygraph being administered to the defendant, Mr. Evans. In a very detailed written letter, I explained to the defendant and Mr. Bonpasse why any claims regarding polygraph evidence would not way in favor of his case. That includes the fact that polygraph evidence is not considered to be reliable enough to be admitted into evidence in New Hampshire.

Again, to confirm, I do not support administering another polygraph in this case for the reasons outlined in my prior letter to the defendant and Mr. Bonpasse and in this letter as well.

If you have any questions, please feel free to contact me.

Sincerely,



Jeffery A. Strelzin
Senior Assistant Attorney General
Chief, Homicide Unit
(603) 271-3671
Fax: (603) 223-6262

JAS/cae
Copy to: Morrison Bonpasse
838328

----- Original Message -----

From: [Morrison Bonpasse at Chad Evans Wrongly Convicted Committee](#)

To: [William L. Wrenn, Commissioner, New Hampshire Dept. of Corrections](#)

Cc: [John Consigli, Consigli Polygraph Examinations](#) ; [Jeffery Strelzin, NH Senior Assistant Attorney General](#)

Sent: Monday, December 17, 2012 7:17 AM

Subject: Request for approval for second polygraph exam for Chad Evans, an inmate (#75414) at the NH State Prison

Dear Commissioner Wrenn,

I write to ask that you approve Chad Evans's request for permission to undergo a second privately funded polygraph exam to help verify his claim of innocence. The exam would be conducted by John Consigli, former president of the American Polygraph Association and former Massachusetts State Police Captain. A copy of his resume is attached.

Last April 30, a privately funded polygraph exam was given to Chad, an inmate (#75414) at the New Hampshire State Prison. The purpose of the exam was to help determine the truth of his claim of innocence of the assaults and murder of Cassidy Bortner, the crimes for which he was convicted in 2001. The initial evaluations of the exam showed "no deception indicated" and 98.9% truthfulness. Those reports are attached together with the other referenced documents, below. However, at Chad's request, the State Police reviewed the exam and found sufficient flaws in the conduct of the exam to recommend that it be considered void. A copy of the State Police review is attached.

In November, I wrote to Warden Gerry to request permission for this second exam. He responded that he was not approving the exam, but stated that if Sr. Assistant Attorney General Jeffery Strelzin supported such an exam, arrangements could be made. I then asked Mr. Strelzin for that support and he declined, by a letter to Warden Gerry. He is currently the lead attorney in the Office of the Attorney General regarding Chad Evans's case and he believes that Chad was correctly convicted. However, as the work of the Attorney General is to support justice, and not merely to uphold convictions, the quest for truth in this case must continue. A copy of the above correspondence is attached in one document.

Polygraphs are used in New Hampshire and throughout the world to assist in the search for truth. While Mr. Strelzin is correct that the results of polygraph exams are not admissible in criminal trials as evidence of the truth, such exams are still widely used by law enforcement to assist, again, in that search for truth. The Office of the Attorney General has prosecuted several individuals in cases where polygraphs were used as part of the pre-trial investigations. As you know, polygraphs are used in the Dept. of Corrections to verify the truthfulness of participants in sex offender treatment programs. See NH DOS Policy Directive 6.35 re: Sex Offenders.

Across the country, and thanks to the miracle of DNA testing, a national registry of exonerations has found that there have been more than 1,000 exonerations of wrongly convicted people since 1989. In every one of those cases, the future exoneree was convicted beyond a reasonable doubt, but the truth about each case was not immediately apparent to the judge or jury. For about 300 of those exonerations, subsequent DNA testing was the primary exculpatory evidence, but for the others, the truth came out in other ways. The polygraph is one method which has been used to help find that truth.

For some of those, post-conviction polygraphs in prison played a part. Perhaps the best known case is of Martin Tankleff of New York who was released in 2008 after 17 years in prison and exonerated for the murder of his parents in 1988. Prior to joining Tankleff's campaign for exoneration in 2000, Private Investigator Jay Salpeter had Tankleff undergo a polygraph

examination in prison, which he passed. If that exam had not been permitted, Marty might still be in prison, but innocent.

The first instance of a polygraph being used to assist an inmate's claim of innocence occurred in Colorado where Loren Hamby was convicted in 1939 of murdering a gas station attendant during a 1937 robbery. He was sentenced to life in prison, but he was innocent. His mother had learned of the newly invented polygraph, and asked one of its co-inventors and prominent proponents, Leonard Keeler, to give Loren a polygraph examination in prison, which he passed. As often happens with such results, it wasn't the polygraph which, by itself, persuaded the prosecutors and the courts of their mistake. Instead, the results persuaded the chief prosecution witness to repudiate his testimony. Hamby was released in 1946 and the Colorado legislature awarded him \$10,000 compensation in 1947.

Please know that Chad's campaign for exoneration is supported by substantial evidence not considered by Chad's jury. That evidence is presented on his website, www.chadevanswronglyconvicted.org and in my book, [EYE CONTACT - The Mysterious Death in 2000 of Cassidy Bortner and the Wrongful Convictions of Chad Evans and Amanda Bortner](#). An ecopy of the book is attached, and it is available from Amazon.com. This information is provided to you in order to assist you in finding that this request for permission to undergo a polygraph exam is not frivolous.

Also, please be assured that the granting of this request will not lead to a burdensome flood of similar requests. To my knowledge, there was no such flood of requests after the 2010 polygraph of inmate Brian Chevalier and no flood of requests after Chad's April 30, 2012 exam.

There would be almost no cost to the Dept. of Corrections for permitting the requested exam of Chad Evans. As far as I can guess, the only costs would be the costs of scheduling the exam, and the cost of having a Corrections Officer on the floor of the polygraph room. As that work would be performed by people already being paid, the actual cost to the New Hampshire taxpayer would be zero. Nonetheless, the work would still take people away from other corrections work, so I recognize that there is a cost, but it's small and difficult to measure.

On the other hand, the State's production of its correspondence about this request has likely already cost the New Hampshire taxpayers more than the cost would have been if the second exam had been approved immediately. Your time spent in consideration and responding to this request must be included as well.

Surely, you do not want any innocent people to be incarcerated in your prisons. The financial cost would be large, approximately \$1 million for the rest of Chad's sentence, but the moral cost and the cost in inmate and corrections officer morale must be weighed as well. Given the negligible costs of permitting Chad's exam, the application of a cost/benefit standard to your decision seems certain to favor that permission.

Chad Evans understands that the polygraph is not a perfect lie detector. He understands that there is a risk of a "false positive" result in a test where the polygraph will indicate deception where there is truth. That risk is thought to be almost 50% by detractors of the utility of polygraphs, but their proponents put that risk closer to 10%. That's a risk that Chad is willing to take in his effort to support his claim of innocence. He took that risk in 2010 when he took, and passed, a voice stress analysis lie detector test. He took that risk this past April with his first polygraph exam.

It is the policy of the Corrections Department to provide a prison library and other legal materials to assist inmates in their efforts to achieve justice in the courts. Meetings for inmates with their lawyers are scheduled and accommodated, even though the conversations in those meetings are not admissible in court. Approving this request for a second polygraph exam for Chad Evans would be consistent with the Dept. of Corrections goal of assisting inmates with, or at least not

standing in the way of, their claims to truth and justice.

Please make it clear now that the Executive Branch of the Government of the State of New Hampshire does not oppose an additional polygraph test for Chad Evans. Then Mr. Consigli can work with Warden Gerry's office to schedule the exam.

Thank you for your consideration.

Very sincerely,

Morrison

Morrison Bonpasse
Executive Director
Chad Evans Wrongly Convicted Committee
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----- Original Message -----

From: Strelzin, Jeffery

To: William L. Wrenn, Commissioner, New Hampshire Dept. of Corrections

Cc: Morrison Bonpasse at Chad Evans Wrongly Convicted Committee

Sent: Monday, December 17, 2012 9:03 AM

Subject: RE: Request for approval for second polygraph exam for Chad Evans, an inmate (#75414) at the NH State Prison

Commissioner Wrenn:

We are confident justice was done in this case and that the defendant, Chad Evans, committed all the crimes he has been convicted of at trial. If you have any questions about his case, or Mr. Bonpasse's claims and representations, please feel free to contact me.

-Jeff Strelzin

Jeffery A. Strelzin
Senior Assistant Attorney General
Chief, Homicide Unit
NH Attorney General's Office
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----- Original Message -----

From: [Morrison Bonpasse at Chad Evans Wrongly Convicted Committee](#)

To: [William L. Wrenn, Commissioner, New Hampshire Dept. of Corrections](#) ; [Strelzin, Jeffery](#)

Cc: [John Consigli, Consigli Polygraph Examinations](#)

Sent: Monday, December 17, 2012 10:20 AM

Subject: Re: Request for approval for second polygraph exam for Chad Evans, an inmate (#75414) at the NH State Prison

Dear Mr. Strelzin and Commissioner Wrenn:

Mr. Strelzin has given careful consideration to the Chad Evans case over the past year, and I have no doubt that he sincerely believes that Chad committed the crimes for which he was convicted.

However, in every one of the 1,000 exoneration cases in this country since 1989, there has been a prosecutor similarly convinced of the guilt of the convicted defendant, but s/he was wrong.

Mr. Strelzin's assessment of the Chad Evans case is also very wrong, despite the fact that he has seen much more information than Chad's jury saw, and most of that information is exculpatory. Perhaps Mr. Strelzin is wary that acknowledging even a glimmer of doubt about Chad's conviction may lead down a slippery slope to exoneration. Beyond such a concern, the work of the Attorney General and prosecutors in general is justice and not merely the obtaining and preservation of convictions.

Nonetheless, beyond a threshold determination that Chad's request to take a second polygraph exam is not frivolous, my assessment and Mr. Strelzin's assessment and your assessment of Chad's guilt or innocence should not matter. What matters is that a New Hampshire citizen in prison seeks to help verify his claim of innocence by voluntarily taking a privately funded polygraph exam. As noted in my email to Commissioner Wrenn, the potential benefits of permitting that exam far outweigh the negligible, but growing, costs to New Hampshire taxpayers. The sooner such permission is granted, the lower will be the cost to those taxpayers.

Respectfully, permitting Mr. Consigli to schedule a 3+ hour polygraph exam for Chad Evans will be in the interest of truth and justice and to the benefit of the people of New Hampshire.

Thank you both for your consideration, or re-consideration.

Very sincerely,

Morrison

Morrison Bonpasse
Executive Director
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William L. Wrenn
Commissioner

William G. McGonagle
Assistant Commissioner

December 18, 2012

Mr. Morrison Bonpasse
71 Sullivan Street
Keene, New Hampshire 03431

RE: Chad Evans (75414) Second Polygraph Request

Dear Mr. Bonpasse:

I have reviewed your request for a second polygraph to be administered to Inmate Chad Evans and the additional documents included with your request. I have determined that the Department of Corrections has been more than accommodating to Inmate Evans in allowing a polygraph test to be administered to him. However, I am denying your request for an additional polygraph test. As stated by Warden Gerry, the "logistics of conducting a polygraph at the prison are even more challenging for security reasons." Our first concern is for the security of our prisons and as Senior Assistant Attorney General Jeffery Strelzin stated that any claims regarding polygraph results would not carry any weight in favor of Inmate Evan's claims. Therefore your request for a second polygraph test to be administered at the Concord Prison is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Wrenn".

William L. Wrenn
Commissioner

WLW:nw

Cc: Warden Dick Gerry
Jeffrey Strelzin, Senior Assistant Attorney General