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POLYGRAPH EXAMINATION REPORT

Date of Report

03/30/2019

Date of Examination

03/29/2019

Location of Examination

2000 K Street NW, Washington, DC 20006

Examinee's Name

Justin Fairfax

Synopsis

On March 29, 2019, Justin Fairfax reported to the Law Offices of Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP, 2000 K Street NW, Washington, DC for the purpose of undergoing a polygraph examination. The examination was to address two issues. The first issue was to address whether Fairfax sexually assaulted Vanessa Tyson in 2004 in Boston, MA. The second issue was to address whether Fairfax sexually assaulted Meredith Watson while both were students at Duke University. Present prior to the polygraph examination was Attorney Barry Pollack. After a brief meeting, Pollack departed the room.

Fairfax was then interviewed in an effort to formulate the relevant questions. During this Pre-Examination Interview, Fairfax denied sexually assaulting Ms. Tyson or Ms. Watson. He stated that all sexual activity between him, Ms. Tyson and Ms. Watson was consensual.

Regarding his relationship with Ms. Tyson, Fairfax stated he met Ms. Tyson at the Democratic National Convention in Boston, MA in 2004. At this time, Fairfax was working for the campaign of John Edwards, the Democratic Vice Presidential nominee. Due to his busy schedule, Fairfax stated he did not arrive to the convention on the first day. After arriving to the convention, he met Ms. Tyson and they developed a friendship. At some point, Ms. Tyson accompanied Fairfax to his hotel room. In the room, they began to kiss and fondle each other. During this encounter, Ms. Tyson performed oral sex on Fairfax. Fairfax stated that he never forced Ms. Tyson to perform oral sex on him and that all sexual activity that occurred between them was consensual. After this encounter, they left the hotel room together.

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Fairfax stated that after the convention ended and he left Boston, he continued to have contact with Ms. Tyson. They exchanged telephone calls and messages on several occasions over the ensuing months and during one specific contact, Ms. Tyson suggested visiting Fairfax in New York and introducing him to her mother. Fairfax stated that in the fall of 2004, he had returned to New York to finish law school at Columbia University. Fairfax advised that he was not interested in pursuing a relationship with Ms. Tyson and he never got together with Ms. Tyson or meet her mother.

Regarding his relationship with Ms. Watson, Fairfax stated he met Ms. Watson when both were students at Duke University. Fairfax stated they were friends and were never involved in a romantic relationship. Fairfax stated that he only engaged in sexual contact with Ms. Watson on one occasion. This occurred at the Fraternity House where Fairfax was a member. He stated that all sexual contact with Ms. Watson was consensual and Ms. Watson is the one who initiated this sexual encounter.

Following this encounter, Fairfax stated he continued to have contact with Ms. Watson while at Duke. At no time did he have a conversation with Ms. Watson where she implied that he had assaulted her. In addition, he never had a conversation with her where he used words to the effect of "I knew that because of what happened to you last year that you'd be too afraid to say anything."

Following this interview, Fairfax was given a polygraph examination consisting of the following relevant questions:

Series I

- A. Did you engage in any non-consensual sexual activity with Vanessa? Answer: No
- B. Was Vanessa crying at any time she was in your hotel room? Answer: No
- C. After leaving Boston, did Vanessa contact you and suggest visiting you and meeting her mother? Answer: Yes

Four polygraph charts (which included an acquaintance or "stim" chart) were collected using a Dell G7 notebook computer and Lafayette LX4000 software. This software obtained tracings representing thoracic and abdominal respiration, galvanic skin response, and cardiac activity. All of these physiological tracings were stored in the computer along with the time that the questions were asked as well as text of each question. The format of the test was the Modified General Question Test (MGQT). It included relevant questions addressing the issues to be resolved by the examination, comparison questions to be used in analysis, and neutral or irrelevant questions. All questions were reviewed with Fairfax prior to the test. The charts collected were subjected to a numerical evaluation that scored the relative strength of physiological reactions to relevant questions with those of the comparison questions. An analysis was conducted using a three (3) point scale (-1, 0, +1). If reactions were deemed to be greater at the relevant questions, then a negative score was assigned. If responses were deemed to be greater at the comparison questions, then a positive score was assigned. A decision of deceptive is rendered if any individual question score is -3 or less. A decision of non-deceptive is rendered if each individual question is +3 or greater.

Fairfax's scores utilizing the three (3) point scale are +4 at Question A, +7 at Question B and +5 at Question C. Based upon this analysis, it is the professional opinion of this examiner that Fairfax's responses to the above relevant questions are **Not Indicative of Deception**.

An independent quality control review of this polygraph examination was conducted by Alan Jennerich. Mr. Jennerich is a retired FBI Special Agent and graduated from the Department of Defense Polygraph Institute (currently known as the National Center for Credibility Assessment) in November 2000. He is currently a member of the American Polygraph Association.

Jennerich's scores utilizing the three (3) point scale are +5 at Question A, +6 at Question B and +7 at Question C. Based upon this analysis, it is the professional opinion of Mr. Jennerich that Fairfax's responses to the relevant questions are **Not Indicative of Deception**.

A third analysis was conducted utilizing a scoring algorithm developed by Raymond Nelson, Mark Handler and Donald Krapohl (Objective Scoring System Version 3) which concluded "**No Significant Reactions- Probability these results were produced by a deceptive person is .002.**" Truthful results, reported as "No Significant Reactions," occur when the observed p-value indicates a statistically significant difference between the observed numerical score and that expected from deceptive test subjects, using normative data obtained through bootstrap training with the confirmed single issue examinations from the development sample. **Truthful results can only occur when the probability of deception is less than .050.**

A second polygraph examination was conducted consisting of the following relevant questions:

Series II

- D. Did Meredith give you any physical or verbal indication she did not want to have sexual contact with you? Answer: No
- E. Did you engage in any non-consensual sexual activity with Meredith? Answer: No
- F. After this incident, did you have a conversation with Meredith where she implied your sexual contact with her was non-consensual? Answer: No

Three polygraph charts were collected, again using the Dell G7 notebook computer and Lafayette LX4000 software. The format of the test was the Modified General Question Test (MGQT). It included relevant questions addressing the issues to be resolved by the examination, comparison questions to be used in analysis, and neutral or irrelevant questions. All questions were reviewed with Fairfax prior to the test. The charts collected were subjected to a numerical evaluation that scored the relative strength of physiological reactions to relevant questions with those of the comparison questions. An analysis was conducted using a three (3) point scale. If reactions were deemed to be greater at the relevant questions, then a negative score was assigned. If responses were deemed to be greater at the comparison questions, then a positive score was assigned. A decision of deceptive is rendered if any individual question score is -3 or less. A decision of non-deceptive is rendered if each individual question is +3 or greater.

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Fairfax's scores utilizing the three (3) point scale are +6 at Question D, +3 at Question E and +4 at Question F. Based upon this analysis, it is the professional opinion of this examiner that Fairfax's responses to the above relevant questions are **Not Indicative of Deception.**

An independent quality control review of this polygraph examination was conducted by Alan Jennerich. Jennerich's scores utilizing the three (3) point scale are +4 at Question D, +3 at Question E and a +5 at Question F. Based upon this analysis, it is the professional opinion of Mr. Jennerich that Fairfax's responses to the relevant questions are **Not Indicative of Deception.**

A third analysis was conducted utilizing a scoring algorithm developed by Raymond Nelson, Mark Handler and Donald Krapohl (Objective Scoring System Version 3) which concluded "**No Significant Reactions- Probability these results were produced by a deceptive person is .001.**"