

Appendix C-1 (July, 2003) Responding to Polygraph Results

The purpose of this appendix is to assist multidisciplinary teams in their use of polygraph testing with juveniles who have committed sexual offenses. Though several sections address polygraph use throughout these Standards, questions from the field have arisen regarding practical application and implementation. This appendix is not intended to revise existing Standards, but rather to provide guidance to multidisciplinary teams who evaluate, treat, manage and supervise this population.

Representing a cross-section of mandatory members of any multidisciplinary team (Section 5.110) the Sex Offender Management Board committee developed this appendix soon after the first publication of these Standards. Thoughtful consideration of comments and concerns from a variety of consumers provided the framework for the committee's approach.

The outcome is a best practice-based document that answers frequently asked questions, provides guidance regarding testing preparation, and outlines the process multidisciplinary teams should undergo when making decisions about the use of polygraph testing and the results of examinations.

Preparation for Polygraph Testing

Adequate preparation for polygraph examination has been found to contribute to improvements in the quality and quantity of information obtained from the polygraph, and to the accuracy of polygraph results. Structured preparation guidelines will serve to assure that juveniles are provided necessary guidance in preparing for polygraph examination, variability in preparation procedures will be determined by the multidisciplinary team (MDT). The MDT should provide the youth with guidance and structure sufficient to identify and organize the information pertaining to the polygraph test. All written materials should be provided to the examiner prior to or at the time of the examination.

Following are the three types of polygraph examination as listed in these Standards, and the minimal requirements for preparation by the juvenile:

1. Sexual history polygraph examination

Minimal preparation requirements by the juvenile:

- Is able to define types of abusive and unlawful sexual behavior (sibling, family member, lack of consent, lack of equality, some form of coercive pressure)
- Identification of victims of past abusive sexual behaviors and specific types of unlawful sexual contact are clear
- Demonstrates an adequate conceptual vocabulary regarding the test issues
- Written preparation materials completed by the juvenile should be provided to the examiner prior to or at the time of the examination.

Examination areas may include:

- Sexual offenses
- Sexual behavior patterns
- Consensual sexual contacts
- Masturbation issues
- Pornography issues
- Grooming, silencing, and maintenance behaviors
- Household boundaries

The MDT should assist the youth in preparing for sexual history polygraph testing by ensuring that the youth can define and identify abusive and/or unlawful sexual behaviors. In addition, the MDT should ensure that the youth possess and demonstrates an adequate conceptual vocabulary regarding the issues under investigation (i.e., pornography, masturbation, sexual contact, force, threats, coercion, relatives, consent, etc.)

Discussion: The MDT and/or polygraph examiner may elect to limit the time of reference of disclosure -- during the preparation, pre-test, and in-test phase of the examination -- to more recent history of sexual offense behaviors (i.e., since age 10, or since a memorable event marker). This may be particularly important for those youths whose early childhood experiences include severe chaos or abuse, or highly sexualized behaviors at young ages.

2. Maintenance/monitoring polygraph examination

Minimal preparation requirements by the juvenile:

- Is able to define of abusive and unlawful sexual behavior (sibling, family member, lack of consent, lack of equality, some form of coercive pressure)
- Demonstrates an adequate conceptual vocabulary regarding the test issues
- Written preparation materials completed by the juvenile should be provided to the examiner prior to or at the time of the examination.

Examination areas may include:

- Re-offense/lapse/relapse behaviors
- Sexual contacts
- Contacts with minors and/or vulnerable persons
- Masturbation issues
- Pornography issues
- Grooming, silencing, and maintenance behaviors
- Recent criminal behaviors
- Compliance issues
- Household boundaries
- School boundaries

3. Specific issue polygraph examination

Minimal preparation requirements by the juvenile

- Is able to define types of abusive and unlawful sexual behavior (sibling, family member, lack of consent, lack of equality, some form of coercive pressure)
- Demonstrates an adequate conceptual vocabulary regarding the test issues
- Conceptual understanding of the nature and time-frame of the issue, allegation, or inconsistency under investigation
- Written preparation materials completed by the juvenile should be provided to the examiner prior to or at the time of the examination
- Examiner should be provided the police/investigation reports, presentence investigation (PSI), and/or victim's statement prior to the examination date

Examination areas may include:

- Any history of involvement in the issue under investigation (absent of any allegation or reason to suspect involvement)
- Specific issues regarding the allegation and/or discrepancies under investigation
- Determine the presence or absence of other unreported behaviors

The MDT will seek to assist youths in preparation for polygraph testing in a manner that is least likely to induce or increase the youth's sexual arousal to deviant sexual themes and stimuli.

Preparation materials, as recommended in this appendix, should assist the juvenile in identifying all relevant sexual behaviors involving abusive or unlawful conduct toward others in addition to the juvenile's history of involvement in other sexual behaviors indicative of sexual preoccupation, sexual deviancy, and risk for sexual recidivism.

It is not mandatory that all treatment providers utilize the same polygraph preparation materials, and some variability in methods is expected in response to the demands of specific sub-groups within the population of juveniles who have committed sexual offenses. Programs that utilize alternative preparation materials to those recommended in this appendix should ensure that their materials address a similar range of clinical and risk predictive issues, and remain sensitive to juveniles' needs for the development of healthy/normative sexual identities.

Responding to Polygraph Outcomes

Polygraph examinations are administered for the following purposes:

- To gain information relevant to the determination of risk level and/or progress in treatment
- To deter problem behavior and encourage compliance and healthy/safe behavioral adjustment
- To verify an individual's honesty with the members of, and compliance with, the requirements of the multidisciplinary team (MDT).

Three types of polygraph examinations are utilized with juveniles who have sexually offended, and the target issues vary accordingly:

- 1) the juvenile's history of involvement in sexual offense behaviors and sexual behaviors (sexual history polygraph examination)
- 2) examination of a juvenile's behavior and/or compliance with rules and condition of supervision during a designated time period under supervision and/or while in treatment (maintenance/monitoring examination)
- 3) investigation of a single or specific issue of concern (i.e., drug or alcohol use, the nature and extent of the juvenile's offenses against an individual, etc.)

The MDT is required to consider all sources of information when making decisions regarding a juvenile's progress in treatment, transition to less restrictive levels of care, and successful completion of treatment. When a polygraph examination is utilized as a source of information, the MDT should remain aware of the following considerations: 1) the nature and purpose of the polygraph test; 2) the information and results obtained from the polygraph test; and 3) the implications of the test results in the individual's treatment and management plan.

The MDT should formulate its response to the information and results from the polygraph test in a manner that is consistent with the objectives of the examination (i.e., community safety needs, individual treatment needs). The MDT should consider the following in formulating its response:

1. Nature and purpose of the polygraph examination

- Detection of information relevant to risk assessment and treatment planning
- Verification of compliance with supervision and/or treatment requirements
- Deterrence of problem behaviors

Discussion: Polygraph examination outcomes may lead to increased or decreased activity restrictions and/or changes in supervision or treatment requirements.

2. Polygraph outcomes

- Admissions/disclosures
- Timeliness of admissions and disclosures (i.e., preparation, pre-test, post-test)
- Scored test results
- Juvenile's response to the polygraph process and/or results (including efforts to resolve remaining inconsistencies)

Discussion: The MDT's response to polygraph examination outcomes may vary according to the timeliness of any admissions or disclosures. Juveniles who make 11th hour admissions prior to or during a polygraph examination may be demonstrating a more reluctant attitude toward the treatment and supervision process compared with those who report behaviors in a more timely manner. However, any effort to disclose behavioral issues and/or resolve inconsistencies may be an indicator of progress.

3. Case management context (to be considered when responding to polygraph examination outcomes)

- Individual's diagnostic/developmental profile
- Length of court supervision (remaining supervision period)
- Progress in sex offense specific treatment
- History of behavioral compliance
- Quality and level of supervision in the individual's environment
- Involvement in community based activities (family, work, school, recreation)

Discussion: When a youth discloses information that changes his/her assessed risk level -- regardless of the test outcome-- the MDT may elect to intensify treatment and supervision requirements. This information may accelerate or delay plans for transition or access to activities in the community. In the event of inevitable transitions, the MDT may elect to delay maintenance/monitoring examinations to a time following the transition to deter problem behavior and support the youth's behavioral adjustment in the new setting.

Questions and Answers
Regarding Polygraph Testing of Juveniles Who have Committed Sexual Offenses

1. **Who makes the referral for a polygraph examination?**

Standard 7.100 states that the MDT makes the referral for a polygraph examination. Polygraph referrals should not be made by an individual member of the MDT without the involvement of the other members.

2. **Is it permissible to inform the juvenile's family and/or attorney of the questions or issues to be addressed during the examination?**

The juvenile's family members and/or attorney may be informed of the general areas of inquiry that will be investigated during the examination. The questions asked will be individualized and language and vocabulary may be infinitely variable. The juvenile should not be informed of the exact questions prior to the examination. Such information may limit the individual's willingness to discuss other important issues that may interfere with the examination and would not contribute to favorable test outcomes. The MDT determines question target areas, and the exact language of the test questions will be developed during the examination.

3. **What are the areas of inquiry during a maintenance polygraph examination?**

The pre-test interview is conducted to determine the extent of the individual's reported activities within the areas of concern as determined by the MDT. The pre-test interview is conducted in a manner to build a suitable testing rapport between the juvenile and the examiner, stabilize issues that could interfere with the examination results, and assure the examinee is able to focus on the test issues in a clear and accurate manner. Areas of inquiry may include sexual contacts, sexual behaviors, contact(s) with children or vulnerable persons, masturbation issues, compliance issues and issues related to overall honesty and integrity with significant persons involved in the youth's life.

4. **How does the sexual history polygraph contribute to risk assessment?**

Risk assessment assumes both quantitative (i.e., how high is an individual's risk level) and qualitative dimensions (i.e., what are specific risk factors that must be monitored and managed). Polygraph testing can provide additional information to both dimensions of risk assessment.

However, the polygraph test itself is not a measurement of an individual's risk level. Because the polygraph test contains only a limited number of questions, not all of these issues will be addressed during all polygraph examinations. The members of the MDT will identify the issues most salient to the accurate assessment of each individual referred for sexual history polygraph testing.

5. **What are the areas of inquiry during a sexual history polygraph examination?**

Areas of investigation during sexual history polygraphs may include sexual offenses, consensual sexual contacts, sexual victimization issues, sexual deviancy/preoccupation and general questions relevant to an individual's level of honesty and integrity.

6. What are the requirements for a completed or resolved sexual history polygraph?

Sexual history polygraph examinations should include, but may not be limited to, questions about sexual contact without consent (i.e., force, threats, coercion, and manipulation), sexual contact involving younger family members or relatives, and sexual contact with persons four (4) or more years younger than oneself.

Questions may also address sexual behavior patterns and sexual offenses against persons who were asleep or unconscious at the time (i.e., drugs or alcohol), or other vulnerable persons. The MDT or examiner may elect to limit the pre-test or in-test questions to the time period since a certain age (i.e., age 10 or other age) or another memorable event or time marker. In accordance with standardized procedure, polygraph examinations may also include questions relevant to an individual's overall level of honesty and integrity.

7. Is there a required or standardized method of preparation for a polygraph examination?

While some preparation for polygraph examination is important, exact methods of preparation may vary across individuals and treatment groups, and may be population dependent. Not enough is known to dictate the specific methods of preparation that will most likely lead to satisfactory test outcomes across varying populations of youths in treatment. Multidisciplinary team members are encouraged to develop preparation materials relevant to the needs of each individual and treatment program. Materials developed by local treatment providers and polygraph examiners have been found useful with some individuals.

In general, the quality and degree of organization of the information contained within each individual's history is the most important factor concerning preparation for polygraph examination.

Care should be taken to minimize exposure to deviancy when assisting youths preparing for polygraph testing.

8. Should the juvenile include in his/her sexual offense history those persons with whom s/he has had contact, yet the juvenile has not defined as a victim?

It may be useful to discuss issues of uncertainty with the examiner. However, it is generally the responsibility of the treatment provider to assist the youth in learning to define and identify his/ her abusive and/or unlawful sexual behavior toward others. These issues should be resolved in treatment before the polygraph examination, which is then conducted to examine the veracity of the juvenile's reports.

9. What should the MDT do when the youth is unsure about the use of force, or threat of force during an offense?

These questions should be resolved in treatment prior to the polygraph examination. The MDT should consider whether the youth possesses the capacity to clearly recall if s/he had engaged in forceful or threatening behavior and should be prepared to document any mental health or developmental issues that preclude this awareness.

10. Under what circumstance might a specific issue polygraph be considered for the first polygraph?

A specific issue polygraph, regarding the referral offense, should be considered for a youth's first polygraph examination in cases in which there is a substantial discrepancy between the victim's and the offender's account of the offense, or when a discrepancy serves as a barrier to effective participation and progress in treatment. Investigation of current community safety concerns should take precedence over polygraph examination of the referral offense or sexual history.

11. How should the MDT respond to repeated unresolved polygraphs?

In the case of repeated unresolved polygraphs, the MDT, including the polygraph examiner, should meet to review the case to determine the extent of information already obtained, identify impeding clinical or historical variables, and formulate a hypothesis about possible reasons for the youth's unresolved polygraph results. The MDT should determine whether further polygraph testing is warranted, and should identify target issues for any future polygraph tests. There may be cases in which continued investigation of sexual history is not useful; however, there may be value of maintenance/monitoring polygraphs in order to identify ongoing risk issues and deter problem behavior.

There may be times when continued testing may not be useful. In general, evaluating and adjusting the focus and breadth of the questions during the examination, and paying careful attention to question formulation may resolve repeated unresolved polygraphs.

12. Does the extent of a juvenile's sexual history affect his/her testability?

An extensive sexual history does not preclude a person from passing a polygraph examination. Generally speaking, the greatest factors affecting an individual's ability to resolve polygraph examination questions are the individual's willingness to accurately and clearly identify and describe his/her history of involvement in the behaviors under investigation. Some youths may have trouble clearly delineating their history of involvement in sexual behavior that began at early ages. The MDT should assist the youth to suitably prepare for the polygraph examination, and may elect to limit the scope of the sexual history polygraph to sexual behavior since age 10 or other memorable time marker after which the youth may be able to recall the extent of his/her involvement in sexual activities.

13. Are there circumstances when we should administer polygraphs prior to sentencing?

Polygraph examinations conducted prior to sentencing may not meet the requirements of these Standards. The MDT may wish to have these examinations reviewed by another qualified examiner before accepting them.

Most polygraph examinations prior to sentencing will be specific issue tests (i.e., regarding the allegation or accusation), or monitoring/maintenance polygraphs regarding an individual's behavior while participating in treatment. Polygraph examinations conducted prior to sentencing will fall under the purview of these Standards only when a youth has been referred to sex offense specific treatment (i.e., by social services, pretrial supervision, diversion programs, etc.) In general, non-adjudicated youths should not be referred for sexual history polygraph testing, unless a protective order has been established to preclude prosecution in response to disclosure.

14. **Are there circumstances when the MDT should decide not to refer a juvenile for a polygraph examination?**

The MDT should not refer a juvenile for polygraph testing when he or she does not meet the referral criteria defined in these Standards.

15. **May the juvenile and family have access to the polygraph examination report and/or recording?**

While conducted in support of the treatment process, the polygraph examination is not a psychometric assessment. The polygraph examination is an investigative examination, and polygraph examiners who conduct examinations on juveniles who have committed sexual offenses do so as members of the MDT. Communication of the information and results from the polygraph examination is intended to serve the needs of the professional members of the MDT in assessing an individual's risk level, progress in treatment, and compliance and honesty regarding behavioral expectations. Therefore, information and results from the polygraph examination should be communicated only to the professional members of the MDT as specified on the polygraph authorization and release form.

To preserve the objectivity and integrity of the examiner's role on the MDT, and to prevent the influence of family or third-party influence on the examiner, polygraph examiners should refrain from providing information and results directly to the juvenile and/or family members following the completion of the post-test portion of the examination. Information and results from the polygraph examination should be reviewed with the youth and family in a therapeutic setting with a professional member of the MDT. The examiner should only discuss polygraph information and results with the juvenile and/or family members in the context of MDT functions (i.e., staffing or telephone conference).

When polygraph examinations are incorporated into a youth's treatment file, the youth and family may access those reports under certain conditions. The examiners, and related agency, are the only persons authorized to disseminate the examination report, and then only to individuals and agencies named on the authorization and release form. Professionals in various service delivery systems and organizations may be subject to different regulations regarding the redistribution or re-release of information and reports generated or developed outside their own agency. Members of the MDT should familiarize themselves with the regulations that pertain to their profession, agency and/or organization.

Like the polygraph examination report, all recorded materials pertaining to a polygraph examination are subject to the authorization and release form, and may only be released to the professional members of the MDT. Members of the MDT must become familiar with agency and professional regulations pertaining to the redistribution of such materials. Due to the sensitive nature of the information discussed during polygraph examinations, parents and family members who wish to review an examination recording should do so only in the context of a supportive therapeutic setting.

16. **May a youth's family make the referral for a polygraph examination to be conducted independently of the MDT?**

Polygraph examinations conducted without the involvement and referral from the MDT may not meet the requirements of these Standards.

17. Should the polygraph report be released to the court as a part of the probation or department of human services progress report?

Materials submitted to the court may become a matter of public record, and polygraph examination reports may contain sensitive information. Supervising officers and caseworkers should not attach a copy of the polygraph results to presentence investigations or other reports to the court. Instead, supervising officers and caseworkers should summarize the information from the polygraph in their reports to the court.

18. Can a question about the extent of sexual abuse against a known victim be asked in the context of a sexual history polygraph regarding unknown victims?

This practice is not recommended. Sexual history polygraph examinations are conducted to determine the range and scope of an individual's sexually abusive behavior for the purpose of identifying victims, risk assessment, and treatment planning. Testing the limits of a juvenile's sexually abusive behavior against a particular victim should be the focus of a specific issue polygraph.

19. What is the best way to use the polygraph to verify the absence of concerns of sexual abuse against other younger siblings or vulnerable individuals?

In the presence of a specific allegation or reason to suspect abuse against a particular individual, a specific issue polygraph regarding the allegation is warranted. In the absence of an allegation or reason to suspect abuse against a single younger sibling or individual, a specific issue examination regarding general types of sexual contact with that individual is recommended. In the absence of allegations or reasons to suspect abuse against multiple younger siblings or vulnerable individuals, the test would be structured as a partial sexual history polygraph regarding younger siblings, family members, or vulnerable individuals. These questions may also be resolved in the context of a sexual history polygraph.

20. Is it acceptable to conduct polygraph examinations on multiple issues?

Questions within the scope of a sex history polygraph may contain multiple related issues (i.e., questions about different types of sexual offense behavior, victim selection behaviors, sexual behavior issues). Similarly, questions within a maintenance polygraph may address multiple issues related to re-offenses, sexual contacts, sexual behavior issues, and rule compliance while in treatment and/or under supervision. Specific issue polygraphs may contain multiple questions regarding the specific allegations under investigation.

To reduce the likelihood of erroneous test results in the event that a youth shows significant responses to any individual question on a mixed issue test, the examiner may not render any opinion regarding the absence of significant responses to other questions. To reduce the likelihood of false negative results, the examiner must report the presence or absence of significant reactions to individual questions and may not render any opinion regarding a youth's responses to individual questions that fail to meet the criterion thresholds.

As with other forms of testing and evaluation, addressing a broader range of questions within a single examination may lead to an increased likelihood of unresolved examination results. The polygraph examiner should consult with the other members of the MDT to determine the type and purpose of the test, and the scope of the test questions.

21. Are polygraph examiners mandatory child abuse reporters? Who is responsible for reporting previously unreported victims?

Polygraph examiners are not mandatory child abuse reporters by statute; this includes polygraph examiners with clinical training. However, polygraph examiners who conduct examinations under these Standards are required to report all pertinent information about sexual offenses, sexual contacts, and risk indicative behaviors to the other members of the MDT. All members of the MDT who are mandatory child abuse reporters are responsible for assuring the timely and accurate reporting of child abuse to the appropriate authorities.

22. How does the MDT decide what type of polygraph examination to administer?

To aid in the development of an accurate sense of empathy for victims, youths who present with significant discrepancies in their reports of the abuse compared to their victim's reports may be asked to undergo a specific issue polygraph examination regarding a particular offense. It is not advisable to defer this work until the end of treatment. Maintenance polygraph testing may be requested any time there are concerns about an individual's recent or current behavior, and should be used as a transition support tool (i.e., to assess behavioral readiness for transition and/or to deter and detect the onset of problem behavior after transition).

Polygraph examination of juveniles who have committed sexual offenses is required for juveniles who meet the testing criteria. It is an adjunct tool for treatment providers, supervision officers, and case workers to support the youths' progress in the treatment, safety in the community, and to access more accurate information regarding an individual's risk level and honesty. There is no requirement that various types of polygraph testing be completed in any particular order. Instead, the MDT should assess the safety, placement stability and progress of each youth and decide which type of polygraph examination best suits the objectives of safety and progress at any given time.

23. Should youths be asked polygraph questions regarding their own victimization?

Except in rare circumstances, an individual's history of victimization should not be subject to polygraph testing. Some youths may report their victimization history when reviewing their offense history. It is acceptable for examiners to inquire about a youth's victimization history during the pre-test interview as such information may assist some youths in fully disclosing their sexual history and may lead to an improved test outcome. Care should be taken to avoid causing unnecessary distress when investigating any individual's history of victimization.

24. Should youths be given sexual history disclosure materials to work on at home or in their rooms?

Youths may become aroused to their own history of sexual offense behaviors and history of involvement in sexual behavior patterns. To minimize the likelihood of reinforcing sexual arousal to deviant themes, disclosure work should be done in the context of individual or group therapy. When youths are requested to complete disclosure work independently, they should be instructed to stop at any point they become sexually aroused, and to report any arousal issues to their treatment provider.

25. How does the MDT determine the target questions for various types of post-conviction (post-adjudication) polygraphs?

While all polygraph examinations may include questions relevant to an individual's overall honesty and integrity, sexual history polygraph examinations will likely focus on the unlawful sexual contact issues of greatest likelihood for each individual.

Questions on maintenance/monitoring polygraphs will generally address issues regarding recidivistic offending behavior patterns, any issues of observed deviancy or concern, and other issues salient to an individual's behavior and honesty in treatment. Specific issue polygraphs will address the specific allegations under investigation, any discrepancies in the offender's and victim's statements, and the extent or frequency of abuse.

26. May questions about intent be included in the scope of a polygraph examination?

Questions about state of mind or body may be most useful when formulated in reference to behaviorally descriptive events or activities.

27. How does the polygraph contribute to recommendations surrounding a juvenile's status on probation or in treatment, transition plan, registration requirements and/or expungement following the completion of treatment and probation?

Polygraph examination results can aid in the formulation of the MDT's recommendations surrounding these decisions, though the results and information from the polygraph should never become the sole basis of such decisions. The MDT must make recommendations and decisions with careful consideration of all information relevant to an individual's risk profile, progress in treatment, and available resources.

The lack of available resources should not dictate a recommendation for services that would be less than adequate. Results and information can contribute to these decisions by providing additional information to the MDT regarding the accuracy and integrity of an individual's engagement in treatment, and compliance with supervision and treatment program rules.

Verification of an individual's honesty and non-involvement in problem behaviors during the entire period of time following adjudication, or other reasonable period of time, would provide the most expedient contribution to these recommendations and decisions.

28. May a youth's therapist, parents, or attorney participate in or observe the polygraph examination?

Except during circumstances in which an individual is unable to communicate effectively without the aid of an interpreter, no one is permitted in the examination room except the juvenile and the examiner. Members of the MDT may observe the examination through a video monitor, or review the recording at a later time. In order to minimize distraction and outside influence, no interaction may occur between the youth and any member of the MDT once the polygraph pre-test interview has begun.

Due to the sensitive nature of the information discussed during the polygraph examination, family members should not be allowed to observe the examination as it occurs. Information from the polygraph examination should be reviewed with family members in a supportive therapeutic setting.

The juvenile's attorney is generally not involved in post-conviction (post-adjudication) polygraph examination and ongoing treatment and management of the juvenile. An attorney may elect to observe an examination that is conducted at the attorney's request, however these examinations may not meet the requirements of these Standards.

Glossary of Terminology

The terminology contained in this appendix applies to polygraph examination and related subject matter. Terms and concepts used and defined in this glossary may not have the same meaning outside of sex offense specific services.

Terms with an asterisk* notation are direct quotes from: Krapohl, D. and Sturm, S., (2002). Terminology Reference for the Science of Psychophysiological Detection of Deception. Polygraph, 2002, 31 (3).

Some of the following terms use language commonly applied to adult testing, i.e. conviction, parole, prison, etc. When these terms are encountered, please consider the language used in juvenile settings such as adjudicated, supervision, DYC/commitment, etc.

The remaining terms have been defined by the Juvenile Standards Polygraph Committee of the Sex Offender Management Board that was comprised of a cross-section of professionals in the field.

Coercion

Exploitation of authority, use of pressure through actions such as bribes, threats, or intimidation to gain cooperation or compliance. Also includes threats of loss of relationship, esteem, or privilege, or threats of punishment inflicted by a parent. While coercion is inclusive of force and threats, it is useful to differentiate physical forms of force, or threat of force/harm from other forms of coercion.

Disclosure examination*

See sexual history examination.

Examination*

The entirety of the PPD process, including pretest, test and posttest elements, from onset to completion.

Note: PPD refers to Psychophysiological Detection of Deception

Frame of reference

Conceptual issue in post-conviction polygraph examination referring to the purpose of the examination, i.e. sexual history, maintenance/monitoring polygraph, or offense specific polygraph. Distinct from other specific issue examinations in which a specific accusation or allegation includes an identified victim, date, time, location, and behavioral description.

Incapacitated

Asleep or unconscious from drugs and/or alcohol, or other medical condition. May include persons who are stuporous or unaware due to general or overall functional impairments.

Instant offense examination*

A form of post-conviction sex offender testing, conducted when a subject is in denial of the offense or of some significant element of the offense for which he or she was convicted, and is often used to break down the denial barrier. This is also an examination that can be given when a new allegation has been made while the subject is on probation or parole. The polygraph is used to determine whether the allegations are true. Also called a specific issue examination. See: Cooley-Towel, Pasini-Hill, & Patrick (2000); Dutton, (2000); English, Pullen, & Jones (1996); Heil, Almeyer, McCullar, & McKee (2000).

Masturbation

Purposeful stimulation of one's own genitals through the use of hands or other objects.

Monitoring examination*

A form of post-conviction sex offender testing (PCSOT) that is requested by a probation or parole officer to ensure compliance with the conditions of the offender's release from prison; i.e., alcohol or drug issues, computer violations contact with children, etc. See: Cooley-Towel, Pasini-Hill, & Patrick (2000); Dutton (2000); English, Pullen, & Jones (1996); Heil, Ahlmeier, McCullar, & McKee (2000).

Note: This type of examination applies to juveniles and would be used similarly to that described above. For the best guidance see Standard 7.170 (B).

No deception indicated (NDI)

In conventional PDD, NDI signifies that (1) the polygraph test recordings are stable and interpretable, and (2) the evaluation criteria used by the examiner led him/her to conclude that the examinee was not being deceptive regarding answers to the question(s) during the examination. NDI and DI (deception indicated) decision options are generally used in specific issue testing and correspond to NSPR (no significant physiological responses) and NSR (no significant physiological responses/no significant reactions) in post-adjudication polygraph testing of juveniles who have committed sexual offenses.

No opinion*

Alternate form of an inconclusive call, especially in the Federal Government. Sometimes used to denote an incomplete call in other sectors.

No significant physiological responses (NSPR/NSR)

Accepted language in decision options in polygraph examination procedures developed by the Department of Defense, and is equivalent to the NDI (no deception indicated) decision option in general use.

Objectifying behaviors

Looking at others as sexual objects with little or no regard for their personhood, feelings or the offender's impact on them. May also include attempts to look inside people's clothing in an attempt to see their sexual organs.

Discussion (labels vs. description): Attempts to account for the nature and extent of sexual offenses against a victim are inherently limited by language-based definitions of individual words, terms and concepts. Over-reliance on individual words or labels to convey an adequate description of events invites argument and dissention about the exact meaning of individual words or labels. It is preferable to provide event-related information in descriptive detail that does not depend on the connotative, denotative, or stipulated definitions of individual words. Such an approach more adequately conveys the events and their potential impact on the individuals involved.

Physical Force

Grabbing, holding, pulling, tugging, pushing down or restraining a victim. Using one's strength or size to overpower a victim's resistance, attempts to escape or attempts to stop or end an offense. Using any physical object to restrain a victim, block escape, or overcome resistance.

Polygram*

Complete graphical recording of physiological data from a polygraph test, with the required annotations. Usually called a *polygraph chart*.

Polygraph*

By definition, an instrument that simultaneously records two or more channels of data. The term now most commonly signifies the instrument and techniques used in the psychophysiological detection of deception, though polygraphs are also used in research in other sciences. In PDD the polygraph traditionally records physiologic activity with four sensors: blood pressure cuff, electrodermal sensors, and two respiration sensors. Some instruments also record *finger pulse amplitude* using a photoplethysmograph.

Post-conviction sex offender testing (PCSOT)

Specialized application of polygraphy that aids in the management of persons who have been convicted of or adjudicated for sexual offenses, and who have been released into the community, though sometimes employed as part of treatment for persons in secured settings. There are four primary types of post-conviction sex offender testing: referral/instant offense examination, sexual history/disclosure examination, maintenance/monitoring examination, and specific issue examination.

Note: Please see Standard 7.100 for clear guidance on the use of these types of polygraph examinations with juveniles who have committed sexual offenses.

Posttest*

Final portion of a polygraph examination. The posttest could include a debriefing of an examinee who passed the examination, or an interview or interrogation of an examinee who failed the examination. The posttest may or may not be a part of any given polygraph technique, and plays no part in the formulation of the results in any polygraph technique.

Note: Section 7.161 describes the language to use regarding the reporting of results. These Standards are not recommending the use of “passed” or “failed” when reporting examination outcomes.

Pretest interview*

The earliest portion of the PDD examination process during which the examinee and examiner discuss the test, test procedure, examinee’s medical history, and the details of the test issues. During the pretest interview, in some techniques, the examiner will make behavioral assessments of the examinee to help determine the PDD outcome. The pretest interview also serves to prepare the examinee for testing. The length of the pretest interview ranges from 30 minutes to 2 hours or longer, depending on the complexity of the case, examiner-examinee interactions, and testing technique. All PDD techniques use pretest interviews.

Psychophysiological detection of deception (PDD)*

Common scientific term to denote the use of the polygraph to diagnose deception.

Relatives/family members

Persons who are related by blood, marriage or adoption, including parents, grandparents, step-siblings, aunts, uncles, cousins, nieces, nephews.

Sexual contact

Rubbing or touching another person’s sexual organs (i.e., breasts/chest area, buttocks, vagina, penis) either bare (under clothing) or over clothing if done for the purpose of evoking sexual arousal or sexual gratification of oneself or the other person. Sexual contact may also include causing or allowing another person to touch one’s own sexual organs either over or under the clothing, if done for the purpose of sexual arousal or gratification. The term *physical sexual contact* is used interchangeably and may be used to improve some individuals’ abilities to provide clear and unequivocal answers to polygraph questions.

Discussion: Behavior is typically not defined by an individual’s motive. It is worth noting that there are other motivations, besides sexual arousal, for touching the sexual organs of another person (i.e., anger, aggression, retaliation, changing diapers, bathing).

Sexual history examination*

A form of post conviction sex offender testing (PCSOT) which entails an in-depth look at the entire life cycle of an offender and his or her sexual behaviors up to the date of criminal conviction. Sometimes referred to as a *disclosure examination*. See: Cooley-Towel, Pasini-Hill, & Patrick (2000); Dutton, (2000); English, Pullen, & Jones (1996); Heil, Ahlmeyer, McCullar, & McKee (2000).

Note: Please see Section 7.170 for guidance with juveniles who have committed sexual offenses.

Sexually stimulating materials and/or pornography

These may include:

- Erotica - swimsuit calendars, lingerie or underwear advertisements, non-pornographic magazines
- Pornography - nudity in pornographic magazines, movies or websites
- Sexually aggressive pornography - sexual materials depicting violence or force
- Sexually explicit pornography - material depicting sexual acts

Significant physiological responses (SPR/SR)

Accepted language in decision options in polygraph examination procedures developed by the Department of Defense, and is equivalent to the DI (deception indicated) decision option in general use.

The practice of reporting polygraph examination results as SPR/SR or NSPR/NSR is favored out of consideration of the theoretical, technical, and clinical complexities surrounding the use of polygraphy with juveniles who have committed sexual offenses.

Specific issue polygraph examination*

A single issue PDD examination, almost always administered in conjunction with a criminal investigation, and usually addresses a single issue. Sometimes called a *specific* by PDD practitioners to differentiate from pre-employment or periodic testing.

Threats of harm or force

Threats of any bodily harm or injury. Threats to use a weapon, including displaying or brandishing a weapon, or brandishing one's fists. Displays of anger may constitute a threat against a victim, who may perceive the need to cooperate in order to avoid further harm.

Time of reference

Conceptual issue in post-conviction polygraph examination structure that addresses a specific time period of reference (i.e., prior to the date of conviction or adjudication for sexual history polygraph, and a segment of time following the date of conviction or adjudication for maintenance/monitoring polygraph examinations).

Vulnerable person(s)

Any person who is substantially younger (i.e., 4 or more years younger), mentally or medically impaired, or physically handicapped. May include any person (including an older person) who is unable to defend him/herself or unable to access assistance to prevent assault/abuse.