

# Advanced Polygraph for Probation Officers

## POST-CONVICTION SEX OFFENDER TESTING

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Introduction to Sex Offender Management

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# Outline

- Test Theory
- Basic Polygraph
- Polygraph Accuracy
- Countermeasures
- Post Conviction Sex Offender Testing
- Suitability for Polygraph Testing
- Professional Ethics
- Do's and Don'ts

# Test Theory

*“There are in fact two things, science and opinion; the former begets knowledge, the latter ignorance.”*

*Hippocrates (460 BC - 377 BC)*

# Test Theory

- All tests are math tests - all test results are simplified probability statements
- There is no such thing as a perfect test
- Test developers purposely bias tests to exploit their imperfections
- The empirically and ethically sound use of use of tests depends in part upon our understanding of the empirical meaning of test results

# Test Results

- Positive (significant reactions / deception indicated)
- Negative (no significant reactions / no deception indicated)
- Not Sure (inconclusive / no opinion)

*Value judgments such as “pass” and “fail” or “good” and “bad” are imposed situationally*

- HIV
- Pregnancy

# Test Accuracy

## Always a feature of three variables

- Validity
  - Criterion validity
  - Construct validity
  - Reliability
- Decision Threshold
  - How much is too much?
  - As much a ***policy*** concern as an **empirical** concern
- *A priori* base-rate
  - external probability of involvement

# Test Errors

- False Negative Error
  - Test fails to find the issue of concern
  - Criterion Validity or Construct Validity Error
- False Positive Error
  - Test reports a problem where there is not
  - Threshold Error – increases with lower decision thresholds
- Inconclusive Results are not errors
  - INC Protects against decision errors

# Sensitivity and Specificity

## Sensitivity

- Ability to detect the issue of concern
- Influenced by decision threshold
- Greater sensitivity = greater detection rate
- Can be increased at a cost of more false-positive results
- Governs the NPV (and FPI) and the ability to rule out a diagnosis

## Specificity

- Ability to reject cases that do not express a specific issue
- Influenced by construct validity
- Can be increased at a cost of more false negatives
- Governs the PPV (and FNI) ability to establish a basis for action



# Single and Mixed Issue Tests

- **SINGLE ISSUE TEST**

- Inconceivable for a subject to lie to one question while telling the truth to another
- Alpha (internal consistency) is assumed to be 1 (100)
- Greater **Specificity** and **Diagnostic Accuracy**

- **MIXED ISSUES TEST**

- Conceivable for a subject to lie to one or more questions while being truthful to another
- Alpha is assumed to be 0 (zero)
- Greater **Sensitivity** and **Incremental Validity**

# Screening and Diagnostic Tests

## Diagnostic Test

- ***Known incident (specific allegation)***
- Single behavior or issue
- Reason to suspect involvement
- Specific date, time, location
- Often costly and invasive
- Biased for **specificity**
  - minimize false positives
- Negative result is not always conclusive
- **Positive result is a basis for action**

## Screening Test

- ***No known Incident (no allegation)***
- Mixed or single issues
- No evidence to suggest involvement
- Broad time-frame
- Cost-effective and efficient
- Biased for **sensitivity**
  - minimize false negatives
- Positive results require continued investigation
- **Negative result is conclusive**

# Screening and Diagnostic Test Results

## Screening Test

- Negative / Pass
  - Done
- Not Done Yet
  - Positive / fail
  - Inconclusive
  - Further investigation
  - Further screening or diagnostic testing

## Diagnostic Test

- Negative / Pass
  - Done
- Not sure
  - Not done
- Positive / Fail
  - May become a basis for action

(Krapohl & Stern, 2003)

# Screening Polygraphs

## PCSOT

- Post-conviction risk assessment (sex history)
- Monitor compliance with treatment and supervision rules
- Deter non-compliance

## National Security

- Pre-employment / pre-clearance background check (risk assessment)
- Monitor compliance with security policies
- Deter non-compliance

## Police Applicant

- Pre-employment / background screening (risk assessment)
- Deter unsuitable applicants

# Test Theory

- All Tests are Math tests
- Tests of abnormal phenomena are subject to simple interpretation rules (binary = 1 or 0)
  - Gonorrhoea
  - Cancer
- Some tests are threshold tests
  - HIV / AIDS
  - Cholesterol
- Tests of normal phenomena require aggregated correlations to become diagnostic
  - Fever
  - Elevated white-cell counts
  - Pain on lower-right abdomen

# Validity and Reliability

- **Reliability = tests cannot be valid if the results are not reproducible**
  - Test-retest reliability (Alpha)
  - Interrater reliability (Kappa)
- **Validity = accuracy of assumptions**
  - **Face Validity** – opinion or consensus of experts
  - **Content Validity** – selection of pertinent issues of inquiry
  - **Predictive Validity** – ability to predict a future outcome
  - **Concurrent Validity** – ability to identify what is already known
  - **Construct Validity** – definition of meaningful relationships (correlations) between various phenomena
  - **Convergent / Divergent Validity** – knew information does or does not coincide with extant knowledge
  - **Incremental Validity** – professional decision accuracy improves with the use of additional information

# Successive Hurdles (medical model)

- **Mixed issue screening tests**
  - Decision rules optimized for **sensitivity**
    - minimize false negative errors
  - Negative results are conclusive
  - Positive or unresolved results require further investigation
- **Single-issue diagnostic tests**
  - Decision rules optimized for **specificity**
    - minimize false positive errors
  - Positive results are a basis for action
  - Multiple positive test results are often required

# Test Theory – Take Home Points

- All tests are either diagnostic or screening tests
  - Diagnostic tests require a known incident or allegation and reason to suspect involvement
  - In medical science, multiple positive tests are often required to formulate a basis for action
- All tests are biased (either for sensitivity or specificity)
- All test results are simplified probability statements
- Test results are either positive, negative, or not sure
- Test results are meaningful when compared with norms
- Tests don't make decisions – they give information



# Introduction to the Polygraph

*"I don't know anything about polygraphs, and I don't know how accurate they are, but I know they'll scare the hell out of people."*

*- president Richard M. Nixon*

# Who Uses Polygraph Tests

- Government Security Agencies
- Law Enforcement Investigators
- PCSOT programs
- Excepted Industries (nuclear, water, pharmaceutical, armed security)
- Reality Television
- Tournaments – Fishing / Body Building
- Cheating Spouses

# Polygraph Program Goals

**Incremental Validity** – polygraph is a **decision support tool** to assist professionals in making more accurate decisions by accessing additional information

- **Disclosure**: access to more information than would be disclosed without requirement for polygraph testing
- **Deterrence**: improved rule-compliance and deterrence of some problem behavior
- **Detection**: improved judgements surrounding an individual's compliance or non-compliance

# Polygraph Theory

- Predictable response in autonomic functions occur when an examinee responds to test stimuli (questions) in a deceptive or truthful manner
- Reactions to test stimuli can be measured normed for distinct distributions of truthful and deceptive examinees
- Individual examinees' test data can be evaluated for concurrence with decision thresholds for assignment to deceptive or truthful groups

# Polygraph Components

- **Pneumograph assembly**
  - Respiration patterns and changes
- **Blood pressure cuff**
  - Changes in blood pressure (cardiovascular activity)
- **Electrodermal sensors**
  - Skin conductance (not resistance)
- **Behavior Monitors**
  - Alert examiner about efforts to self-regulate or falsify reactions

# Dispelling Misinformation

Contrary to popular belief, the polygraph does NOT measure any of the following

- Deep Breathing
- Sweaty Palms
- Rapid Heartbeat
- Nervousness
- Stress
- Anxiety
- Emotional Reactivity
- Subconscious attitudes
- Beliefs
- Forgotten memories

# Polygraph Test Procedures

- Pretest Phase – longest part
- In-test Phase – actual testing
- Post-test Phase – resolve any remaining inconsistencies

# Pretest Phase

- Obtain authorization and release
  - Voluntary testing
  - Dissemination or privilege of information
- Case background
- Personal / background
- Health and medications (suitability)
- Polygraph components and psychophysiology
- Debrief the issues under investigation
- Formulate test questions and answers



# In-test Phase

- Attach polygraph components
- Conduct an orientation/sensitivity test
- Run the test 3 to 5 times
- Review charts for initial results

# In Test - Questions

- All test formats include 8 to 12 questions
- Examinee must “pass” all test questions
- Two to four target issues for comparison
- Personally relevant questions regarding honesty and integrity
- Known truth questions to gage truthful response baseline
- Other questions to conduct the test and condition the examinee

# Question Formulation

- Describes the *examinee's behavior*
- Time delimited (date or time-frame)
- Simple (yes/no) direct and easily understood
  - Does not presuppose guilt or deception
  - Avoid legal terms and treatment jargon
  - Avoid mental state or motivational terminology

# Questions

- On or about that date, did you do it?
- On or about that date, did you do it at that location?
- (Do you know for sure, who did it on or about that date)?

- *On or about January 1, 2006, did you take those four missing diamonds?*
- *On or about January 1, 2006, did you take those four diamonds from the Zales Jewellers?*
- *Do you know for sure who took those four diamonds from Zales on or about January 1, 2006?*

# Non-testable Issues

- Intent
- Fantasy (not connected with behavior)
- Thoughts
- Beliefs
- State of mind
- Future behavior
- Other individual's behavior

# Questionable Questions

- Do you still beat your children?
- Are you now or have you ever been...
- Did you deliberately strike your wife?
- Are you planning to harm that child?
- Did you illegally take that money?
- Did you mean to keep that money?
- Did you knowingly steal that car?
- Did you intentionally harm your wife?

# Linguistics – Events and Things

- Things and events are not defined by human behavior – they are what they are

*If a tree falls in the forest and no-one is there to hear it, does it make a sound?*

- Chairs
- Hammers
- Pornography

# Linguistics - Behavior

- Human behavior is not defined by intent but by the event
  - Hitting
  - Falling
- *Sexual contact and Lying are among the exceptions to this rule*
  - *Lying = attempting to deceive*
  - *Sexual contact = touching private parts for sexual arousal*



# Polygraph Examination Results

- **No Significant Reactions**  
*(No Deception Indicated)*
- **Significant Reactions**  
*(Deception Indicated)*
- **No opinion**  
*(Inconclusive)*
- **Purposeful Non-Cooperation**  
*(Intentional Distortion)*

*Examinees must “pass” all test questions to achieve a completely resolved test result*

# No Significant Reactions

- *No Deception Indicated*
- Chart data are stable and interpretable, without excessive artifacts or distortion
- Numerical scores meet the decision threshold for the statistically significant **absence** of physiological responses correlated with deception

# Significant Reactions

- *Deception Indicated*
- Chart data are stable and interpretable according to established scoring criteria
- Numerical scores meet the decision threshold for the statistically significant presence of physiological responses correlated with deception

# No Opinion

- *Inconclusive*
- Numerical scores did not meet decision thresholds for either deception or truthfulness
- Un-interpretable data (dampened, exaggerated, erratic, or inconsistent)
- Examinee showed significant reactions to other question/s during a mixed-issue test

***Formulation and rendering of professional opinion about truthfulness or deception is not possible***

# Purposeful Non-Cooperation

- *Intentional Distortion*
- Examinee was observed to make deliberate attempts to alter the test result
- Includes both naïve and practised countermeasure attempts
- Without admission of non-cooperation the examiner may attempt to score the test data to a deceptive conclusion
- Non-cooperation has been shown to be correlated with confirmed deception

# Mixed Results

Cannot render opinions with mixed deceptive and non-deceptive results

– ***Single Issue Tests***

- Inconceivable to lie to some questions while being truthful to others
- Either deceptive or truthful to all

– ***Mixed Issues Tests***

- Possible to lie to some questions while being truthful to others
- Results can be deceptive and inconclusive
- Results can be non-deceptive and inconclusive

# Computerized Scoring Systems

- Developed for single-issue tests only
- Suitable for Quality Assurance purposes
- Examiner is responsible for the final decision

*Original examiner's hand scored results have generally outperformed both computer scoring algorithms and blind review scores*

# Post-test Phase

- Examiner will provide the examinee an opportunity to explain any reactions or remaining inconsistencies
- Numerical scores and results are calculated
- Report is written and disseminated to referring professionals
- Examiner will not discuss results with examinee (or family) after the test is completed
- Polygraph examiners are not mandatory child abuse reporters



# Examination Report

- Date and time of examination
- Name of person requesting exam (all released parties)
- Name and DOB of examinee
- Location of examinee in the criminal justice system
- Reason for examination
- Date and results of last clinical examination
- Medications, health, and other suitability factors
- Examination questions and answers
- Reasons for inability to complete exam
- Results of pre-test, in-test, and post-test examination, including answers, scored results, and all information
- Any additional information deemed relevant

# Responding to Deception

- Examiner will attempt to elicit truthful information, when deception is indicated
- The use of consequences for polygraph deception is correlated with both disclosure/truthfulness and improved accuracy of results
- Professionals attitudes (expectations) has been shown to be positively correlated with examinee's disclosure and truthfulness
- In general, examinees should not schedule another exam without resolving their deceptive results
- Examinees should remain under suspicion/investigation until until all inconsistencies pertaining to safety are satisfactorily resolved

# Basic Polygraph – Take Home Points

- Polygraph is used to add *incremental validity to decisions made by professionals*
- Polygraph tests are used to investigate *behavioral concerns* for which physical evidence is not available
- The goals of polygraph testing include:
  - Access to information that might otherwise be concealed
  - Deterrence of some problem behavior
  - Decision support value of the test result
- Single issue tests offer greater diagnostic accuracy
- Broader mixed-issue tests offer broader sensitivity
- Event specific polygraphs require a known incident
- Examinee must “pass” all questions to “pass” the test
- We will never know “everything”

# Polygraph Accuracy

*"There are three types of lies - lies, damn lies, and statistics."*

*- Variousy attributed to Benjamin Disraeli, Alfred Marshall, Mark Twain, and other dead people.*

# Accuracy National Academy of Sciences (2003)

“... we conclude that in populations of examinees such as those represented in the polygraph literature... specific-incident polygraph tests for event-specific investigations can discriminate lying from truth-telling at rates well above chance, though well below perfection.”

(National Academy of Sciences, 2003) [p.214]

# Accuracy - Criterion Validity (National Academy of Sciences, 2003)

- Reviewed 66 laboratory and field studies
- Laboratory Studies
  - ROC A Value = .70 to .99
  - Median = .8
- Field Studies
  - A = .71 to .99
  - Median = .89

# Polygraph and Other Tests

- Screening and Diagnostic tests were compared for Polygraph, Medical, and Psychological tests (Crewson, 2003)

– Overall Kappa for <u>Poly.</u> , <u>Med.</u> , and <u>Psych</u>	.77	.56	and	.79
– Overall screening sensitivity levels were	.59	.79	and	.74
– Overall screening specificity levels were	.90	.94	and	.78
– Overall diagnostic sensitivity levels were	.92	.83	and	.72
– Overall diagnostic specificity levels were	.83	.88	and	.67

*Polygraph validity and reliability studies suggest results are consistent with achievement in other developed fields of scientific testing*

# Accuracy - Motivation

- External motivation is positively associated with polygraph accuracy in comparison question and concealed information (Kircher et al. 1988; Ben-Shakhar and Elaad, 2003)
- Research in Colorado Dept. of Corrections indicates staff attitudes (endorsement and requirements) affect test outcomes
- *field experience indicates that external motivation is associated with improved polygraph outcomes (i.e., more subjects tell the truth and pass)*



# What factors limit accuracy

- Suitability for testing
  - Mental health (reality contact)
  - level of functioning (mental retardation)
  - Physical health (cardiovascular, neurological)
- Random measurement error
  - All test results are simplified probability statements (Senter, Krapohl, Dollins (2005))
- Target selection
  - Testability (signal value) of the issue
- Question formulation
  - Clarity of language
  - Clarity of logic

# Estimated Inconclusive Rates - mixed issues (multi-facet) tests

- Estimated as the inverse of the resolution rate raised to the exponent of the number of distinct target issues
- EXAMPLE:  $INC_M = 1 - (1 - INC)^Q$ 
  - $INC_M$  = inconclusive rate for mixed-issue tests
  - $INC$  = expected inconclusive rate for single issue tests
  - $Q$  = number of distinct target issues

Rate	Inverse	2 Quest	3 Quest	4 Quest
2.5 %	$1 - .025 = .975$	$1 - .975^2 = .05$	$1 - .975^3 = .07$	$1 - .975^4 = .10$
5.0%	$1 - .05 = .95$	$1 - .95^2 = .10$	$1 - .95^3 = .14$	$1 - .95^4 = .19$
10.0%	$1 - .1 = .9$	$1 - .9^2 = .19$	$1 - .9^3 = .27$	$1 - .9^4 = .34$

# Accuracy – Take Home Points

- There is no such thing as a perfect test
- The polygraph test is very good though imperfect test
- The polygraph appears to be offer accuracy rates comparable to other good medical and psychological tests
- Inconclusive test results are not errors – they reduce test decision errors
- Inconclusive rates may vary with the breadth of the test and number of distinct targets

# Countermeasures (can one “beat” the polygraph?)

*He'll cheat without scruple, who can without fear.  
- Benjamin Franklin*

# Countermeasures

- Drugs and alcohol
- Mental countermeasures
- Physical countermeasures

# Drug and Alcohol Countermeasures

- No theoretical rationale suggests that drugs/alcohol would cause or inhibit reactions to a particular question
- May cause general dampening or exaggeration of physiological response potential
- Drugs and alcohol do not cause erroneous results, but may increase the likelihood of inconclusive results

*“Research on drug and alcohol effects has not yet examined the processes by which these substances might influence polygraph outcomes, making it difficult to interpret any studies showing that particular drug-based countermeasures either work or fail to work.”*

*(National Academy of Sciences, 2003) [p.142]*

# Mental Countermeasures

- Mental countermeasures have shown only to produce weak effects (Elaad & Ben-Shakhar, 1991; Ben-Shakhar & Dolev, 1996)
- Post-hypnotic suggestion was found to be ineffective as a countermeasure (Timm, 1996)

# Physical Countermeasures

- Motion sensors easily distinguish between authentic sympathetic/autonomic responses and responses that are combinations of ANS and PNS activity

*“There have been reports of the use of mechanisms to detect countermeasures in polygraph tests, notably, reports of use of motion sensors in some polygraph equipment to detect muscle tensing (Maschke and Scalabrini, no date).”*

*(National Academy of Sciences, 2003) [p.145]*



# Purposeful Non-cooperation

Purposeful acts of non-cooperation during field examinations was found to be correlated with confirmed deception

(Jayne, 1981)

# Countermeasures and False Positives

Several studies suggest that countermeasures used by innocent examinee's can in fact increase their chances of appearing deceptive

(Dawson, 1980; Honts, Amato, and Gordon, 2001; National Academy of Sciences 2003)

# Countermeasures and Practice Effects

Information, practice and instruction on the polygraph technique appear to increase the likelihood of truthful persons being judged deceptive

(Rovner, 1986)

# Countermeasures

“Because it is possible that countermeasures can increase “failure” rates, among nondeceptive examinees and because a judgement that an examinee is using countermeasures can have the same practical effect as the judgement that the test indicates deception, their use by innocent individuals may be misguided.”

(National Academy of Sciences, 2003) [p.146]

# Countermeasures

“... claims that it is easy to train examinees to “beat” both the polygraph and trained examiners require scientific supporting evidence to be credible.”

(National Academy of Sciences, 2003) [p.147]

# Countermeasures – Take Home Points

- Attempts to learn countermeasures causes people to appear deceptive and fail polygraphs
- Attempts to practice for the test causes people to appear deceptive and fail polygraphs
- ANS activity cannot be accurately mimicked through PNS behavior

PCSOT

# Post Conviction Sex Offender Testing

*"The true way to be deceived is to think oneself more knowing than others."*

*Francis, Duc de La Rochefoucauld. 1613-1680*

# PCSOT - Objectives

- **Disclosure**
  - risk assessment / treatment planning
  - reduction of denial / improved engagement in treatment
- **Detection**
  - determining dishonesty and deviancy
  - relieving truthful persons of unnecessary suspicion
- **Deterrence**
  - increased likelihood of consequences
  - improved behavior compliance



# PCSOT - Types of Tests (cannot mix types of tests)

- **Instant Offense**
  - Nature and extent of the extent offense
  - Victim clarification
- **Sexual History Disclosure**
  - Part I - victims and victim selection
  - Part II - sexual compulsivity and sexual deviancy
- **Maintenance / Monitoring**
  - Non-compliance, violations, dishonesty
  - Unreported sexual contact / sexual behaviors
  - New offenses (without allegation or known incident)
- **Parental Risk Assessment (no allegation)**
  - Sexual assaults against relatives and children (non-siblings)
  - Sexual assaults against an offender's own child

# Linguistics and Vocabulary

*From now on, ending a sentence with a preposition is something up with which I will not put.  
--Winston Churchill*

# Operational Definition - Sexual contact or Physical Sexual contact

- **Sexual Contact** – rubbing or touching another persons sexual organs (i.e., breasts, buttocks, vagina or penis) whether over or under clothing, if for the purpose of sexual arousal, sexual gratification, sexual stimulation or “sexual curiosity.”
  - Includes having, allowing, or causing another person to rub or touching one's own sexual organs, whether over or under clothing, for purposes of sexual arousal, sexual gratification, sexual curiosity, or sexual stimulation.
- **Physical Sexual Contact** – does not include non-contact behaviors such as telephone sex, cyber-sex, exposing, and voyeurism

# Vocabulary

- Force = Violence = Physical Force
  - Attempts to physically restrain others
  - Prevent escape
  - Prevent resistance
- Threats = Threat of Harm = Real or Implied
  - Words, Gestures, Weapons
  - Threats of harm to family or pets
  - Threats of harm to prevent disclosure (silencing behaviors)

# More Vocabulary – Broader Concepts

- Coercion = non-violent
  - Overt non-violent attempt to manipulate a victim's compliance by overcoming protest, resistance, or reluctance
- Grooming = non-violent
  - Promoting rapport to manipulate a victim to feel as if he or she made the choice
- Other Trickery = non-violent
  - Setting up any situation in which a victim does not consent to sexual contact

# Still More Vocabulary

- Sexual Organs = private parts
  - Breast / Chest Area
  - Vagina / Vaginal Area
  - Buttocks
  - Penis

# Instant Offense Polygraph

- Specific to date, location, and alleged incident/s,
- Details of allegations which the offender denies
- Use of violence to gain compliance or silence
  - Physical force
  - Physical restraint
  - Threats of harm
- Testing the limits of behavior (more speculative)
  - Number of offenses (if small number)
  - Range of behavior
  - Very important when offender reports few incidents
- Penetrative / intrusive behaviors

# Instant Offense Polygraph - Referral

- Scheduled upon direction from supervision and treatment team
- When necessary should be completed within the first 90 days of treatment
  - Discrepancies that stand as a barrier to progress in treatment
  - Substantial denial of offense
  - Significant discrepancy between the offender's and victim's account of the offense
  - To explore specific allegations or concerns
- May also be completed prior to victim clarification



# Instant Offense - Sample Questions

## Mixed (multi-facet) - Full Denial

- On or about January 1, 2006, did you engage in sexual contact with Jane Doe?
- On or about January 1, 2006, did you sexually touch Jane Doe's bare private parts?
- On or about January 1, 2006, did you physically force or threaten to harm Jane Doe for sexual contact?

# Instant Offense - Sample Questions

## Single Issue – Full Denial

- On or about January 1, 2006, did you engage in sexual contact with Jane Doe?
- On or about January 1, 2006, did you engage in sexual contact with Jane Doe' in any way?  
Or (broader time period)
- At any time from January 1, 2004 to January 1, 2006, did you engage in sexual contact with Jane Doe?
- At any time from January 1, 2004 to January 1, 2006, did you engage in sexual contact with Jane Doe's private parts?

# Instant Offense - Sample Questions

## Mixed Issue – Discrepancy

- Did you ever sexually touch your daughter Judy's chest area (breasts)?
- Did you ever sexually touch Judy's bare private parts?
- Did you ever touch Judy's bare sexual organs (breasts / chest area / vaginal area)?

# Instant Offense - Sample Questions Intrusive Behaviors

- Did you ever touch or rub Judy with your (bare) private parts (sexual organs / penis)?
- Did you ever touch or rub Judy's sexual organs (vagina) with your bare private parts (penis)?
- Did you ever attempt to insert your penis (finger) into Jane Doe's vagina?
- Did you ever put your mouth on Jane Doe's private parts?

# Instant Offense - Sample Questions

## Mixed Issue – Use of Violence

- On or about January 1, 2006, did you physically restrain Jane Doe for sexual contact?
- On or about January 1, 2006, did you threaten to harm Jane Doe to engage in sexual contact with you?

Or (much broader)

- Did you ever force Jane Doe to engage in sexual contact with you?
- Did you ever coerce Jane Doe into sexual contact with you?

# Instant Offense - Sample Questions

## Testing the Limits of Behavior

- Besides that one time, did you engage in sexual contact with Jane Doe at any other time?
  - Besides what you reported, did you engage in any other sexual contact with Jane Doe?
  - Besides those three times, did you touch Jane Doe's bare private parts any other times?
  - Besides what you told me, did you force or coerce Jane Doe for sexual contact in any other ways (at any other time)?
- **“Did you ever...”** - any involvement - most accurate
  - Testing the limits of behavior may be troublesome for examinees with compulsivity
  - We will never know “everything”
  - Consider impact victims to assume we know “everything”

# Instant Offense

## – Questionable Questions

- On or about January 1, 2006, did you rape (sexually assault) Jane Doe?
- Did Jane Doe put her mouth on your private parts?
- Did you mean to...
- Did Thomas ever sexually assault your children?
- Was she asleep or unconscious?
- Did she tell you 'no' or 'stop?'
- Did she want to...
- Did she initiate (start) that sexual contact?
- Have you withheld any detail...
- Have you told me everything...?

# Sex History Part 1 - Victim Selection

- **Statutorily underage persons**
  - Under age 15 as adult
  - Four years younger as juvenile
- **Incest behaviors (legal family relationships)**
  - Blood relation
  - Relative by marriage
  - Relative by adoption
- **Violent sexual offenses**
  - Physical restraint
  - Physical force
  - Threats of harm (including threats to family or pets)
- **Mentally / physically incapacitated victims**
  - Drugs / Alcohol
  - Asleep
  - Other (medical)



# Sexual History Disclosure Written Preparation

- Serves to:
  - Instill an adequate conceptual vocabulary to discuss sexual behavior
  - Help identify sexual behavior that was unlawful and abuse, unhealthy, dangerous, exploitative, or within normal limits
  - Organize and review the examinee's history prior to the examination date

*The sexual history polygraph should not be the first time the examinee reviews his or her history of sexual behavior*

# Sex History Part 1

## – Legal Considerations

- Probation / Parole Officers, Therapists, and Social Services Workers are mandatory child abuse reporters
  - Polygraph examiners are not
- Some examinee's have been instructed to provide only initials or anonymous identifiers for each victim
- Some examinee's elect not to disclose information about jurisdiction or their exact relationship with victim

# Referral for Polygraph – Sex History

- Offender should contact examiner at team's direction
- Supervision team should contact examiner regarding any issues of concern
  - Evaluation and prior polygraph reports to examiner (especially if complex diagnostic consideration or previously unresolved test results)
- Part 1 complete (passed) within 6 to 12 months
- Staff case if sex hx remains unresolved after one year
- Use Part 2 to investigate or rule-out compulsivity or other problem sexual behavior
- Do Not wait years to gather information pertinent to risk prediction, risk management and treatment needs

# Sex History – Part 1 Adults

## Sample Questions

- Since you turned age 18, did you ever engage in sexual contact with anyone under age 15?
- Besides whom you reported, did you engage in sexual contact with anyone else who was related to you?
- Besides that one person, did you physically restrain or threaten to harm anyone for sexual contact?
- Besides those three people, did you ever engage in sexual contact with anyone who was asleep or unconscious?

*Examiner will also explore a range of problem behaviors including honesty and compliance with supervision and treatment team members*

# Sex History – Part 1 Juveniles

## Sample Questions

- Did you ever engage in sexual contact with anyone who was four or more years younger than you?
- Besides whom you reported, did you engage in sexual contact with anyone else who was related to you?
- Besides that one person, did you physically restrain or threaten to harm anyone for sexual contact?
- Besides those three people, did you ever engage in sexual contact with anyone who was asleep or unconscious?

*Examiner will also explore a range of problem behaviors including honesty and compliance with supervision and treatment team members*

# Sex History 1 – Questionable Questions

- Do you have any other victims that you have not reported?
- Did you sexually assault anyone that you have not disclosed in your written sexual history?
- Did you have sexual contact with anyone else who did not consent?

# Sexual History Part 2

## Compulsivity / Deviancy / Crossover

- Other sexual offenses
- Public indecency behaviors
  - Peeping
  - Voyeurism
  - Frottage
  - Public masturbation
- Sexual contact with animals
- Stealing or use of underwear or undergarments
- Use of non-human objects
- Child pornography

# Sex History - Part 2

## Sexual Offenses

- (Besides those three people) Did you (ever) rub your sexual organs against any (other) unsuspecting person?
- Since you turned age 25, did you engage in sexual contact with a minor who was 10 or more years younger than you?
- Before you became an adult, did you ever engage in sexual contact with anyone who was four or more years younger than you?
- Did you ever rub your sexual organs against an unsuspecting person?
- Did you ever engage in sexual contact with an (non-human) animal?



# Sex History - Part 2

## Sexual Behavior Patterns

- Did you ever show your bare sexual organs to an unsuspecting person in the community?
- Did you ever look through someone's window in attempt to see their bare sexual organs?
- Did you ever masturbate while watching someone in the community (someone who didn't know)?
- Did you ever steal or use another person's underwear or undergarment for sexual purposes?

# Sex History 2 – Questionable Questions

- Did you see anyone's private parts that you have not reported?
- Did you show your private parts to anyone else?
- Besides what you reported, did you engage in any other sexually deviant behavior?
- Besides what you told me, did you masturbate any other times?
- Have you left out any detail from your written sexual history disclosure?

# Maintenance Polygraph

- Unreported (secretive) sexual contacts
  - Unauthorized contacts with vulnerable persons (physical contact, games, or being alone / unsupervised with underage persons)
  - Use of pornography (sexually stimulating or sexually explicit materials)
  - Masturbatory deviance (excessive or compulsive masturbation; thoughts of victims, young children, or violence)
- *Maintenance polygraphs target non-compliance behaviors that reveal the early onset of an escalating risk level*
  - *Waiting to catch offenders after reoffending is too late to prevent another victim*

# Maintenance Polygraph – Legal Considerations

- PCSOT examinee's have 5<sup>th</sup> amendment rights pertaining to questions about new crimes
- PCSOT examinee's do not have 5<sup>th</sup> amendment rights pertaining to violations of probation / parole conditions

# Pornography

- X-Rated (XXX) magazines, movies (including cable, satellite, theaters, arcades, videotape, DVD), and other digital media), and Internet / computer images which minors cannot purchase
  - Gratuitous displays of nudity or sexual acts, for the primary purpose of causing sexual arousal

# Incidental Contact

- Greetings
  - Interactions
  - Incidental physical contact
- 
- *Visual contact may be so commonly occurring that testing the limits may not be meaningful*
  - *Proximity contact concerns may be difficult to operationally (behaviorally) define*

# Completely Alone or Unsupervised

- Completely alone or unsupervised with a minor (young child) where the offender cannot be observed by anyone
  - No-one can see
  - No-one can hear
  - No-one is aware of presence with child
  - No-one knows what is occurring
  - No-one can check on or observe what is occurring

*Operational definitions underlie the empirical meaning of polygraph test results*

# Other Concerns

- Visual Contact
- Unauthorized contact with victims
- Unauthorized contact with offender's children
- Unauthorized contact with sexual partners
- Objectifying behaviors
  - Verbal – jokes, conversation
  - Non-verbal



# Referral for Polygraph – Maintenance

- Offender should contact examiner to schedule at team direction
- Supervision team should contact examiner regarding issues of concern
  - Evaluation and prior polygraph reports to examiner (especially if diagnostic consideration or previously unresolved test results)
- First maintenance polygraph within first six months of treatment and supervision
- Ongoing maintenance polygraph every six months
  - More often as needed to clear-up unresolved tests results
- Juveniles may be referred for maintenance polygraph before or after transition to less restrictive environment
  - Determine readiness for transition
  - Deter onset of problems at transition

# Maintenance Polygraph - Sample Questions

- Since your last polygraph, did you have sexual contact with anyone that you have not reported (anyone besides your wife)?
- Since your last polygraph, have you been completely alone with anyone under age 18?
- Since your last polygraph, did you view or use any X-rated or pornographic images?

(All questions must use the same time-bar)

# Maintenance Polygraph Sample Questions - Juvenile

- During the last six months, besides that one person, did you have sexual contact with anyone else?
- During the last six months, did you view or use any X-rated pornographic images?
- During the last six months, did you have physical contact with anyone who was four or more years younger than you?

Or

- During the last six months, have you been completely alone (unsupervised) with anyone under age X?

# Maintenance Polygraph Sample Questions – Deviancy

- During the last six months, did you engage in physical sexual contact with a non-human animal?
  - During the last six months, have you become sexually aroused while having any (physical) contact with a minor?
  - During the last six months, did you masturbate to a thought or fantasy about a minor?
- Or
- During the last six months, masturbate to a thought or fantasy about Judy?

# Maintenance Polygraph Sample Questions – Testing the Limits

- During the last six months, besides those three people did you engage in sexual contact with anyone else?
- During the last six months, besides those two times did you have physical contact with anyone else who was under age 12?
- During the last six months, did you masturbate while looking at any nude or pornographic images?  
Or
- During the last six months, besides those two times did you view or use any other pornographic images?

# Maintenance / Monitoring - Special Considerations

- **Maintenance Polygraph**
  - **High risk** and **non-compliance behaviors**
  - Investigate behaviors that signal the early phases of escalating risk level
  - Intentionally **broader than reoffense** questions
  - Allows intervention before reoffense
  - Waiting to catch an offender after **reoffense is too late**
- **Monitoring polygraphs**
  - **Unknown / unreported reoffenses** (without allegations)
  - Other specific concerns
  - Differences in base-rates compared with non-compliance behaviors means differences in error estimation

# Maintenance Polygraph Sample Questions 1 - Adult

- During the last six months, did you have sexual contact with anyone besides your wife (girlfriend / anyone that you have not reported)?
  - During the last six months, did you view or use any X-rated pornographic images?
  - During the last six months, did you have physical contact with anyone under age 18?
- Or
- During the last six months, have you been completely alone (unsupervised) with anyone under age 18?

# Maintenance – Questionable Questions

- Since your last polygraph, besides what you reported, did you have contact with any other minors?
- During the last six months, did you objectify anyone that you have not reported?
- Since your last polygraph, did you even once look at anyone under age 18? (did you talk to anyone under age 18)



# Monitoring Polygraph

- Investigate the offender's possible involvement in reoffense behaviors since the time of sentencing
  - *New Violent Sexual Offenses*
  - *New Incest Offenses*
  - *Child-molestation Offenses*
  - *Recent unlawful public indecency behavior*
  - *Any Return to Past Offending Behaviors*
- Investigate other suspected problems

# Monitoring Polygraph Targets

- Forced sexual contacts
  - Physical force
  - Threat of force or violence
  - Coerced sexual contacts
    - Verbal or social pressure
    - Manipulation, bribery, trickery
- Sexual contact with underage persons
- Sexual contact with relatives / family members
- Sex contact with unconscious / incapacitated persons
- Public indecency behaviors
  - Exhibitionism
  - Voyeurism
  - Frottage

# Monitoring Polygraph Sample Questions

- During the last six months, did you have sexual contact with anyone besides your wife (girlfriend / fiancée)? (anyone that you have not reported)
  - During the last six months, did you force or coerce anyone to have sexual contact with you?
  - During the last six months, did you have sexual contact with anyone who was under age X?
- or
- During the last six months, did you have sexual contact with anyone who was related to you?

# Monitoring Polygraph Sample Questions 2

- Since your last polygraph, besides those four people did you have sexual contact with anyone else?
- Since your last polygraph, did you physically restrain or threaten to harm anyone for sexual contact?

Or

- Since your last polygraph, did you engage in sexual contact with anyone that you have not reported
- Since your last polygraph, force or coerce anyone to have sexual contact with you?

# Monitoring Polygraph Sample Questions – Indecency Bx

- Since your last polygraph, did you show your bare sexual organs to anyone in the community?
- Since your last polygraph, did you attempt to seen the bare sexual organs of an unsuspecting persons?
- Since your last polygraph, did you touch the sexual organs of any unsuspecting person?

Or

- Since your last polygraph, did you rub your sexual organs against any unsuspecting person?

# Monitoring Polygraph Sample Questions – Compulsivity Bx

- Since your last polygraph, did you show your bare private parts to anyone in the community?
- Since your last polygraph, did you enter anyone's private property to see someone's bare private parts?
- Since your last polygraph, did you masturbate anywhere outside your own home?
- Since your last polygraph, did you keep or use another persons underwear or undergarments?

# Monitoring Polygraph Sample Questions – Compulsivity

- Since your last polygraph, did you use or masturbate with anyone's underwear or undergarments?
- Since your last polygraph, did you masturbate using anyone else's undergarments or personal property?
- Since your last polygraph, did you masturbate anywhere outside your own home (anywhere in the community)?

Or

- Since your last polygraph, did you leave your semen or ejaculate anywhere that others would contact it?

# Monitoring Polygraph Sample Questions – Frottage

- Since your last polygraph, did you engage in (physical) sexual contact with another person?
- Since your last polygraph, did you touch the sexual organs of anyone that you have not reported?
- Since your last polygraph, did you touch or rub your private parts against any unsuspecting person?

Or

- Since your last polygraph, did you rub your sexual organs against anyone in the community?



# Monitoring – Questionable Questions

- Do you have any new victims?
- During the last six months did you sexually assault anyone?
- Since your last polygraph did anyone under age 18 touch your bare private parts?

# Random Vs. Periodic Testing

- Experience with drug testing in the U.S. suggests that random testing provides a more effective deterrent than scheduled periodic testing
- Consideration might be given to allowing supervision and treatment team discretion on the scheduling of maintenance/monitoring polygraphs for some sexual offenders

# Parental Risk Assessment

- PRA polygraph is intended to assist in the determination of an offender's risk to his or her own children
  - Children who are not known to be victims and are not siblings of victims
- Two objectives:
  - Prevent any further traumatization of an unreported victim that would result from ongoing contact
  - Investigate the offender's history of sexual assaults against underage persons and family members

# Referral for Polygraph – PRA

- Completed during the course of the Parental Risk Assessment
- Normally completed early in treatment
- May not be necessary if PRA is later in treatment if sex history is already resolved

# PRA - Target Selection

- Mixed-issue (partial sexual history) regarding any unreported child-molestation offenses and any incest offenses
  - Provides evaluator with information on offense patterns
  - Undisclosed history with non-child relatives could become a factor
- 
- Specific Issue polygraph regarding the offenders child/ren
  - Internal consistency offers greater diagnostic accuracy regarding a single issue of concern
  - Does not provide evaluator with info about offending behavior patterns

# Parental Risk Assessment - Sample Targets

- Besides that one person, did you engage in sexual contact with anyone else who was under age (15)?
- Did you ever engage in sexual contact with anyone who was related to you?

Or

- Did you ever engage in sexual contact with your son Johnny?
- Did you ever engage in sexual contact with your son Johnny at any time?

# PRA – Questionable Questions

- Did you ever sexually assault your daughter Judy?
- Did you ever touch your son John's private parts?
- Did you ever show your private parts to your children?
- Did your daughter Judy ever touch your sexual organs?
- Did you ever have sexual thoughts about your daughter Judy?

# PCSOT – Team Decisions

- “Polygraph testing shall be used as an adjunct tool, it does not replace other forms of monitoring.”
- “Information and results obtained from polygraph examinations should never be used in isolation when making treatment and supervision decision.”

*Colorado Sex Offender Management Board (2003)  
[p.100]*



# PCSOT - Take Home Points

- Instant offense polygraphs can reduce denial, improve engagement in Tx and help with victim clarification
- Sexual history polygraphs are intended to assist with risk assessment and treatment planning
  - Sexual history polygraph requirement should be completed within the first year of treatment
  - Staff all cases and manage as high-risk all offenders for whom the sexual history remains unresolved after 1st year
- Maintenance polygraphs are intended to assist with ongoing risk assessment and risk management
  - Waiting to detect a reoffense is too late
- Parental Risk Assessment reg non-victim children
- We will never know everything

# Suitability and Un-suitability for Polygraph Testing

*Nobody realizes that some people expend tremendous energy merely to be normal.*  
- Albert Camus

*Normal is nothing more than a cycle on a washing machine.*  
- Whoopi Goldberg

# Endogenous Factors

- Polygraph research suggest that test validity is seriously compromised by mental retardation, psychosis, and immaturity
  - FAE < 12 years
  - IQ < 70
  - Lack of reality contact (psychotic condition)

# Suitability for Polygraph Testing

- Chronological Age of at least 14 years
  - 12-13 year old youths may also be tested
- Functional Age Equivalency (FAE) or Standard Age Score (SAS) of at least 12 years
  - Functional maturity more important than age
- Capacity for abstract thinking
- Capacity for insight
- Capacity to understand right from wrong
- Ability to tell truth from lies
- Ability to anticipate rewards and consequences for behavior
- Consistent orientation to date, time, place  
(Colorado Sex Offender Management Board, 2003)

# Why Age 12?

- Ceci, Toglia & Ross (1987) Haugaard, Repucci, Laird, & Nauful (1991) found children determine that saying something untrue to a police officer was lying, even when instructed by parents to make such statements
- Abrams (1975, 1989), found children under age 11 do not make good polygraph subjects
  - Other studies report similar findings
- Abrams (1974) reported unreliable results with adults of below borderline intelligence
  - Adults with IQ scores of 70 have FAE/SAS scores of 12 years
- Executive functioning abilities (prefrontal cortex) begin to fully mature at age 12 (Anderson, 1998; Welsh, Pennington, and Groisser 1991)

# Un-Suitability for Polygraph Testing

- Diagnosis of psychotic condition (DSM IV-TR), serious mental disorder, psychiatric disorganization/disorientation, or lack of contact with reality (Abrams, 1973, 1974; Flock, 1950; Heckel, Brokaw, Salzberg & Wiggins, 1962)
- DSM IV-TR Axis I severity specifier of “severe” for any diagnosis
- DSM IV-TR Axis V Current Global Assessment of Functioning (GAF) of 55 or lower (serious or profound functional difficulties)
- Presence of acute pain or illness
- Presence of acute distress
- Recent medication changes
- Mean Age Equivalency (MAE) or Standard Age Score (SAS) under 12 years

# Personality

“We have not seen persuasive scientific arguments that any specific personality variable would influence polygraph accuracy. If such effects were found to exist, however, it would be possible in principle to use information on the personality variable to adjust polygraph test scores.” [p.86]

(National Academy of Sciences, 2003)

# Psychopathy

- Contrary to popular myths PSYCHOPATHS CANNOT BEAT THE POLYGRAPH TEST
- Numerous studies since 1973 have demonstrated the polygraph to be accurate at detecting deception among known psychopaths
- There is no theoretical rationale explaining why psychopaths could beat the polygraph test

*Raskin and Hare (1978)*

*Observe zero (0) false-negative errors in their studies on polygraph testing of known psychopaths*



# Psychopaths – polygraph fiction

To suggest psychopaths can learn to control their autonomic nervous system or accurately mimic ANS responses through PNS activity is to perpetuate the MYTH OF THE OMNIPOTENT PSYCHOPATH

- Psychopaths are non-psychotic persons who do not lack contact with reality
- Psychopaths DO NOT believe their own lies
- To believe one's lies would require a break with reality contact (psychoticism)

# Psychopaths – polygraph fact

- Physically healthy psychopaths have the same ANS response patterns as non-psychopaths
  - Researchers have failed to find meaningful physiological differences between psychopaths non-psychopath
- Psychopaths have the same neuropsychological functions as non-psychopaths
  - Researchers have failed to find meaningful neuropsychological differenced between psychopaths and non-psychopaths

# Psychopathy – NAS (2003)

“Regarding psychopathy, Hammond (1980) found no differences in the detectability of deception using a mock crime scenario among normal individuals, alcoholics, and psychopaths. Similarly, neither Raskin and Hare (1978) nor Patrick and Iacono (1989) found any differences in the detectability of deception between psychopathic and non-psychopathic prison inmates.” [p.136]

(National Academy of Sciences, 2003)

# Psychopaths and Deception

- Psychopaths know when they are lying
- Psychopaths know why they lie
  - Lie to achieve goals (take advantage of others)
  - Lie to avoid consequences
  - Lie for fun (self-aggrandizement)
- Psychopaths can be very good liars
- Psychopaths can be very bad liars
  - Lie when faced with evidence
  - Lie when caught red-handed
  - Lie when it would make more sense to tell the truth
- Psychopaths are persistent liars

# Medications

- Side Effects
  - Drowsiness
  - Irritability
  - Decreased libido
- Data Quality Effects
  - Dampening of physiological response data
  - Exaggeration of physiological response data
  - Unpredictable effects
- Physiological Side-Effects
  - ***Sympathomimetic*** effects
  - ***Anti-cholinergic*** effects
  - ***Corticosteroid*** effects (asthma inhalers)
  - ***Extrapyramidal*** effects
  - ***Postural Hypotension effects***

# Medications – Take Home Points

- Use of medications is common – single medications indicate no concern to the polygraph
- Persons who function optimally on meds will likely test optimally on meds
- No published research or theoretical rationale suggests any medications will cause erroneous polygraph results
- Data quality problems may cause inconclusive results
- Use caution when interpreting test results for persons taking multiple medications
- Use caution when responding to test results for any person who meet legal criterion for an exceptionality
  - Diagnosed disability, 504, ADA, IDEA/IDEIA

# Suitability – Take Home Points

- There is no single test that will work equally well with everyone
- Polygraph depends upon a psychologically normal (non-psychotic) person in reasonable physical health
- Normative data and normative decision models apply to normal persons from the intended (researched) sample or population
- Examiners should not issue unqualified opinions on marginal test data from marginally suitable subjects
- Examiners should alert referring agents to issues indicating marginal suitability or unsuitability for polygraph testing
- There may be benefits from conducting polygraphs on marginal test candidates
  - Disclosure value
  - Deterrent value
  - Decision support value
- No theoretical rationale to suggest erroneous results
- Professional ethics dictates view results with caution

# Professional Ethics

*“Ethical axioms are found and tested not very differently from the axioms of science. Truth is what stands the test of experience.”*

*Albert Einstein*



# Legal Context

Judges and Juries are the finders of fact

# Professional Judgment

- *Tests Do Not Make Decisions*
- Tests provide information
- Decisions are made by professionals and teams

*Do Not surrender professional judgement to the polygraph instrument or any other single test*

# Professional Judgment -Standard 7.161

“Information and results obtained from the polygraph test shall be considered, but shall not become the sole basis for decisions regarding, transition, progress, and completion of treatment...” [p.100]

Colorado Sex Offender Management Board (2003)

# Self Incrimination

- Pino (1973, 1974) advocated Use and Derivative Use Immunity to safeguard against self-incrimination when investigating non-adjudicated offenses in dispositional polygraph usage
- Colorado's Juvenile Standards (appendix) indicate the use of protective orders for non-adjudicated youths
  - Copies of the Protective Order should be given to examiner and all named referring agents

# Immunity Options and Jurisdictional Response

- Complete immunity
  - Potentially damaging to victims
- Limited immunity until a victim (victim's family) requests a criminal filing
  - Places responsibility on victim to hold the offender accountable
- Limited immunity for crimes similar to instant offense
  - Could motivate concealing of crossover behavior
  - Might negatively impact victim's of abuse for whom offender is not charged
- No immunity
  - Could motivate withholding and secrecy
  - Might necessitate incomplete disclosure of information

# Mandatory Child Abuse Reporting

- Probation / Parole Officers, Therapists, and Social Services Workers are mandatory child abuse reporters
  - Polygraph examiners are not
- Some examinee's have been instructed to provide only initials or anonymous identifiers for each victim
- Some examinee's elect not to disclose information about jurisdiction or their exact relationship with victim

# The “Friendly Polygraphist” - 1

- Orne (1975) hypothesized that polygraphs conducted for defense attorneys would produce less autonomic arousal and weaker scores
- Lykken (1980) suggested private examiners are unduly motivated to find people truthful
- **NEITHER SUGGESTION IS SUPPORTED BY RESEARCH**

“Friendly” refers to whom the polygraph examiner is working for NOT the polygraph examiner's attitude

# The “Friendly Polygraphist” - 2

- Raskin, Barland, and Podlesney (1978) matched defense cases with law enforcement cases
  - Defense Cases: 78% truthful, 20% deceptive, 2% INC
  - Law Enforcement: 76% truthful, 20% deceptive, 5% INC
  - Three different samples all resulted in defense cases with stronger scores at statistically significant levels compared with law enforcement samples



# The “Friendly Polygraphist” - 3

*In response to concerns about non-accusatory pretest resulting in the examinee lack of “fear of detection*

- Matte & Armitage (2000) compared 32 confirmed deceptive cases from the Buffalo Police Department with 39 cases from the 1990 study.
- No significant differences in scores were observed between Law Enforcement and Privileged cases, with private/privileged cases resulting in 87% rate of deception and stronger overall deceptive scores

*Non-accusatory pretest interview is taught and advocated at every polygraph school in existence*

# The “Friendly Polygraphist” - 4

- Matte & Russe (1990) compared 39 confirmed polygraphs conducted under attorney-client privilege matched with 32 confirmed cases conducted at the Buffalo Police Department and 15 non-privileged private investigations that were confirmed deceptive
  - 39 Privileged Cases: 34 were deceptive (mean 7.35 / 9.38)
  - 34 Law Enforcement: 13 were deceptive (mean 6.63 / 9.1)
  - 15 Private Non-privileged: confirmed DI (mean 7.85 / 9.9)

# Professional Ethics – Take Home Points

- Judges and Juries are the “finders of fact”
- Tests don't make decisions
- Tests give information
- Professionals make decisions
- It is not necessary to treat people badly for the polygraph to work

# Do's and Don'ts

- **Do** help the examinee prepare
  - Review and preparation
  - Conceptual Vocabulary
  - Debrief information
- **Do** help the examinee how the test results may be used
  - Privileges / Restrictions / Consequences
- **Do** contact the examiner if you have concerns
- **Do** inform the examinee in advance of the test date
  - Type of examination
  - Purpose of examination (maintenance, sex history, instant offense)

# Do's and Don'ts

- **Do Not** attempt to tell the examinee the test questions or target issues
  - The examiner will construct the questions with the examinee, based on the specified targets
- ***Do Not*** make or accept excuses for examinee who fail the polygraph test
- ***Do Not*** explain the mechanics or principles of the polygraph test
- ***Do Not*** abandon professional authority to the polygraph or any other test

# Take Home Points

- Polygraph is one form of testing science
- There is no such thing as a perfect test
- We will never know “everything”
- Polygraph is a *decision support tool* that adds *incremental validity* to professional decisions
  - Risk assessment
  - Treatment planning
  - Risk management

# Thank You

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