

## Concerns about the committee's proposed model policy

- The committee seems to make many un-studied assertions. It is hazardous to the long-term credibility of the APA and the polygraph profession to set things in stone when it is not necessary to do so. People do not easily unlearn things, and it is inevitable that some of the ideas will be proven incorrect or adjusted according to science. Setting policy in the absence of science should be done only when there is an imminent safety risk.
- The Model Policy is at times insulting and disparaging to treatment providers, and makes unsupportable statements about the activities and values of other professionals (i.e., “praised and rewarded for admissions.”) We simply do not know this is the case in all programs and all jurisdictions.
- Separation of Maintenance-treatment and Maintenance-probation is artificial and unproven. The committee members have acknowledged that the content of probation and treatment rules will overlap substantially. It is therefore specious to pretend they are distinct constructs. The hazard is that artificial rules like this create the perception of problems where they do not exist, and create an environment in which excessive nitpicking and disagreement among examiners makes us look silly and incompetent. The notion of “all doing it wrong together” is a patently dangerous idea, and there are historical examples of what happens when individual shed responsibility in favor of group-think. If it is unproven and unnecessary, then we should not embed it in the requirements of a Model Policy. This requirement increases the likelihood that many exams will be criticized as “invalid” in the absence of any scientific basis – creating necessary increased liability for field examiners.
- Imposing the definition of Time-of-Reference (TOR) and Frame-of-Reference (FOR) for CQs seems to go against what the science says about exclusive and non-exclusive CQs. It will be sufficient to require a conceptual separation of CQ content from RQ content by either TOR or FOR. It makes no sense for the APA to enact a Model Policy that is inconsistent with scientific studies.
- There is a massive hazard to the community and polygraph profession that is created by imposing a TOR to the date of conviction on Sex History Polygraphs. The purpose of the Date-of-conviction/TOR is to somehow protect the examinee and examiner from rights/liability resulting from questions about new sex crimes. However, we already ask about new sex crimes in Monitoring Exams, and the TOR does not really solve this problem. Instead it creates a condition under which we want (and presumably help) an offender to pass the sex history exam – even if they have reoffended after their date of conviction. In all likelihood, an offender who has reoffended would not pass the sex history anyway. However, if an offender did “pass” the sex history, while concealing a new offense after the date of conviction/sentencing, and if this were discovered later, then it will look to the community and the news media like a False-Negative error and a polygraph failure. If someone has reoffended – we do not care if they fail their sex history. Polygraph will have worked to alert us to look more closely at that offender.
- The requirement to confront every examinee, (including truthful persons) with their reactions to the CQs, will be regarded by polygraph opponents as confusing and abusive. While the notion has superficial face-validity, it remains un-studied and un-proven. Offenders take many many polygraphs (10, 20, 30, 40, 50 or more). There will be times when they are confronted, yet get

truthful results. It will not take long for offenders to learn this game, and simply get used to the idea of not making any admissions. It is possible that this activity will inadvertently inoculate the offender against their next real interrogation – thereby increasing the risk to the community.

- Doing and requiring things that are unscientific will increase the likelihood of adverse (EPPA-like) decisions against the use of polygraph with sex offenders – especially if they are perceived to be manipulative or abusive (interrogating truthful examinees), and especially if they are later found to be unimportant.
- The Polygraph profession and the safety of the community will be best served by focusing our efforts and our Model Policies on defensible activities that are based in science.
- Efforts to “define” multi-issue (mixed issue) PCSOT exams as “specific-issue” tests, in attempt to co-opt or bootleg accuracy estimates for event-specific exams are dishonest, and will ultimately embarrass the APA and the polygraph profession. If there is anything that we polygraph examiners should know for sure, it is the truth will eventually come out.
- Restricting PCSOT examination techniques to those that have been validated for investigative/diagnostic use are absurd. We should be able to use screening techniques for screening exams.
- There is no evidence of an “Active CQ” in any piece of literature on polygraph research or procedure. This appears to be a new or made-up notion. Embedding new, unproven, and un-researched notions as Model Policy is probably a very bad idea.