

**Module 7**  
**The Use of the Polygraph**

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Transcript

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## Section 1: Introduction

Screen Number	Character	Narration
7001	<b>Judge:</b>	Sex offenders are very good at one thing: deception. That means those of us who work with them have to be very good at uncovering that deception. One of the most effective tools we use is the polygraph. Offenders can lie to us, but not so much to the polygraph.
7002	<b>Judge:</b>	Now let me say right up front: this polygraph isn't the type used in police investigations. It's not used to get any type of confession for conviction. This polygraph is <u>post</u> -conviction – or <u>after</u> conviction. It's used by properly trained polygraphers to get information from an offender that he would prefer to keep secret.
7003	<b>Judge:</b>	We use this information in two ways: <ul style="list-style-type: none"><li>- To identify the offender's risk to the public, and</li><li>- To develop a treatment and supervision plan that contains the risk he poses and gives him the knowledge and skills he needs to avoid re-offending.</li></ul>
7004	<b>Judge:</b>	We know that with treatment and the use of appropriate tools, like the polygraph, the offender will reveal a more complete picture of his past behaviors. This picture often shows us there were more victims, <u>more</u> types of deviant sexual behavior, and a <u>longer</u> history of offending than had been previously reported. Until we know <u>all</u> the facts of a sexual offender's history and offense pattern, we can't put together the most effective treatment and supervision plan.
7005	<b>Judge:</b>	While the offender has no choice about taking the polygraph, the tool isn't used as threatening device. Instead, the offender is <u>encouraged</u> to reveal the truth and he's told that being completely truthful is a first step toward accepting responsibility for his offense. We want him to pass his polygraph.

If you'd like to learn more about the polygraph and how it fits into our containment goals, check out the Polygraph Goals & Objectives knowledge document in the program's library.

7006

**Judge:**

Now that you have a general overview of polygraph use within containment, we're going to talk about the team members involved with the polygraph. Then we'll take a closer look at the steps in the process, the types of polygraph examinations, and how we use the results.

## Section 2: Team Members

Screen Number	Character	Narration
7007	<b>Judge:</b>	The development and administration of the polygraph takes a team effort. The team typically includes, at a minimum, the offender's supervising agent, the polygrapher – or polygraphist – and the sex offender treatment provider. While not team members per se, victims or members of the offender's family may provide information or input for the polygraph questions, usually through a victim advocate. Keep in mind, additional information is sought from multiple sources, in order to have as much information about the offender's behavior as possible.
7008	<b>Judge:</b>	The polygrapher is a critical part of the team and maybe the least familiar of all the disciplines involved with sex offenders. The polygrapher functions as the team's consultant and subject matter expert. He conducts the test, analyzes the information he collects and shares it with the team.
7009	<b>Judge:</b>	It is important to note that Pennsylvania does not license polygraphers. However, the APA or American Polygraph Association has established guidelines for conducting polygraph examinations of post-conviction sex offenders. While other professional organizations exist, the APA is the most recognized and accessed organization.
7010	<b>Judge:</b>	Therefore all persons and agencies that work with polygraphers should follow these guidelines to determine a polygrapher's qualifications. Also, membership in the APA guarantees the polygrapher has satisfied testing to meet basic guidelines. This proof of certification is maintained by the APA and the examiner.
7011	<b>Treatment Provider:</b>	The polygraph is used by treatment providers as a diagnostic tool. Like a doctor uses an X-ray to discover broken bones and other damage, I use a polygraph to discover the full extent of a person's sex offending issues. In our treatment sessions, the offender may not be telling me everything. With what I learn from the polygraph, I can explore what's really going on with the offender and work with his supervising agent to get and provide more information that may result in a modified treatment plan.

- 7012                    **State Parole Agent with Supervision:**    As a supervising agent, I support the use of a polygraph because it allows our team to ensure we're getting all the information on a sex offender. We're not relying on his self-reports. With the polygraph process, we can get a pretty good idea if the offender is following his supervision rules, the rules that support his pro-social behavior and community protection. The polygraph is an essential part of the treatment continuum. Another thing - agents should never use the results of a polygraph to discipline an offender. A "failed polygraph" is a treatment issue, treatment issues are an on-going concern of supervision, not a polygraph failure. The polygraph is a very effective tool, but we don't rely on it 100%. We need other corroborating evidence before we take court action.
- 7013                    **Law Enforcement:**    As we said earlier, the polygraph used to treat sex offenders is not the same kind we might use to get a confession for a conviction. These polygraphs are used for treatment and supervision only. The polygraph results are not used in court and they are not admissible as evidence of a violation. The main purpose of this polygraph is to provide assurance that the offender's self-report is consistent with the truth.
- 7014                    **Law Enforcement:**    However, if the offender discloses information at any time during the polygraph that reveals specific, identifiable victims, then I become involved. The polygrapher and supervising agents are obligated by law to report the disclosure. More information is available on the Mandatory Reporting Requirement in the program's library.
- 7015                    **Victim Advocate:**    Victim advocates, and on occasion, the victims themselves, become involved with the polygraph to help the polygrapher form test questions. The victim has intimate knowledge of the offender and offense behavior, so we really need his or her input. This detailed information can then be used by the polygrapher to develop questions.
- 7016                    **Victim Advocate:**    In some situations, the victim and I will work with a polygraph team to get specific answers to questions she may have. But it's not always possible to answer every question a victim might have. That's because some questions just can't be "framed." That means there isn't always a way to construct a question so that you get a measurable response with the polygraph equipment.

7017

**Victim Advocate:** In the case of a pedophile, we obviously can't ask the child victim for help with questions. But Children and Youth Services may be able to provide assistance.

Now that you have a better understanding of who is on a polygraphy team, let's take a closer look at the process.

## Section 3: Polygraph Process

Screen Number	Character	Narration
7018	<b>Treatment Provider:</b>	You may think that as soon as an offender is in the community that we should give him a polygraph. This isn't the case. Typically, there is an adjustment period after the offender is released before we conduct the polygraph. This is usually between 3 and 6 months.
7019	<b>Treatment Provider:</b>	The purpose of this delay is to allow the offender a period of adjustment in the community and give him time to adjust to treatment and supervision rules. There is an initial treatment and supervision plan during this time, and the time permits the offender to observe the consistent, close, and open relationship between the agent and the treatment provider. There's a lot of work that needs to take place before a test that's going to cover a person's entire life can be administered.
7020	<b>State Parole Agent with Supervision:</b>	There are five steps to the polygraph process. We'll go over each of these here. The first step involves providing information to the polygrapher.
7021	<b>State Parole Agent with Supervision:</b>	<p>The polygraph examination requires a full and open exchange of information between the agent, the treatment provider, the polygrapher, and other members of the polygraphy team. My part in the process is to provide relevant file information before the examination. This could be:</p> <ul style="list-style-type: none"><li>Police reports</li><li>Violation reports</li><li>Pre-sentence investigations</li><li>Offender statements regarding the offense or violation, and the Victim's statement.</li></ul> <p>Check out the Polygraph Information document in the program's library to read other examples of file information used in the polygraphy process.</p>

7022	<b>Treatment Provider:</b>	Then in step two, the information from supervision is used to frame some of the questions that will be administered during the polygraph. The polygrapher must be skilled at developing measurable questions and interviewing sex offenders. Posing appropriate questions will deliver responses that have a high probability of accurate reading. If the questions are ambiguous or not designed to produce a clear reaction, the electrical responses will create an invalid polygraph.
7023	<b>Treatment Provider:</b>	After we've developed the questions, we are ready for step three: the pre-polygraph interview. The pre-polygraph interview is conducted by the polygrapher. This interview is designed to prepare the offender for the polygraph. What is significant about the pre-polygraph interview is that most of the offender's unreported information will be revealed at this time. Remember, the offender has spent time in therapy reviewing his history. Preparation is the key, because the offender knows what he has said or has not said in group.
7024	<b>Treatment Provider:</b>	Before attaching any equipment, the polygrapher will talk to the offender about his history. A skilled polygrapher will create a non-threatening environment so the offender is more willing to reveal the details of his sexual history. It's at this point that the polygrapher will advise offenders that if they disclose identifiable information through the polygraph about additional specific victims, <u>past</u> specific victims, or the abuse of a specific child, the polygrapher and the supervising agent would be obligated to report the disclosure to law enforcement.
7025	<b>Treatment Provider:</b>	After the pre-polygraph interview is completed, the offender is ready to begin the polygraph. The actual polygraph is usually about 3-5 questions. The purpose of this step is to confirm the information that was disclosed during the pre-polygraph interview. Again – we're not looking to entrap an offender; we want to confirm he's been telling his supervisor and treatment provider the truth.
7026	<b>Treatment Provider:</b>	After the polygraph has been administered, there's one more step in the process: the <u>post</u> -polygraph interview – conducted by the polygrapher. The purpose of this interview is to explore the issues uncovered in the polygraph.

- 7027            **Treatment  
Provider:**            So, basically, this is how the polygraph is set up to work:  
Get the offender to reveal information in the pre- interview  
Confirm the truth during the polygraph test, and then  
Review inconsistencies or new revelations in the post  
interview.
- 7028            **Treatment  
Provider:**            It is important to note that some polygraphers strongly  
recommend that the polygraph examination and pre and post-  
polygraph interviews be videotaped. This enhances the ability  
for quality control, and it insures an avenue to check  
offender's claims that they "didn't say that" or were  
"coerced" by the polygrapher.
- 7029            **Treatment  
Provider:**            In this section, we've only covered the general objectives for  
a polygraph examination. Now, it's not possible to use one  
polygraph to collect all the information the polygraph team  
may want. That's why there is more than one type of  
polygraph used. Which type is used will depend on the  
information desired. In the next section, we'll focus on the  
different types of polygraphs.

## Section 4: Types of Polygraph Examinations

Screen Number	Character	Narration
7030	<b>State Parole Agent with Supervision:</b>	<p>There are three different types of polygraph examinations used during supervision and treatment. They are:</p> <p>Sexual History and Disclosure</p> <p>Instant Offense and Specific Issue, and</p> <p>Maintenance and Monitoring.</p>
7031	<b>State Parole Agent with Supervision:</b>	<p>The first polygraph is the “Sexual History and Disclosure Examination.” This polygraph covers the lifetime sexual history of the offender <u>prior</u> to the date of conviction as well as the scope of his sexual deviancy. The Sexual History and Disclosure polygraph may only take place <i>after</i> the offender has been actively involved in an approved sex offender treatment program. It is a best practice to complete this examination within 3 to 6 months from the start of treatment. A polygraph may be scheduled by the treatment provider or the supervising agent.</p>
7032	<b>State Parole Agent with Supervision:</b>	<p>This type of polygraph may be administered more than once during the course of treatment and supervision to ensure we uncover the full story of an offender’s sexual history. It is expensive and time consuming, so we want to be certain we’ve got it as close to “right” as possible the first time out. Before the exam is administered, the offender has to complete a detailed social and sexual history questionnaire for his treatment provider. In this document, the offender records the gender, age, and method of assault for every past victim.</p>
7033	<b>State Parole Agent with Supervision:</b>	<p>The polygrapher then uses this history, along with other case file information, to frame specific questions about parts of his sexual history. We expect that the offender will be accurate and truthful in his history, and that the polygraph will confirm it. Now let’s look at a case to illustrate when this type of polygraph is used.</p>

- 7034            **State Parole Agent with Supervision:**    Charlie is a 44-year-old sex offender, who recently completed a sentence for two counts of Involuntary Deviate Sexual Intercourse. The offender received 11.5 months in jail on the first charge and 5 years of consecutive probation for the second. The offender was the junior high track and field coach, and accessed his victims through the sport. He is married and has three children.
- 7035            **State Parole Agent with Supervision:**    The offender has currently been enrolled in therapy for approximately 4 months, and has built up a positive rapport with his treatment provider. Throughout the course of treatment, they have been discussing the Sexual History/Disclosure polygraph and how it is important that the offender not be in denial when the test is administered. Charlie has recently accepted full responsibility for the offenses and now his treatment provider and supervising agent believe that he is ready to take the Sexual History/Disclosure polygraph.
- 7036            **State Parole Agent with Supervision:**    One special note about this polygraph: it should never be conducted when the offender denies the crime, or if he is not cooperating with supervision rules, or is under investigation for rules violation or new criminal behavior. We have a separate polygraph for this type of behavior that we'll discuss next.
- 7037            **State Parole Agent with Supervision:**    The Instant Offense (or Specific Issue) examination is administered to offenders who deny or seriously minimize their behaviors in the instant offense. (By the way, "Instant Offense" refers to the offense that the offender is currently on probation or parole for.) The Instant Offense examination is used to break through the offender's denial because it can confirm that he's lying.
- 7038            **State Parole Agent with Supervision:**    An Instant Offense examination may take place before the start of offense-related treatment or very early into treatment. The theory behind this is, the sooner a sex offender moves past denying his crimes; the more progress will be made in treatment and supervision.
- 7039            **State Parole Agent with Supervision:**    The final use of this type of polygraph is to address a specific issue – that is, a single concern or suspicion that comes up during the offender's treatment or as a follow-up to deceptive results on previous polygraphs. The issue could also relate to a supervision violation. Now let's refer back to our case study.

- 7040            **State Parole Agent with Supervision:**    When we discussed the Sexual History or Disclosure polygraph, Charlie had broken through his denial and accepted full responsibility for the offenses.
- But how would this situation have changed if the offender were still in denial? Imagine this – the offender is in month 4 of treatment. He maintains that he loves his wife and that he did not commit these offenses. Furthermore he only says he plead guilty to get out of a state sentence.
- 7041            **State Parole Agent with Supervision:**    In order for the offender to take the Sexual History or Disclosure polygraph, he cannot be in denial. So, the treatment provider and polygraphy team decide to use an Instant Offense polygraph. The offender is asked questions regarding the instant offense, which he fails. However, it has broken down his denial and he is back on his original treatment plan. Now he will be able to move forward and take the Sexual History/Disclosure polygraph.
- 7042            **State Parole Agent with Supervision:**    As you can see, it is important to keep in mind that the Instant Offense examination is separate from the History examination. The Instant Offense polygraph does not require a waiting period although, as I mentioned, allowing the offender to acclimate to reentry into the community is helpful. Also, remember that this polygraph is not used to determine guilt or innocence. Passing an instant offense polygraph may merely serve as a recommendation to remove a special condition for sex offender treatment.
- 7043            **State Parole Agent with Supervision:**    The third type of polygraph is the “Maintenance or Monitoring” Examination. They have somewhat similar purposes but can be distinguished this way: The Maintenance Examination is conducted to gain information about an offender’s compliance with rules of supervision.
- The Monitoring examinations are conducted to obtain information about illegal sexual acts, contact with minors, or other rule violations of a sexual nature that have occurred during the offender’s supervision.
- 7044            **State Parole Agent with Supervision:**    Typical areas of interest during a maintenance examination include technical rules violations, alcohol and drug use, law violations, and providing false information to the agent. The information we’re looking for is all related to his risks as a sex offender. This examination may be randomly administered at four-to-six-month intervals and at least once a year.



## Section 5: Polygraph Results

Screen Number	Character	Narration
7051	<b>Treatment Provider:</b>	<p>After the polygraph has been administered, we then have to analyze the results. There are four types of polygraph results. They are:</p> <p>Admissions</p> <p>Inconclusive Results</p> <p>No Deception Indicated, and</p> <p>Deception Indicated</p>
7052	<b>Treatment Provider:</b>	<p>Let's take them one at a time: <b>Admissions</b>. This type of results centers on verbal admissions from the offender, not the chart readings from the polygraph. An admission means the offender has revealed something of concern to the team. If the offender <u>does</u> admit to a violation during the course of the polygraph process, the supervising agent will conduct a violation investigation and determine appropriate sanctions.</p>
7053	<b>Treatment Provider:</b>	<p>With this kind of result, the team should be aware that:</p> <p>The polygraph results should <u>not</u> be relied upon to justify a custody decision.</p> <p>There <i>must</i> be either an admission by the offender or other evidence of a violation to place the offender in custody.</p> <p>Examination results may result in a heightened level of supervision.</p> <p>Heightened supervision responses <i>may</i> include more restrictive rules and conditions.</p> <p>- The examination results will <u>not</u> form the basis of any corrective action, such as detention or a recommendation to revoke parole.</p>

- 7054            **Treatment  
Provider:**            At this point, we should be clear that we're not just after the results of the examination. We use the polygraph because it facilitates and encourages admissions by offenders to behavior that would otherwise be unknown to the offender's treatment and management team. By not relying on polygraph results to drive supervision, many of the difficulties associated with the polygraph are overcome.
- 7055            **Treatment  
Provider:**            The next type of results we want to talk about are "Inconclusive Results." As you can guess from the name, these results indicate that the chart tracings for a particular question are not of sufficient magnitude to indicate either truth or deception. An inconclusive test result should not be interpreted as anything other than an unreadable chart. It is neither positive nor negative. We only know there is insufficient data to determine the truthfulness or deception of an offender's response to a particular question.
- 7056            **Treatment  
Provider:**            Inconclusive chart tracings can be caused by many factors and do not necessarily indicate corrective action is required. An "inconclusive" result refers *only* to the hard data contained in the chart tracings in response to a particular test question. It should not be viewed as an attempt to "beat" the polygraph by employing countermeasures.
- 7057            **Treatment  
Provider:**            Let me take a moment here and talk about "countermeasures" and how they impact a polygraph. Countermeasures are the tactics sex offenders use to elevate their physiological readings or invalidate the polygraph results. If countermeasures are detected, then the polygraph team should wait a period of time and then give the offender another polygraph.
- 7058            **Treatment  
Provider:**            But keep in mind, an allegation of a countermeasure is a serious concern. It could be seen as a violation of the offender's supervision rule to undergo a polygraph examination. If a polygrapher suspects the offender is using countermeasures, he should document the factual reasons for his assertions in his final report. When the agent learns about the offender's countermeasures, he must conduct a violation investigation and dispose of any violation. To learn more about countermeasures, and how to document them, check out the Countermeasures knowledge document in the program's library.

- 7059            **Treatment  
Provider:**            Let's move on to the third type of polygraph result, described as "No Deception Indicated" – or "NDI." This result shows that the chart tracings are consistent with a truthful response to a test question. Of course, we can't interpret a "no deception indicated" result as an absolute fact that the offender is being truthful. The result only reflects chart data and indicates nothing about an offender's use of countermeasures or any other factor that may have affected test results. A result of "NDI" means only the polygraph instrument recorded physiological phenomena at a particular time, in response to a particular question, and that those recordings were consistent with a truthful response.
- 7060            **Treatment  
Provider:**            With an NDI result, an examiner could conclude that an offender is not telling the truth, despite a chart that indicates no deception, if, in the examiner's opinion, something other than the offender's truthful response caused the tracings to appear as they did. Like the countermeasures we discussed earlier. You can see why it's very important to have only qualified and trained polygraphers working with sex offenders.
- 7061            **Treatment  
Provider:**            It's also important to note, that an agent, upon receiving an NDI result, should not rely on it to make case decisions. Agents should only consider the result as "advisory" and use it to reinforce case decisions made within standard departmental guidelines.
- 7062            **Treatment  
Provider:**            The last test result we want to talk about is the opposite of "No Deception Indicated," it's known as "Deception Indicated." Like "No Deception Indicated", a result of "Deception Indicated" should not be relied upon when making case decisions. Even if an examiner believes the offender is not being truthful, the "Deception Indicated" result should only serve as an indicator that something may be occurring. It should signal the agent to conduct closer scrutiny of the offender and his activities.
- 7063            **Treatment  
Provider:**            If a polygrapher concludes that an offender is not telling the truth, agents should approach the situation as they would in any other where they receive unsubstantiated information about an offender's possible violation activity: they will look for corroborating evidence.

- 7064            **Treatment  
Provider:**            An agent should not modify the offender’s case plan or determine treatment progress based on a polygraph outcome alone. It is a treatment tool only. However, if a sex offender repeatedly fails polygraphs, that means they are failing treatment. This could violate their parole and they could be sent back to prison.
- 7065            **Treatment  
Provider:**            But again, it’s not the examination results that are of most value—it’s the admissions made by offenders *in anticipation* of the examination results. For offenders, the impending polygraphy examination acts like a kind of invisible truth serum. Many times, they will offer an admission before any wire is even attached to them.

## Section 6: Conclusion

Screen Number	Character	Narration
7066	<b>Treatment Provider:</b>	<p>Some final thoughts about the polygraph process:</p> <p>The polygraph is an important part of treatment and supervision, but it's <u>not</u> a substitute for supervision. It assists the offender in maintaining his pro-social behavior and revealing the extent of his sexual offending issues. The polygraph helps sex offenders stay on track.</p> <p>For more information related to this topic, you should check out the Using the Polygraph document in the program's library.</p>