PCSOT
POLYGRAPH
Best Practices

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General Provisions

- All polygraph examiners practicing in Oregon shall be licensed by the Oregon Polygraph Licensing Board and must follow all polygraph licensing laws. Examiners who are members of any local or national professional organization shall also comply with all Standards and Practices unless in conflict with the polygraph licensing board, in which case the licensing law shall prevail.

- Post Conviction Sex Offender Testing (PCSOT) examiners are required to satisfy the provisions of the Oregon Polygraph licensing board and their organization bylaws.
It is recommended that individuals who are under the age of 12 not be subject to Post Conviction Sex Offender Testing examinations.

"Spelling, math, history, geography — now the stupid school wants me to take a polygraph test!"
Examiner Requirements

- To ensure competency in the area of Post Conviction Sex Offender Testing, polygraph examiners must have successfully completed a minimum of forty (40) hours of specialized post conviction sex offender training or training that adheres to the standards established by their polygraph organizations.

- A polygraph examiner must be licensed by the Oregon Polygraph licensing board.

- Because of the unique roles of polygraph examiners and therapist/treatment providers, and to avoid conflicts of interest, PCSOT examiners who are therapists/treatment providers shall not conduct polygraph examinations on an individual that they directly or indirectly treat or supervise.
Because of the unique roles of polygraph examiners and parole or probation officers, and to avoid conflicts of interest, PCSOT examiners who are probation or parole officers shall not conduct a polygraph examination on any individual that they directly or indirectly supervise.

Examiners should complete a minimum of 25 examinations prior to undertaking Post Conviction Sex Offender Testing examinations. Examiners who have conducted fewer than 25 such exams should conduct PCSOT exams under the supervision of an Oregon licensed examiner conducting Post Conviction Sex Offender Tests.
Testability of Subject

- The examiner is required to make reasonable efforts to determine that the examinee is a fit subject for testing. Basic inquiries into the medical and psychological condition of the examinee as well as any recent drug use must be made where allowed by law. Mental, physical or medical conditions of the examinee that should be observable to, or that should be reasonably known by the examiner, are required to be considered in conducting and evaluating the examination.

- During the pretest interview, where allowed by law, the examiner is required to specifically inquire of the person to be examined whether or not he or she is currently receiving or has in the past received medical, psychological or psychiatric treatment or consultation.
• If an examiner has a reasonable doubt concerning the ability of an examinee to safely undergo an examination, a release from the examinee and his or her physician is required.

• In cases where the prospective examinee does not speak English, efforts should be made to pair the examinee with a polygraph examiner who speaks the examinee’s primary language. If not able to do so, arrangements should be made for a court certified or equivalent interpreter-translator. In cases where the prospective examinee is deaf, arrangements should be made with a court certified or equivalent deaf interpreter-translator. An interpreter-translator who appears closely connected to the examinee is not appropriate for providing interpreter-translator services during a polygraph examination. Caution should be exercised when conducting a polygraph examination with interpreters. Reports should include the name of the interpreter, agency of the interpreter, and contact information for the interpreter.
Environment

- All examinations shall be administered in an environment that is free from distractions that would interfere with the examinee’s ability to adequately focus on the issues being addressed.
Examiners shall use an instrument that is properly functioning in accordance with the manufacturer’s specifications.
The instrument at a minimum shall record continuously during the tests: thoracic and abdominal movement associated with respiratory activity by using two pneumograph components; electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue, and; cardiovascular activity to record relative changes in pulse rate and blood pressure. The instrument should include a separate data channel specifically designed to record covert body movements.
Scheduling Considerations

- Polygraph examinations should be scheduled at least 90 minutes apart. As per the Oregon Polygraph Licensing Board, no examiner shall conduct more than five examinations in a single day.

- An examiner should not plan to or conduct a complete polygraph examination of less than 90 minutes in duration from the start of the pretest interview through the end of the post test interview, unless circumstances arise beyond the control of the examiner.
To safeguard against the possibility of client habituation and familiarization between the examiner and the client, the polygraph examiner should not conduct more than four consecutive examinations on the same client. This restriction does not include inconclusive results or a retest due to a lack of resolution during an initial examination. A continuation of a previously started examination is not considered a separate examination.
Examiner Preparation

An examiner’s preparation to conduct each examination may include:

- Reviewing documentation collected by the therapist or referring agency before conducting the examination.
- Reviewing all pertinent documentation to enable the examiner to identify testable issues and to develop relevant and other technical questions.
- Identifying appropriate relevant issues based on communication(s) with the applicable supervisory officer, treatment provider or both, prior to the conduct of a maintenance or monitoring examination.
- Becoming knowledgeable of the conditions relevant to the offender being in the community as well as rules and directives of the treatment provider for each offender to be tested.
P.O./Therapist Preparation

Suggested Background Information to be Included with referrals to Polygraph Examiners:

**Maintenance Examinations (First time referral)**
- Most recent polygraph examination report from other examiner (if applicable)
- Pre-Sentence Investigation Report (if available)
- Police report of instant offense if information is not described in PSI
- Psychosexual Evaluation if it contains significant information not contained in PSI
- Supervision conditions
- Modification of conditions, including safety plans (if applicable)
- Most recent treatment progress report (if applicable)
- Recent violation report (if applicable)
Suggested Background Information to be Included with referrals to Polygraph Examiners:

Full Disclosure

- Police Report
- Psychosexual Evaluation
- PSI if available
- Recent violation report (if applicable)
Suggested Background Information to be Included with referrals to Polygraph Examiners:

**Specific Issue Exam**

- If related to instant offense – Police Report outlining victim’s allegations of sexual abuse
- Other issues – Written narrative detailing specific allegations to be tested including who, what when, where, etc.
- As a general rule, requests for specific issue exams should be reviewed over the phone with examiner prior to client referral to ensure that issue to be covered is valid and testable. What additional background information is required can be addressed during that phone contact.
- Recent violation report (if applicable)
The Examination Process

- The polygraph examiner should respect the rights and dignity of all persons to whom he or she administers polygraph examinations.

- The complete polygraph examination shall consist of a pretest phase, in-test phase, test data analysis phase and the post-test phase when applicable.

- The pretest phase should be appropriate for the technique utilized.

- The examinee shall consent in writing or recording to the administration of the examination and release of information disclosed, to include the professional opinion of the examiner, to those specified on a consent document, and others as required by law.
- Sufficient time shall be spent to ensure the examinee has a reasonable understanding of the polygraph process and the requirement for cooperation.

- A comprehensive discussion of issues to be tested shall take place with the examinee, including an opportunity for the examinee to fully explain his or her answers.

- A review of all test questions shall take place with the examinee, allowing sufficient time to ensure the examinee recognized and understands each question.

- The administration of polygraph testing shall conform to professional standards for the conduct of the utilized polygraph technique.
- An acquaintance test is recommended during the first examination of each examinee by each examiner unless precluded by the protocol of a validated polygraph technique.

- The examiner should discuss the examination results with the examinee, to afford the examinee a reasonable opportunity to explain reactions noted during testing.
Examinations shall follow established professional practice guidelines as approved by the Oregon Polygraph licensing board and by the examiner’s local or national polygraph professional organization.

Examinations should follow established professional practice guidelines regarding crossing the time barrier. Examinations should follow established professional practice guidelines regarding crossing the frame of reference.

The offender should complete his or her sexual history form, questionnaire or packet prior to the examiner conducting a sexual history disclosure polygraph examination. The examiner shall review the sexual history material provided and shall conduct a pretest interview. Review of the packet does not replace the pretest interview.
The sexual history documentation should be reviewed in the treatment setting prior to the conduct of the sexual history disclosure examination. If the offender is not in treatment, the sexual history documentation should be discussed and/or reviewed with the supervising officer prior to the examination. It is not necessary for the examiner to approve this paperwork prior to administering the examination.

The examiner shall document all admissions and clarification of relevant information during the pretest phase of the examination.
Question Formulation

- The polygraph examiner is responsible for ensuring all polygraph test questions are properly constructed and appropriate for the technique utilized.

- There shall not be more than four (4) relevant questions per test series when using a comparison-control question technique.
- Relevant Questions must be specific (not general) and narrow in scope.
Test Evaluation

- Polygraph examiners may not render a conclusive opinion when the physiological data lacks sufficient quality and clarity.

- Polygraph examiners should employ quantitative or numerical scoring for polygraph examinations. All examiners will employ quantitative or numerical scoring for all control question polygraph examinations.

- Polygraph examiners should evaluate and report the results based on the physiological data recorded during the test. Examination results of single-issue tests should be reported as Deception Indicated (DI), No Deception Indicated (NDI) or Inconclusive (INC) / No Opinion (NO). Examination results of multiple-issue tests may be reported as Significant Response (SR), No Significant Response (NSR) or No Opinion.
- If an offender has Significant Responses or Deception Indicated to one or more of the relevant questions in the same test series, he or she is to be deemed to have Significant Responses or Deception Indicated to all questions. The polygraph examiner should not report the results of the polygraph examination as No Significant Responses or No Deception Indicated or render an opinion of truthfulness unless all relevant questions on the test series are scored as No Significant Responses or No Deception Indicated.

- Polygraph examiners may seek peer review regularly.
Documenting and Reporting Examinations

- It is recommended that all Post Conviction Sex Offender Testing examinations be electronically recorded in their entirety unless prohibited by state statute, government regulation or contractual obligations. Audio/video is preferred, but audio-only is acceptable.

- Reports will be factual, comprehensive, and free of any opinions or recommendations about court supervision, incarceration or treatment.

- Reported examiner conclusions concerning the veracity of the examinee should be limited to those based on analysis of the recorded physiological data resulting from the complete and proper administration of a standardized validated technique.
- Written, audio and audiovisual documentation developed during and while reporting on an administered Post Conviction Sex Offender Testing examination should be maintained for at least five years.

- Reports at a minimum will contain:
  - Examinees Name
  - Examiners Name
  - Conclusion
  - Pre-test information
  - Relevant questions
  - Post test information if appropriate
Countermeasures

- Countermeasures are an attempt to create a false-negative outcome, or a deliberate effort to defeat, distort or alter a polygraph test. Effective countermeasures could pose a significant threat to PCSOT polygraph testing. However, most spontaneous attempts are crude and ineffective. Four main classifications of countermeasure responses are: mental, physical, controlled or contrived respiration, and pharmaceutical/controlled substance abuse.
Mental Countermeasures. Mental countermeasures include, but are not limited to, disassociation (i.e., meditation, praying, mathematical calculations, counting or distraction of attention) and rationalization.

Physical Countermeasures. Physical countermeasures are anything that involves a physical act other than altered breathing (including but not limited to, muscle flexing, deliberate or excessive movement, and actions to cause pain or alter cardio/GSR tracings).

Controlled or Contrived Breathing. Although controlled or contrived breathing is clearly used as a physical countermeasure*, respiration is one polygraph tracing that is under some direct voluntary control and is a likely target for a spontaneous attempt to control physiology. Normal respiration is 12 to 20 cycles per minute. Any sustained tracings showing respiration cycles outside these parameters should be suspect.

*Honts & Hode, 1983; Otter-Henderson, Honts & Amato, 2000
Pharmaceutical/Controlled Substance Abuse. Ingestion of controlled substances, non-prescribed pharmaceuticals, or deliberate abuse of a subject’s own pharmaceuticals can cause decreased physiological responses leading in many cases to an inconclusive result.

NOTE: Spontaneous breathing countermeasures are occasionally used by innocent subjects. Research raises serious questions about a per se assumption that countermeasures are only done for one reason, to cover deception.
In order for a subject to beat a zone comparison question test (create a false negative outcome), countermeasures must reverse the expected differential reactivity between the relevant and comparison questions. Countermeasures that succeed in either inhibiting all responses, or in creating large responses to all question types, will not be effective in producing a false negative outcome. Such manipulation would at worst result in an inconclusive outcome.

A polygraph examiner who suspects the presence of countermeasures by a subject shall articulate in writing their observations of evidence during the polygraph examination to support their opinion, and preserve any physical record (i.e., video, tape recording, chart tracing) that could be used as evidence to support their conclusion. The report should include a description of the type of countermeasures suspected. In the event of a probation sanction or violation concerning the use of countermeasures, polygraph examiners should be prepared to provide sworn testimony if requested by the supervising authority.
References


