



OREGON YOUTH AUTHORITY

Policy Statement

Part III – Youth Services [Community]



Subject:

Polygraph Use with Youth Who Have Committed Sexual Offenses – Community

Section – Policy Number:

D: Case Management – 5.1

Supersedes:

**III-D5.1 (05/18)
III-D-5.1 (05/12)
II-D-2.2 (03/09)**

Effective Date:

02/01/2021

Date of Last Review/Revision:

None

Related Standards and References:

- [OAR 259-020-000](#) through 259-020-0065 (Polygraph Examiners Licensing Rules)
- [OAR 416-150](#) (Interviews with Offenders)
- [The American Polygraph Association Standards of Practice](#) 2019
- [Practice Standards and Guidelines for Members of the Association for the Treatment of Sexual Abusers](#)
- [OYA policy](#): I-D-2.1 Use of Language Services
II-E-2.2 Polygraph Use with Youth Who Have Committed Sexual Offenses - Facility

Related Procedures:

- None

Policy Owner:

Development Services Assistant
Director

Approved:



 Joseph O'Leary, Director

I. PURPOSE:

This policy provides general guidelines for use of the polygraph with OYA youth on community supervision and provides a framework for polygraph examination approval.

II. POLICY DEFINITIONS:

Informed consent: The agreement by a patient to treatment, examination or procedure after the patient receives facts regarding the nature, consequences, and risks of the proposed treatment, examination or procedure.

Maintenance polygraph examination: A polygraph examination that enquires into the degree to which the examinee has been complying with treatment and supervision requirements.

Multidisciplinary Team (MDT): A team of individuals who work collaboratively to develop and maintain a comprehensive individualized case plan that is culturally competent and gender-specific for each youth committed to the Oregon Youth Authority (OYA). The MDT is based on a core team membership consisting of

the youth, OYA primary case manager, placement representative, QMHP (facility)/treatment provider (community), tribal representative (for youth enrolled in one of Oregon's federally recognized tribes) and the parents/guardians. Additional team members are identified by the core team based on the youth's Risk/Needs Assessment, identified criminogenic needs and placement.

Polygraph: An instrument that records certain physiological changes in a person undergoing questioning in an effort to verify truth or detect deception.

Polygraph examiner: A graduate from an accredited course of polygraph instruction with a membership in a recognized polygraph association.

Relevant question: A question single in issue, narrow in scope, clear and specific regarding a person's behavior which determines a successful polygraph examination.

Sexual history disclosure polygraph examination: A polygraph examination that inquires whether examinees have fully disclosed their sexual history to their treatment providers.

Specific issue polygraph examination: A polygraph examination conducted to examine precise issues of fact such as whether a youth attempted to make unauthorized contact with a victim at a particular time or to clarify discrepancies between the youth's and the victim's descriptions of the offense.

Treatment: The coordinated provision of services designed to produce a planned outcome in a person's behavior, attitude or general condition. Treatment is based on a thorough assessment of factors contributing to the attitude, condition or behavior.

III. POLICY:

Polygraph use with OYA youth is voluntary and will only be conducted after proper informed consent documents have been signed. OYA staff will inform the youth of the polygraph process prior to the examination. Polygraph use with OYA youth is a way to support a youth's progress in sexual offense treatment.

Applying consequences (rewards or punishments) based on the results of a polygraph is viewed as coercive and potentially harmful. The denial or granting of privileges (e.g., treatment tag levels, residential placements, or revocation decisions) may not be applied based on the completion or results (determined to be truthful, inconclusive, or deceit detected) of a polygraph examination.

Disclosure of new or previously undisclosed abusive or problematic behavior may impact decisions (e.g., visits, outings, placements) until the behavior concerns can be addressed or mitigated.

OYA contract administrators must ensure community contracted treatment providers are aware of and support the development of local standards and procedures in line with this policy.

IV. GENERAL STANDARDS:

A. Polygraph examiner criteria

When coordinating a youth's polygraph examination, OYA staff must ensure the polygraph examiner -

1. is licensed in Oregon to conduct polygraphs;
2. has completed a polygraph association approved 40-hour Post-conviction/Adjudication Testing of Sexual Offender Training (PCSOT) course; and
3. is an OYA-approved provider.

B. Youth participants

OYA staff will follow these guidelines when considering a youth for a polygraph examination.

1. Youth participating in polygraph examinations must be at least 14 years old.

Staff must follow the process described in section IV.C.2. of this policy when considering a polygraph examination for a youth younger than age 14.

2. Use of the polygraph with youth whose IQ scores are below 85 is cautioned and requires approval from the sexual offense treatment coordinator and the applicable Treatment Services supervisor.
3. Decisions regarding polygraph examinations with youth who are exhibiting acute psychological distress (e.g., **severe and unexpected** acting-out or withdrawn behaviors) that may interfere with a polygraph examination should include review and recommendation from a mental health professional (e.g., Qualified Mental Health Professional (QMHP), psychologist, psychiatrist).
4. Staff must ensure the availability of an interpreter for youth who are limited English proficient, non-English-speaking, or hearing-impaired. Refer to OYA policy I-D-2.1 Use of Language Services for interpreter requirements.

C. Polygraph approval process

1. The MDT may recommend a youth for a polygraph examination. The youth's treatment provider must participate in the MDT process if the youth is participating in treatment.
2. Youth younger than age 14

- a) The MDT will review the case for appropriateness.
 - b) If the MDT recommends a polygraph examination for a youth younger than age 14, the field supervisor will request approval for polygraph examination from the sexual offense treatment coordinator and the applicable Treatment Services supervisor.
 - c) The sexual offense treatment coordinator and the applicable Treatment Services supervisor will approve or deny the polygraph examination.
- D. Prior to a youth's participation in a polygraph examination, the MDT will consider the potential effects the following may have on the accuracy of the examination results and determine if an examination deferment is appropriate:
- 1. Lack of sleep;
 - 2. Illness;
 - 3. Recent trauma (e.g., death of a family member, disruption in daily life, placement movement, loss of job);
 - 4. Physical immaturity;
 - 5. New victim disclosures within two weeks prior to the polygraph;
 - 6. Medication(s); or
 - 7. Youth has language barriers.
- E. Polygraph examinations will occur in quiet environments where distraction from the examination procedure is minimal.
- F. Types of polygraph examinations and use of the information gained
- 1. Sexual history disclosure polygraph examination: Information from this type of polygraph examination may be used in developing treatment and supervision plans.
 - 2. Monitoring/maintenance polygraph examination: Information from this type of polygraph examination may be used in maintaining treatment compliance.
 - 3. Specific issue polygraph examination: Information from this type of polygraph examination may be used in treatment to clarify an alleged specific behavior.

- G. Polygraph examinations will preferably contain no more than three relevant questions. Questions will refer to youth behavior.

Answers to non-relevant questions will have no effect on youth treatment or programming.

- H. Youth post-polygraph examination debriefing

If possible, the youth's Juvenile Parole/Probation Officer (JPPO) or treatment provider will be present or available by telephone prior to the examination to consult with the polygraph examiner regarding relevant issues, and during the youth's post-polygraph debriefing with the polygraph examiner.

- I. Documentation of the polygraph examination

1. Staff must file a copy of the polygraph examination results provided by the polygraph examiner the youth's case file.
2. Staff must document the date and outcome of the polygraph examination in the Juvenile Justice Information System (JJIS) under the youth's "notes."

V. LOCAL OPERATING PROTOCOL REQUIRED: NO