6.000 Post-Conviction Sex Offender Polygraph Testing (PCSOT)

The polygraph is used to add incremental validity to treatment planning and risk management decisions regarding sex offenders in community and institutional settings. The concept of “incremental validity” refers to improvements in decision making through the use of additional information sources. Benefits of polygraph testing include improved decision making, deterrence of problem behavior and access to information that might otherwise not be obtained.¹

Polygraph test results (see Section 6.151) shall not be used as the sole determining factor in the supervision and treatment decision-making process.² The Community Supervision Team (CST) should consider all existing clinical indicators that provide information about a client's overall presentation. Such indicators may include, but are not limited to, interviews, quality of treatment participation, polygraph examination results and disclosures, scores on dynamic risk assessments, psychological evaluation results, behavioral observations, and collateral reports. These indicators should thoroughly inform decisions pertaining to an offender's progress in treatment, activities in the community, and contact with potentially vulnerable persons.


Polygraph testing is one of several methods of behavioral monitoring. Additional forms of behavioral monitoring include drug/alcohol testing, plethysmograph testing, viewing time (VT) assessment, and other case management practices such as collateral contacts, office and home visits, employment visits, computer and phone monitoring, and increased supervision and treatment requirements.

6.001 Expectation for honesty

The CST shall set the expectation for honesty and complete disclosure from the offender. Such openness will contribute to community safety, the development of an appropriate treatment plan and successful progression through treatment.

6.002 Recommended Guidelines for Polygraph Exam Timeframes

Please note these timeframes are provided as recommendations for Community Supervision Team (CST) decision-making, which should ultimately be based on the risk, and supervision and treatment needs of the offender.

Instant Offense Exam – Implement within first 3 months of denier’s intervention, or at the start of sex offense specific treatment.

Sexual History Exams – Implement within first 12 months of sex offense specific treatment.

Maintenance/Monitoring Exams – Implement within first 3 months of sex offense specific treatment, and continue on a regular

---

3 For offenders who refuse to answer incriminating sexual history polygraph questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I.2 to determine how to respond.
basis every 6 months thereafter.

6.010 Types of Post-Conviction Polygraph Examinations

There are four different types of Post-Conviction Sex Offender polygraph exams:

- Instant Offense Exams
- Sexual History Exams
- Maintenance Exams
- Sex Offense Monitoring Exams

CST members, including polygraph examiners, shall maintain the integrity of the distinct types of post-conviction polygraph examinations, and shall not mix questions among the various types of post-conviction exams, other than maintenance and monitoring exams which can be mixed. For example, an exam shall not combine a sexual history question regarding historical sexual offending behavior and a maintenance question regarding current alcohol consumption while under supervision.

6.011 Instant Offense Polygraph Examination

An instant offense exam is an event-specific polygraph for sex offenders who deny any or all important aspects of the allegations pertaining to their present sex offense crime(s) of conviction.

An instant offense polygraph examination shall be used by the CST to manage sex offenders in denial as specified in Section

---

4 The American Polygraph Association identifies five types of polygraph exams: instant offense exams, prior-allegation exams, sexual history disclosure exams, maintenance exams, and sex offense monitoring exams. An issue-specific exam, such as the prior-allegation exam, may also be utilized by CSTs in supervising and treating sex offenders, as appropriate.

3.520, or prior to clarification with the victim, if there are any significant discrepancies between the offender and the victim, as specified in Section 5.752 D.

6.012 Sexual History Polygraph Examination

A sexual history examination assesses the sex offender's history of involvement in unknown or unreported offenses and other sexual compulsivity, sexual preoccupation, or sexual deviant behaviors. Information and results from these examinations should be provided to the professional members of the CST to add incremental validity to decisions pertaining to risk assessment, risk management and treatment planning.6

Sexual history polygraph examination is most effective when initiated within the first year of treatment to assist sex offenders with treatment engagement and progress.7 The CST shall utilize the sexual history polygraph examination process as part of treatment planning as indicated in Section 3.160 I.2., and as one clinical indicator to assess treatment progress as identified in Section 3.160 M, when clinically indicated. For offenders who refuse to answer incriminating sexual history polygraph questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I.2 to determine how to respond.

---

All of the language above was ratified by the SOMB on February 17, 2017. All of the language below has been approved by the Committee and is ready for SOMB ratification.

Discussion: The use of the polygraph examination combined with the sexual history documentation prepared by the offender as part of the group process underscores the SOMB’s expectation for honesty and compliance from offenders who have agreed to participate in supervision and treatment.

A. The treatment provider shall ensure that the offender has completed a written sexual history disclosure using the SOMB Polygraph Sexual History Packet prior to the examination date. A sexual history polygraph examination should not be conducted until the offender has written his/her sexual history and reviewed it in their treatment program. The treatment provider shall ensure that the polygraph examiner has access to a copy of the offender’s SOMB Polygraph Sexual History Packet prior to or at the time of the exam. If the packet is not received by the time of the examination appointment, the examiner shall have the discretion of administering a sexual history polygraph examination or another type of examination. For offenders who refuse to answer incriminating sexual offense history questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I. 2 to determine how to respond.

Discussion: Proper polygraph preparation by the offender involves the thorough review of recent and past behaviors. If this preparation has not been completed, the treatment provider should consult with the examiner prior to an exam occurring. Offenders should be prepared to be open and honest with the polygraph examiner as the first step of offender accountability and community safety. Effective preparation
has been shown to improve an offender's ability to resolve questions and issues of concern.

B. The sexual history polygraph examination process* shall cover the following areas:

1. Sexual contact with underage persons (persons younger than age 15 while the offender is age 18 or older);

2. Sexual contact with relatives whether by blood, marriage, or adoption, or where a relationship has the appearance of a family relationship (a dating or live-in relationship exists with the person(s) natural, step or adoptive parent);

3. Use of violence to engage in sexual contact including physical restraint and threats of harm or violence toward a victim or victim's family members or pets, through use of a weapon, or through verbal/non-verbal means; and

4. Sexual offenses (including touching or peeping) against persons who appeared to be asleep, were drugged, intoxicated or unconscious, or were mentally/physically helpless or incapacitated.

*For offenders who refuse to answer incriminating sexual offense history questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I. 2 to determine how to respond.

C. At the discretion of the CST, additional polygraph assessment may be necessary to explore the offender's history of involvement in other paraphilias (e.g., internet-facilitated sexual offending including use of child sexual abuse images) including sexually compulsive behaviors, other sexually deviant activities, or unlawful sexual behaviors.

Discussion: CST members should consult with the examiner regarding addressing the offender’s sexual history polygraph
examination requirements in a series of narrowly focused examinations (e.g., single issue exam) instead of broader examination methods (e.g., multi-issue exam). The final decision related to the method for the sex history exam is made by the polygraph examiner.

D. The CST shall consider utilizing relevant questions that ask the female offender if she has helped or planned with anyone to commit a sexual offense, either against a minor-aged person, or a forcible sex act against anyone. Another area of consideration is whether she has been present when anyone has committed an illegal sex act. These questions should be covered in the female sex offender's sex history exam, and can also be utilized during a monitoring polygraph exam. For offenders who refuse to answer incriminating sexual offense history questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I. 2 to determine how to respond.

Discussion: Problematic and concerning behaviors by female offenders may not be detected or covered in the typical sex history questioning.

E. The CST, including the polygraph examiner, should convene a staffing if an offender does not verify his/her sexual history via no significant reactions (indicative of non-deception) on polygraph results. The purpose of the staffing should be to identify how to address this issue in treatment and supervision planning, including any steps necessary to support the offender in successfully completing the sexual history disclosure and polygraph examination process. For offenders who refuse to answer incriminating sexual offense history questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I. 2 to determine how to respond.
F. Under certain circumstances, the CST can waive the SOMB requirements for fully resolved sexual history polygraph examination results – such as when an offender has already made substantial disclosures in all areas of inquiry and when additional information is unlikely to more fully inform the community supervision team about risk level, sexual deviancy or compulsivity patterns, and related treatment needs. For offenders who refuse to answer incriminating sexual offense history questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I. 2 to determine how to respond.

G. Sexual history polygraph examinations should generally be delayed for offenders who are denying significant aspects of the instant offense, including any substantial discrepancies between the victim’s and offender’s account of the abuse (see Section 3.500 regarding managing offenders in denial). Proper procedure dictates that denial surrounding the details of the instant offense be satisfactorily resolved before proceeding to a more general sexual history polygraph. However, when history examinations do occur prior to resolving the index offense, test questions shall exclude reference to the victim(s) of the instant offense.

6.013 Maintenance/Monitoring Polygraph Examination

A maintenance exam thoroughly assesses, either periodically or randomly, the sex offender’s compliance with any of the designated terms and conditions of probation, parole, and treatment rules.8

A sex offense monitoring exam explores the possibility the sex

---

offender may have been involved in unlawful sexual behaviors including a sexual re-offense during a specified period of time. Other relevant questions dealing with behaviors related to probation and treatment compliance should not be included.  

Discussion: Maintenance/monitoring exam questions can be covered on the same exam, however, the examiner should consider saliency of questions covered if utilizing the same exam.

Maintenance/monitoring polygraph examinations shall be employed to periodically assess the offender’s honesty with community supervision team members and compliance with supervision and treatment. Maintenance/monitoring polygraph examinations shall be implemented every three to six months, starting within the first 90 days of treatment and then periodically thereafter. A minimum of two maintenance/monitoring polygraphs shall occur on an annual basis, and can be completed more frequently based on the offender’s risk and need. Maintenance/monitoring polygraphs shall be employed more frequently with those offenders who present as high-risk, have previously unresolved examination results, or may benefit from more active monitoring.

The CST shall regularly assess the ongoing use of maintenance/monitoring polygraphs, and may unanimously elect to adjust the use of maintenance/monitoring polygraphs based on all clinical indicators of an offender’s risk and need, which may include prior polygraph results. In the case of an offender who consistently exhibits as lower risk based on such clinical indicators, the CST may decrease the frequency of the maintenance exams to 9 months and monitoring exams to 1 year.  

In cases where only monitoring exams are being used on an annual basis, maintenance exams may still be employed on an as-needed basis to address specific identified

---

9 ibid
10 Note the different timeframes for maintenance (9 months) and monitoring (1 year) exams. The CST can use these timeframes but must address these issues separately during the exam if timeframes are going to be between 9 months and 1 year.
supervision and treatment risk concerns, but it is not appropriate to conduct maintenance exams covering time periods longer than 9 months.

**Discussion:** The determination of an offender’s low risk should be based on all clinical indicators which demonstrate a reduction in risk behavior. This may include polygraph results with no significant reactions (indicative of non-deception) over a consistent period of time, as well as continued amenability and cooperation with treatment, supervision and polygraph examinations.

**Discussion:** The maintenance/monitoring polygraph conducted in the absence of any new allegations or incidents of concern may be an effective deterrent to high risk or non-compliant behavior. The use of polygraph may reduce involvement in ongoing high risk behaviors, and improve treatment and supervision compliance. In addition, the expectation of a polygraph exam assists offenders in avoiding or controlling high risk behaviors. For this reason, community supervision team members should consider the possible deterrent benefits of randomly scheduled maintenance/monitoring exams for offenders.

A. Maintenance/monitoring polygraph examinations shall cover a wide variety of sexual behaviors and compliance issues that may be related to victim selection, grooming behaviors, deviancy activities or high risk behaviors. Maintenance/monitoring polygraph examinations shall prioritize the assessment and monitoring of the offender's involvement in

---


any non-compliance, high-risk, and deviency behaviors that may change over time. Information obtained from these exams may signal an increase in risk level prior to re-offending if these behaviors were present, or a decrease in risk if they were absent. Narrowing the scope of maintenance/monitoring examinations can sometimes be helpful to address concerns about possible re-offending, and may be useful to resolve the concerns of the community supervision team. The purpose of maintenance/monitoring exams is to identify risk behavior prior to sexual reoffending.

Discussion: It is generally understood in testing sciences that broader screening examinations, regarding multiple or mixed issues, offer greater screening utility through sensitivity to a broader range of possible concerns, but these tests can slightly diminish validity. More narrowly focused tests offer greater diagnostic specificity to support action or intervention in response to known incidents or specific allegations, and have greater validity. CST members should consult with the examiner regarding the type of monitoring/maintenance exam, and the final decision regarding the type of exam is made by the examiner.14

B. Maintenance/monitoring polygraph testing shall be based upon the requirements of the Standards as outlined in this section, including the offender’s risk and need. The timing of other polygraph testing, such as sexual history or instant offense exams, shall not be a factor in considering when to complete maintenance/monitoring exams. The CST may increase the frequency of maintenance/monitoring testing if the offender’s sexual history disclosure is unresolved.

---

6.014 Specific Issue Polygraph Examination

Specific issue polygraph examinations assess the details of an offender's involvement in a known or alleged incident, or to help resolve any discrepancies or inconsistencies in the offender's account of a known incident or allegation.

The CST shall not conduct specific issue polygraph examinations on active criminal investigations, unless by agreement with the investigators.

6.015 Child Contact Assessment Polygraph Examination

Child contact assessment (CCA) polygraph examinations shall be used to assist the community supervision team in making recommendations about contact with the offender’s own children who are not already known to be victims or siblings of victims. The CCA polygraph shall occur prior to the completion of the child contact assessment (pursuant to Standard 5.7). This examination is conducted in the absence of known or alleged offenses against the offender's own children, and is conducted for the purpose of gathering information to assist in the assessment of the offender’s potential risk to offend against his/her own children. For offenders who refuse to answer incriminating sexual offense history questions, including incriminating sexual offense history polygraph questions, providers shall refer to Standard 3.160 I. 2 to determine how to respond.

6.020 Communication with the offender

Informing test subjects of potential areas of inquiry is a generally accepted practice by CST members. However, the CST shall not advise offenders of specific test questions prior to the scheduled appointment. The CST shall inform the offender regarding the type of examination.
Discussion: Discussing potential sanctions before or during the polygraph exam process, by any CST members, can have a negative impact on the exam results and should be avoided.

6.021 Communication with the examiner

CST members shall discuss and collaborate with the examiner on the type of exam to be administered as well as any specific areas of concern. The examiner shall notify the CST when a polygraph examination is scheduled, and request needed information based upon the type of exam to be administered. The CST should provide supporting documentation related to the areas of concern, if available and appropriate.

6.022 Examiner responsibility for test questions

The examiner shall make the final determination of questions used, and determine whether to administer a broader or more narrowly focused examination within the scope of the requested polygraph exam. The examiner shall note the reasons for the change in focus of the examination in the exam report, if such a change is made.

6.030 Follow-up examinations

If the examination has unresolved responses to any test questions, communication between CST members shall occur to determine the best course of action, including whether or not to do a follow-up exam, the timeframe for any follow-up exam, and the areas of focus for any potential follow-up exam (See Section 5.xxx).

The CST should prioritize the investigation of more recent behaviors when evaluating the offender's present stability or dynamic risk level. The CST should generally require that all test questions and all time periods are satisfactorily resolved before moving on to another maintenance/monitoring exam with different questions or time-frames (See Section 5.xxx).
Per the APA model policy, the examiner shall discuss with the CST the use of the successive hurdles approach to polygraph to maximize both the informational efficiency and sensitivity of multiple or mixed-issue screening polygraphs, and the diagnostic efficiency and specificity of specific issue exams. Follow-up examinations should utilize a single-issue technique whenever increased validity is needed to resolve an issue.\textsuperscript{15}

\textit{Discussion: A successive hurdles approach may result in a focus on more concerning risk behavior and no longer testing on less serious risk factors that can be verified through other clinical indicators. It is not necessary to resolve all issues in follow-up maintenance/monitoring exams, but if the CST believes it important to return to a previously unresolved issue at a later date, timeframe parameters outlined in Section 6.013 must be followed.}

A. Timeframes for follow-up examination shall be based on all clinical indicators of risk, need, and protective factors. Follow-up maintenance/monitoring exams should occur more frequently than the minimum required timeframe for such exams, and it is recommended that it occur within 60 days of the initial examination (see Section 5.xxx). The timeframe for testing shall be prioritized based on the offender’s level of risk, and can be adjusted based upon the offender's preparedness to address and resolve any remaining issues of concern.

B. Resolution of remaining concerns upon follow-up testing shall be regarded as satisfactory resolution of the earlier test results.

\textit{Discussion: The follow-up exam may cover the same timeframe as the unresolved test, or it may extend beyond the original timeframe to include the time lapse between the original exam and the follow-up. When scheduling the next maintenance exam, it is important to include timeframes not}

accounted for in previous testing. As outlined in Section 6.013, it is still the responsibility of the CST to ensure a minimum of 2 exams per year.

C. In most cases it is recommended that the initial follow-up examinations be completed with the same examiner, but the CST can change examiners for later follow-up examinations, if appropriate. If a change in examiner takes place, the CST shall provide the results of the unresolved exams to the new examiner.

Discussion: Non-deceptive test results are considered conclusive and the issue(s) under investigation shall be considered satisfactorily resolved. However, all clinical indicators of risk, need, and protective factors should be considered, including polygraph results. Non-deceptive test results alone do not ensure safety on the part of the offender, nor should they automatically result in reduced monitoring on the part of the community supervision team.

All of the language above has been approved by the Committee, and is ready for SOMB ratification. All of the language below has yet to be approved by the Committee.

6.032 Preventing splitting and triangulation

Team members shall not allow splitting or triangulating behaviors, and splitting efforts by the offender shall be communicated to other team members. Treatment providers and supervising officers shall not offer the offender excuses or justifications for deceptive or unresolved reactions to polygraph test questions; it is the offender's responsibility to explain such reactions to the team.

6.033 Technical expertise of the examiner

Questions regarding the technical aspects of the polygraph shall be referred to the polygraph examiner. CST members shall not attempt to educate offenders regarding how to pass or defeat the polygraph
test, but shall limit their discussion to the need for honesty and disclosure. When any team member has difficulty understanding or interpreting written polygraph reports or results, he or she shall contact the polygraph examiner for clarification and refrain from interpreting polygraph results beyond what is contained in the report.

6.100 Administration of the Polygraph Examination

Polygraph examiners shall adhere to the established ethics, standards, and practices of the American Polygraph Association (APA) and the American Society for Testing and Materials (ASTM).

6.110 Equipment and instrumentation

Examiners shall use a computerized polygraph system consisting of five or more channel polygraph instrument that will simultaneously record the physiological phenomena of abdominal and thoracic respiration, electro-dermal activity, changes in cardiovascular activity, and additional component sensors to monitor and record test behavior.

6.120 Duration of examination

Each examination (including the pre-test, in-test, and post-test phases) shall be scheduled for a minimum of 90 minutes in duration. Examiners shall not conduct more than five post-conviction examinations per day.

6.130 Adherence to recognized standards

Polygraph examiners shall conduct all polygraph examinations in a manner that is consistent with the accepted standard of practice within the professional polygraph community.

Discussion: In order to avoid a conflict of interest with an in-house polygraph examiner, the integrity of the three distinct roles/perspectives of the CST must be preserved. The polygraph examiner and therapist or supervising officer must never be the
same person. In community settings, the offender shall not be mandated to test with the in-house examiner.

6.140 Testing procedures

Examiners shall use examination techniques recognized by the American Polygraph Association (APA) as acceptable for Post-Conviction Sex Offender Testing (PCSOT).

6.141 Authorization and release

The examiner shall obtain the offender's agreement, in writing or on the audio/video recording, to a standard waiver/release statement. The language of the statement shall minimally include the offender's voluntary consent to take the test, that all information and results will be released to professional members of the community supervision team, an advisement that admission of involvement in unlawful activities will not be concealed from authorities, and a statement regarding the requirement for audio/video recording of each examination.

For offenders with a developmental disability, the examiner shall obtain the written agreement of the offender with a developmental disability, and if applicable, the legal guardian, for participation in the polygraph examination and the release of information authorization.

Discussion: Polygraph examiners are not mandatory child abuse reporters by statute; this includes polygraph examiners with clinical training. All members of the community supervision team who are mandatory child abuse reporters are responsible for assuring the timely and accurate reporting of child abuse to the appropriate authorities.
6.142 Case background information

The examiner shall request and review all pertinent and available case facts within a time frame sufficient to prepare for the examination.

Discussion: The supervising officer or treatment provider should ensure that the polygraph examiner conducting the current exam receives a copy of the Pre-Sentence Investigation Report (PSIR) and/or police report(s), the sexual history disclosure packet, the sex offense specific evaluation, the most recent polygraph report(s), and information relevant to clarifying a previously deceptive or unresolved examination (in addition to any other pertinent information about the purpose of the current examination).

6.143 Offender background information

Prior to beginning the examination, the examiner shall elicit relevant personal information from the offender consisting of brief personal and demographic background information, case background information, and medical/psychiatric health information (including medications) pertaining to the offender's suitability for polygraph testing.

6.144 Review of testing procedures

The testing process shall be explained to the offender, including an explanation of the instrumentation used.

6.145 Pre-test interview

The examiner shall conduct a thorough pre-test interview, including a detailed discussion of each issue of concern. There shall be an open dialog with the offender to confirm his/her version of all issues under investigation.

6.146 Test questions

Before proceeding to the in-test phase of an examination, the examiner shall review and explain all test questions to the offender.
The examiner shall not proceed until he/she is satisfied with the offender's response to each issue of concern.

A. Question construction shall be:

- Simple, direct and easily understood by the examinee;
- Behaviorally descriptive of the offender’s involvement in an issue of concern (questions about knowledge, truthfulness, or another person's behavior are considered less desirable);
- Time limited (date of incident or time-frame);
- Absent of assumptions about guilt or deception;
- Free of legal terms and jargon;
- Avoid the use of mental state or motivational terminology.

B. While the community supervision team members shall communicate all issues of concern to the examiner in advance of the examination date, the exact language of the test questions shall be determined by the examiner at the time of the examination.

6.147 Number of test charts

Three to five primary test charts shall be administered on the exam issue(s).

6.148 Post-test review

The examiner shall review initial test results with the offender. Offenders shall be given the opportunity to explain or resolve any reactions or inconsistencies.

6.149 Examination recording

Recording (audio and video) of polygraph examinations shall be required. Audio and video recording of the entire examination shall be maintained for a minimum of three years from the date of the examination.
6.150 Examination results

All testing data shall be hand scored by the examiner. Computerized scoring algorithms may be used for comparative purposes and quality assurance in the field.

6.151 Test results

The examiner shall render an empirically based opinion regarding the examinee's truthfulness or deception to each test question.

A. Examiners shall render an empirically based opinion that the test results indicate the examinee was deceptive whenever there are significant physiological responses that meet established criteria;

B. Examiners shall render an empirically based opinion that the test results indicate the examinee was non-deceptive (i.e., truthful) whenever there are no significant physiological responses that meet established criteria;

C. Examiners shall render “no opinion” whenever test results yield “inconclusive” scores, or whenever the overall set of test data do not allow the examiner to render an empirically based opinion regarding individual test questions. Examiners shall note in the examination report whenever it is suspected that an examinee has attempted to falsify or manipulate the test results, and whether the examinee was forthcoming in explaining his or her in-test behavior.

Discussion: “No opinion” is synonymous with “inconclusive.”

6.152 Test results based on all available information

Consistent with other professional standards, the examiner shall be responsible for rendering an empirically based opinion regarding a polygraph examination. The opinion shall be based on all information gathered during the examination process. The computer algorithm shall never be the sole determining factor in any examination.
6.153 Prohibition against mixed results

To reduce the likelihood of erroneous test results, examiners shall not conclude the offender is deceptive in response to one or more test questions and non-deceptive in response to other test questions within the same examination.

6.160 Examination report

Examiners shall issue a written report to all members of the community supervision team within fourteen days of the examination. The report shall include factual and objective accounts of the pertinent information developed during the examination, including statements made by the examinee during the pre-test and post-test interviews.

6.161 Content of the examination report

All polygraph examination written reports shall include the following information:

- Date of examination;
- Beginning and ending times of examination;
- Reason for examination;
- Referring or requesting agents/agencies (all members of the CST);
- Name of offender;
- Location of offender in the criminal justice system (probation, parole, etc.);
- Case background (instant offense and conviction);
- Any pertinent information obtained outside the exam (collateral information if available);
- Brief demographic information (marital status, children, living arrangements, occupation, employment status, etc.);
- Statement attesting to the offender's suitability for polygraph testing (medical/psychiatric/developmental);
- List of offender’s medications;
- Date of last post-conviction examination (if known);
- Summary of pre-test and post-test interviews, including disclosures or other relevant information provided by the offender;
- Examination questions and answers;
- Examination results;
- Reasons for inability to complete exam (if applicable);
- Any additional information deemed relevant by the polygraph examiner (e.g., behavioral observations or verbal statements).

6.162 Raw data and numerical scores
All numerical and computer scores shall be considered raw data and therefore shall not be disclosed in written examination reports.

6.163 Information released only to professionals
Written polygraph reports and related work products shall be released only to CST members, the court, parole board or other releasing agency, or other professionals at the discretion of the community supervision team.

6.164 Communication with the examiner after testing
Following the completion of the examination and post-test review, examiners shall not discuss polygraph results with the offender, or the offender's family members, unless done in the context of a formal case staffing.

6.170 Quality assurance
Examiners shall seek peer review of at least two examinations per year using the protocol. Additional peer reviews may be requested by the community supervision team. Quality assurance reviews shall consist of a systematic review of the examination report, test data, test questions, scored results, computer score (if available), audio/video recording, and collateral information. Documentation
of six quality assurance peer reviews shall be submitted to the SOMB at the time of re-application. The purpose of the Quality Assurance Protocol shall be to facilitate a second professional opinion regarding a particular examination, to gain professional consensus whenever possible, and to formulate recommendations for the community supervision team.

Discussion: The Quality Assurance Protocol is intended to advise members of the CST on the polygraph test about the strengths and limitations of a particular test, and to provide examiners with a formal vehicle for gaining professional feedback and consensus. Quality assurance activities include: compliance with standards of practice, certification requirements, ongoing training, supervision and oversight, options for recourse in the event of identified problems, and program evaluation. Quality assurance activities take place at varying levels of formality, including informal data checks via audio/video recording, procedural or follow-up case-staffing with the examiner, collaborative peer review, blind review, panel review, or referral to an outside agency for quality assurance review.

6.171 Initiating the quality assurance review

With the exception of exams required for reapplication purposes, quality assurance reviews shall be initiated by a member of the community supervision team. Quality assurance reviews may be initiated in response to a variety of circumstances, including but not limited to:

A. A formal or informal complaint regarding non-compliance with these Standards, or when critical decisions may be influenced by the information or results from the polygraph test.

B. When separate examinations yield differing test results regarding the same issue(s) and/or time period. This review would then be completed by the two examiners whose examinations yielded differing results. The purpose of this
review is to clarify the reasons for the differing test results and formulate a recommendation for the community supervision team. If consensus cannot be reached, the team shall consult with a third, independent, SOMB listed full operating level polygraph examiner, agreed upon by both polygraph examiners, to review the conflicting information and offer an opinion regarding the issue. If differences in test results remain unresolved, both examinations shall be set aside and a new polygraph examination shall be conducted. Whenever consensus cannot be reached, the community supervision team must err on the side of community safety when considering their response.

C. When an examiner determines the test subject has attempted to use manipulative techniques to alter the test results. The purpose of the review is to confirm the offender's use of manipulative techniques prior to the imposition of sanctions or consequences for non-cooperation. This review may not be necessary when the offender admits non-cooperation, explains his or her in-test behavior, and is forthcoming in discussing his or her knowledge of the polygraph technique. In these cases the test results may be regarded as inconclusive or unresolved until the issues are subject to re-examination.

6.172 Selection of the reviewing examiner

When initiating a quality assurance review, the CST members shall contact the original examiner and, together with the original examiner, select an independent, full-operating level polygraph examiner to complete an objective peer review.

The reviewing examiner shall contact the original examiner with any questions and feedback, and shall complete the Quality Assurance Protocol and the one-page Quality Assurance Summary Report together with the original examiner.

Discussion: It should not be assumed that a reviewer or reviewers present more expertise than the original examiner. Studies have
found that results obtained by original examiners have outperformed those of subsequent reviewers (National Academy of Sciences, 2003). Quality assurance reviews serve only to offer an additional professional opinion to further advise community supervision team members regarding a polygraph test whose decisions may be affected by the information and results obtained.

6.173 Conclusions from the quality assurance review

Community supervision team members shall include the one-page Quality Assurance Summary Report in the offender's treatment and supervision files. Quality assurance reviewers shall refrain from making global or generalized conclusions regarding an examiner's work or competence (which cannot be done based upon a single examination). Unless an empirical flaw is identified, the reviewing examiner shall endorse the original examiner’s reported results, and shall limit professional opinions to the following conclusions:

A. Examination is supported - results shall be accepted;
B. Examination is not supported - results shall be set aside;
C. Examination is supported but qualified by identifiable empirical limitations - results may be set aside or accepted with reasonable caution. Such qualifying limitations may include identifiable empirical limitations pertaining to offender suitability, data quality, and clarity of the issue/s under investigation, and are often noted by the original examiner in the examination report.

Discussion: Setting aside an examination result does not include removal of the examination report from the offender's supervision and treatment files, but should include the addition of documentation regarding the community supervision team's response.

6.200 Use of Polygraph with Special Considerations

The CST shall address any special considerations, such as severe medical, psychiatric, or developmental conditions that may affect an
offender’s suitability for polygraph testing. When deciding whether to use polygraph testing with such offenders, the CST shall consider the probable benefits of testing, including improved decision-making, deterrence of problem behavior, and the value of additional disclosed information that might otherwise not be obtained.

6.210 Determination of suitability for testing

The CST shall have the authority to determine whether to use polygraph testing when there are special considerations. In dealing with special considerations, the CST shall consult with the examiner before deciding whether to employ polygraph testing. Polygraph examinations shall not be employed with such offenders unless the CST determines that such testing would add incremental validity to important treatment decisions. Offenders who are acutely psychotic, suicidal, or have un-stabilized serious mental health conditions, including dementia, are generally not suitable for polygraph testing. In addition, offenders suffering from serious injury or illness, or under the influence of non-prescribed controlled substances are generally not suitable for polygraph testing. Offenders’ mental status results indicating a lack of clear awareness of the concepts of truthfulness or lying, or a lack of capacity to anticipate consequences for telling the truth or lying, based on a mental or emotional condition, may not be suitable for polygraph testing. Polygraph examiners shall not test offenders who present as clearly unsuitable for polygraph testing at the time of the examination. The CST shall periodically review each offender’s suitability for polygraph testing. In cases where the offender is determined to be unsuitable for polygraph testing, the CST shall consider other forms of behavioral monitoring.

6.211 Documentation of Special Considerations

The polygraph examiner shall obtain and note in the examination report a list of the offender’s prescription medication, any medical or psychiatric conditions, and any other special considerations as
identified in this section. The CST shall advise all offenders to continue taking prescription as directed by their medical or psychiatric professional.

*Discussion: The CST may consult with the offender’s physician or psychiatrist before employing polygraph examinations in such cases. Use of prescribed medication for either a medical or psychiatric condition may or may not impact an offender’s suitability for polygraph testing. Persons who function optimally while taking prescribed medication may also produce polygraph data of optimal interpretable quality. However, persons who take multiple prescription medications may be more likely than others to exhibit polygraph test data of marginal interpretable quality.*

6.212 Release of information

Offenders with special considerations, and if applicable their legal guardian, shall be required to execute appropriate authorizations so that the CST can consult with and obtain records from professionals who are treating or who have treated in the past those offenders suffering from medical, mental or emotional conditions.

6.213 Sensitivity to special considerations

If the CST determines that it is appropriate to use a polygraph examination with an offender who presents with special considerations, the examiner shall conduct the examination in a manner that is sensitive to the offender’s physical, mental, or emotional condition. The examiner shall note in the examination report those conditions that may have affected the offender’s suitability for testing.

*Discussion: Polygraph examinations completed on special population offenders (see definition in Definitions section) may be regarded as “qualified” and the test results should be viewed with caution. In this context, “qualified” means that the test results may*
not have the same level of validity as test results that are not complicated by special considerations.

6.220 Language barriers

The need for language translation, including both foreign languages and sign languages, shall be assessed by the CST on a case-by-case basis.

Discussion: Polygraph examinations completed with the aid of a language interpreter should be regarded as “qualified” and the test results should be viewed with caution.

6.221 Selection of interpreters

The polygraph examiner shall utilize a court certified interpreter, whenever possible. It is important that idiomatic language usage be done accurately and consistently across each successive test chart. Offender’s relatives or friends shall not serve as interpreters for polygraph examinations. The examiner shall inform the interpreter in advance about the process of the polygraph test. The examiner shall obtain from the interpreter a written translation, including a mirror translation, of each question presented during the in-test phase of an examination. This translation shall be prepared prior to the in-test phase and shall be maintained as part of the polygraph examination record.

6.230 Cultural awareness

Polygraph examiners shall be sensitive to ethnic or cultural characteristics when conducting examinations. Polygraph examiners shall attempt to elicit information regarding ethnic or cultural characteristics in advance of the examination date and shall conduct the examination in a manner that is sensitive to those ethnic or cultural characteristics.
6.240 Managing offender manipulation of special consideration

The CST shall convene a staffing and case review for all offenders who are determined to be malingering, feigning, or exploiting their special considerations as described in this section for purposes of avoiding polygraph examinations. The purposes of the staffing are to determine whether sanctions should be employed, whether additional behavioral restrictions are employed, or in extreme cases whether removal from community supervision should be considered.