



## Sex Offender Management Board

Office of Domestic Violence & Sex Offender Management  
700 Kipling, Suite 3000 • Lakewood, CO 80215 • 303.239.4442

February 17, 2023

### **Colorado Sex Offender Management Board Provider Data Collection System Policy Brief #1: Polygraph Disclosure Outcome Data**

#### **Colorado Sex Offender Management Board**

In 1992, the Colorado General Assembly passed legislation that created a Sex Offender Treatment Board to develop standards and guidelines for the assessment, evaluation, treatment and behavioral monitoring of sex offenders. The General Assembly changed the name to the Sex Offender Management Board (SOMB) in 1998 to more accurately reflect the duties assigned to the SOMB.

The Legislative Declaration for the Sex Offender Management Board (SOMB) states:

*“(1) The general assembly finds that, to protect the public and to work toward the elimination of sexual offenses, it is necessary to comprehensively evaluate, identify, treat, manage, and monitor adult sex offenders who are subject to the supervision of the criminal justice system and juveniles who have committed sexual offenses who are subject to the supervision of the juvenile justice system. (2) Therefore, the general assembly declares that it is necessary to create a program that establishes evidence-based standards for the evaluation, identification, treatment, management, and monitoring of adult sex offenders and juveniles who have committed sexual offenses at each stage of the criminal or juvenile justice system to prevent offenders from reoffending and enhance the protection of victims and potential victims. The general assembly does not intend to imply that all offenders can or will positively respond to treatment.” (§16-11.7-101, C.R.S.)*

#### **Provider Data Collection System**

Colorado House Bill 16-1345 requires the SOMB to collect data from the evaluators, treatment providers, and polygraph examiners who provide services to adults convicted and juveniles adjudicated for a sex offense. Each provider is required to submit service information about the treatment to the SOMB Provider Data Management System (PDMS) at the time of service completion, regardless of the outcome of each service. Formal data collection began in 2019, and has continued since that time. Annual Reports on the data can be found in the SOMB Annual Legislative Reports beginning in 2020 (<https://dcj.colorado.gov/dcj-offices/domestic-violence-and-sex-offender-management/somb-research-and-reports>).





## Policy Issue

In addition to the Annual Report on the SOMB Data Collection outcomes, the SOMB is periodically completing policy briefs related to special topics from the data collection by approved providers. This is the first in a series of briefs related to specialized topics, and will cover data related to polygraph examination as part of the treatment and supervision process for individuals adjudicated or convicted for a sexual offense. Polygraph has become a point of discussion at SOMB meetings, with stakeholders, and at the Colorado State Legislature. To that end, the information contained in this brief is offered to further that discussion and look at outcomes related to the use of polygraph as a treatment and supervision tool. In particular, this analysis will specifically review disclosures during the course of the polygraph exam.

## Sample

SOMB Approved Polygraph Examiners in the state of Colorado submitted data on 7,743 polygraph examination between January 2019 and February 2022.

## Results

In terms of how many polygraph exams resulted in clinically significant disclosures, and at what point during the exam did the disclosure take place, the following numbers and percentages<sup>1</sup> were identified:

- Pre-test disclosure: 3,349 (43.3%)
- Post-test disclosure: 419 (5.4%)
- In-exam disclosure: 37 (.5%)
- No disclosure: 4,099 (52.9%)

---

<sup>1</sup> Note the percentages do not add up to 100% as examiners could enter data in more than 1 category, representing that disclosures may have taken place at multiple points during the exam.





These disclosures occurred across all different types of exams with the highest percentage of disclosures taking place during sex history and specific issue exams:

| Admission         | Instant Offense Exams | Sex History Exam | Maintenance/Monitoring Exams | Child Contact Screening Exam | Specific Issue | Index Offense | Other |
|-------------------|-----------------------|------------------|------------------------------|------------------------------|----------------|---------------|-------|
| No new admissions | 71.8%                 | 44.4%            | 55.3%                        | 80.6%                        | 47.4%          | 59.3%         | 100%  |
| New admissions    | 28.2%                 | 55.6%            | 44.7%                        | 19.4%                        | 52.6%          | 40.7%         | 0%    |

These disclosures also occurred regardless of polygraph exam outcome with the highest disclosure rates occurring for exams that had no deception indicated/no significant response and no opinion results, and those with deception indicated/significant response. This suggests that clients appear most motivated to make disclosures to resolve any final remaining areas in the exam (no opinion) or to explain a deceptive exam:

| New admission     | Deception Indicated / Significant Response | Inconclusive / No Opinion | No Deception Indicated / No Significant Response | No Deception Indicated/ No Opinion | Unknown |
|-------------------|--------------------------------------------|---------------------------|--------------------------------------------------|------------------------------------|---------|
| No new admissions | 46%                                        | 53%                       | 58%                                              | 45%                                | 0%      |
| New admissions    | 54%                                        | 47%                       | 42%                                              | 55%                                | 100%    |

These disclosures occurred regardless of whether the polygraph exam was an initial or repeat exam with the higher rate of disclosure occurring during repeat exams:

|                   | Initial Exam | Repeat Exam |
|-------------------|--------------|-------------|
| No new admissions | 58.2%        | 37.3%       |
| New admissions    | 41.8%        | 62.7%       |





Finally, in terms of reported types of disclosures, the following percentages were identified:

- Sexual behavior: 18.6%
- Change of circumstances/risk behavior: 12.7%
- Sexually abusive thoughts, feelings, and attitudes: 10.3%
- Historical information: 8.7%
- Other: 13.5%

As part of the data collection submitted by SOMB Approved Polygraph Examiners, there was also a comment box where providers could submit data about the specific types of disclosure made by clients. This is an optional field so not all examiners or exams contained this information. In addition to the percentages above, the following information related to specific disclosures was noted in the records<sup>2</sup>:

- Change of circumstances/risky behavior – 176
- History information – 101
- Sexual behavior – 69
- Sexually abusive thoughts, feelings, and attitudes – 42

More specifically, in terms of the risky behaviors identified<sup>3</sup>:

- Pornography usage – 65
- Internet usage – 47
- Contact with children – 46
- Substance use – 34
- Contact with victims (primary and secondary) – 8
- Solicited prostitute – 1

Finally, in terms of disclosures, 13 records contained information disclosed that could constitute a sexual re-offense (e.g., indecent exposure, use of child sexual exploitation materials, and in one case, sexual assault of a minor).

In terms of specific examples of clinically significant disclosures identified, here are several representative comments:

---

<sup>2</sup> An individual polygraph exam record may contain disclosures in more than one category.

<sup>3</sup> An individual polygraph exam record may contain risky behavior disclosures in more than one category.





*“Subject admitted in pre-test to 5 minor age hands-on victims that he was never charged with.”*

*“Admits...attraction to 16 yo employee and rubbed her shoulders at work.”*

*“Admitted to masturbating to thoughts of child pornography.”*

*“Client admitted to masturbating to fantasies of his minor victim every time he masturbated since his last polygraph examination.*

*“Client admitted to giving a female coworker...massages and accidentally touching her clothed breasts during the massage.”*

*“Client admitted to meth use during pre-test.”*

*“Client disclosed in the pre-test that he hired a prostitute and paid \$20 for her to perform oral sex on him.”*

*“Cocaine use, sexting, unauthorized Smart Phone, possible child porn on his phone, telephone sex, alcohol usage.”*

*“The subject was accused by x wife of stalking behaviors while under supervision. He admits to calling her several times and posttest admits asking individuals to look her up on social media and report back to him...”*

*“Subject accused of masturbating in parking lot of tx. Admits to urinating in parking lot but not masturbating...”*

*“Subject admits harboring a 16 yo runaway girl and having sexual contact with her over the last few weeks.”*

## Summary

Overall, the results from post-conviction polygraph exams as reported by SOMB Approved Polygraph Examiners to the data collection system identify the following:

- Almost half of polygraph exams (47.1%) resulted in a clinically significant disclosure with the majority of the disclosures reported during the pre-test interview portion of the exam. This percentage of disclosures is consistent with other studies regarding disclosures during polygraph (Gannon et al., 2014).<sup>4</sup>
- The highest rates of disclosure occurred during specific issue and sex history exams while the lowest rates of disclosure occurred during instant offense exams. However, disclosures occurred across all exam types. These results may be explained by the fact that clients often do not share other sex history or risk behavior information until participating in the actual polygraph exam process, and therefore, may disclose more in this context. On the other hand, clients may be more likely to maintain denial of the instant offense given the significant investment they may have in not disclosing the

---

<sup>4</sup> Gannon, T.A.; Wood, J.L.; Pina, A.; Tyler, N.; Barnoux, M.F.L.; & Vasquez, E.A. (2014). An Evaluation of Mandatory Polygraph Testing for Sexual Offenders in the United Kingdom. *Sexual Abuse: A Journal of Research and Treatment*. 26(2). 178-203.





referral offense, particularly if they have been denying its occurrence for an extended period of time (through investigation, trial/court, and sentencing).

- The level of disclosure between differing results of the polygraph exam did not vary greatly, but the highest percentage of disclosures occurred when a client was generally non-deceptive with an area of inconclusiveness in need of explanation, or was found to be deception indicated and attempts to explain these results. However, the results of the exam do not appear to be highly correlated with disclosure or non-disclosure.
- Disclosures are more likely to occur during repeat exams than initial exams, indicating the importance of following up on unresolved prior exam results to ensure the disclosure of relevant risk information and develop commensurate risk management strategies.
- Finally, regarding the qualitative data entered by polygraph examiners, the severity of the information disclosed and the importance of this information in treatment and supervision planning is highlighted by the types of disclosures. Unauthorized and unreported sexual contact was disclosed most frequently followed by other types of risk behavior, and sexually abusive thoughts, feelings, and attitudes. Disclosure of this information can assist the treatment provider and supervision officer in working with the client to avoid re-offense behavior and taking safety precautions to protect victims and maintain community safety. In terms of the specific risk behaviors disclosed, internet usage and associated pornography access was reported most frequently followed by unauthorized contact with children, substance use, and contact with victims. Unauthorized contact with children and victims is of particular concern given the risk involved in these behaviors. Finally, and most significantly, 13 records contained information disclosed that could constitute a sexual re-offense.

In summary, the polygraph appears to have utility regarding disclosure of critical information for treatment and supervision professionals including risk and re-offense information.

## Limitations

The data provided by SOMB Approved Polygraph Examiners was not cross-referenced with legal system outcomes or a criminal history check, and therefore, the presented data is limited to self-report by clients as entered into the SOMB PDMS. Further, the data gives no indication as to how this information was used in treatment, supervision, including any potential revocation proceedings. The SOMB has conceptualized the polygraph as a tool to inform risk and need for clients in treatment and supervision, and based on this data, the disclosures made appear to serve that purpose.

