

POLYGRAPH: AID OR
HINDRANCE TO
ADOLESCENT TREATMENT?

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RIDING TO THE AIRPORT

- FROM THE ATSA CONFERENCE IN TORONTO
- STEVE, LISA AND I DISCUSSED OUR EXPERIENCES FOLLOWING REMARKS BY DR. LETOURNEAU CAUTIONING AGAINST THE USE OF THE POLYGRAPH

NEARI NEWSLETTER 2012

■ TO USE OR NOT TO USE THE POLYGRAPH WITH CHILDREN AND ADOLESCENTS

■ BY STEVEN BENGIS, DAVID S. PRESCOTT, AND JOAN TABACHNICK

NEARI NEWSLETTER 2012

- **FOR THOSE WHOSE CLIENTS MAY BE OLDER, AGGRESSIVE, VIOLENT, CONDUCT-DISORDERED AND ADJUDICATED, PLACEMENT IN THE COMMUNITY WITHOUT POLYGRAPHY SUPPORT MAY SEEM UNCONSCIONABLY RISKY. FOR THOSE WORKING WITH NON-ADJUDICATED, NON- CONDUCT-DISORDERED AND DIAGNOSTICALLY COMPLEX YOUTH, THE USE OF POLYGRAPHY MAY BE EQUALLY UNCONSCIONABLE FOR ETHICAL REASONS.**

THEIR POSITION

- UNTIL SUCH TIME AS THE FIELD COALESCES AROUND SUCH GUIDANCE, THE POLYGRAPH SHOULD REMAIN IN THE PROFESSIONAL TOOLKIT AS A SPARINGLY, IF EVER, USED AND INDIVIDUALLY APPLIED PRACTICE IMPLEMENTED ONLY WHEN OTHER LESS INVASIVE TECHNIQUES CAN BE DEMONSTRATED TO HAVE FAILED/BE OF LITTLE EFFICACY.

ATSA ADOLESCENT GUIDELINES

- Overall research support for polygraph and penile plethysmography is lacking and use of these strategies with adolescents raises ethical concerns.

MY POSITION

- WHILE SOME UNKNOWN RISK MAY EXIST WITH ANY METHOD OR TECHNIQUE, ISSUES WITH USE OF THE POLYGRAPH HAVE NOT BEEN SHOWN DESPITE LONG USE.
- CAUTIONARY STATEMENTS AGAINST THE USE OF THE POLYGRAPH WITH THIS POPULATION ARE OVERSTATED GIVEN THE KNOWLEDGE IN THE FIELD AT THIS TIME. DISCOURAGING THE USE OF THE POLYGRAPH ACROSS THE BOARD CAN LEAD TO OTHER NEGATIVE UNINTENDED CONSEQUENCES.

STRAW MAN

- There is the scientific controversy about the polygraph itself, which is widely regarded as pseudoscience by many and probably most scientific researchers (National Research Council, 2003). - Chaffin (2010)

IS POLYGRAPH ACCURATE?

- **CONCLUSION:** Notwithstanding the limitations of the quality of the empirical research and the limited ability to generalize to real world settings, *we conclude that in populations of examinees such as those represented in the polygraph research literature, untrained in countermeasures, specific-incident polygraph tests can discriminate lying from truth telling at rates well above chance, though well below perfection.* Because the studies of acceptable quality all focus on specific incidents, generalization from them to uses for screening is not justified. Because actual screening applications involve considerably more ambiguity for the examinee and in determining truth than arises in specific-incident studies, polygraph accuracy for screening purposes is almost certainly lower than what can be achieved by specific-incident polygraph tests in the field. *The Polygraph and Lie Detection* - Report of the National Academy of Sciences, 2003.

SCREENING TESTS

- **WHEN SCREENING A POPULATION WHERE OFFENSE RATES ARE LOW, FOR UNKNOWN EVENTS, THE RISK OF FALSE POSITIVES RISES.**
- **WHEN SCREENING A POPULATION WHERE THE RATES ARE HIGHER, THE RISK OF FALSE POSITIVES IS LESS.**
- **PRE-EMPLOYMENT TESTING USUALLY HAS MULTIPLE TARGETS - CAN DECREASE ACCURACY**

EPPA

- **EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988**
- **WOULD NOT ALLOW PRE-EMPLOYMENT SCREENING BY PRIVATE FIRMS EXCEPT SECURITY / ARMED GUARD OR PHARMACEUTICAL. ALL GOVERNMENT AGENCIES WERE EXEMPTED.**

THE POLYGRAPH TEST

- INFORMED CONSENT
- THE PRETEST INTERVIEW -FOCUSED ON CERTAIN TOPICS BUT OPEN-ENDED
- DATA COLLECTION (RUNNING CHARTS)
- DATA ANALYSIS (SCORING THE CHARTS) AND DECISION
- POST-TEST DISCUSSION

SPECIAL TRAINING

- **POST-CONVICTION SEX OFFENDER TESTING (PCSOT)**
- **40 HOURS OF SPECIAL TRAINING ON OFFENDERS, TYPES OF TESTING, TEST FORMATS, ROLE IN WORKING WITH THERAPISTS**

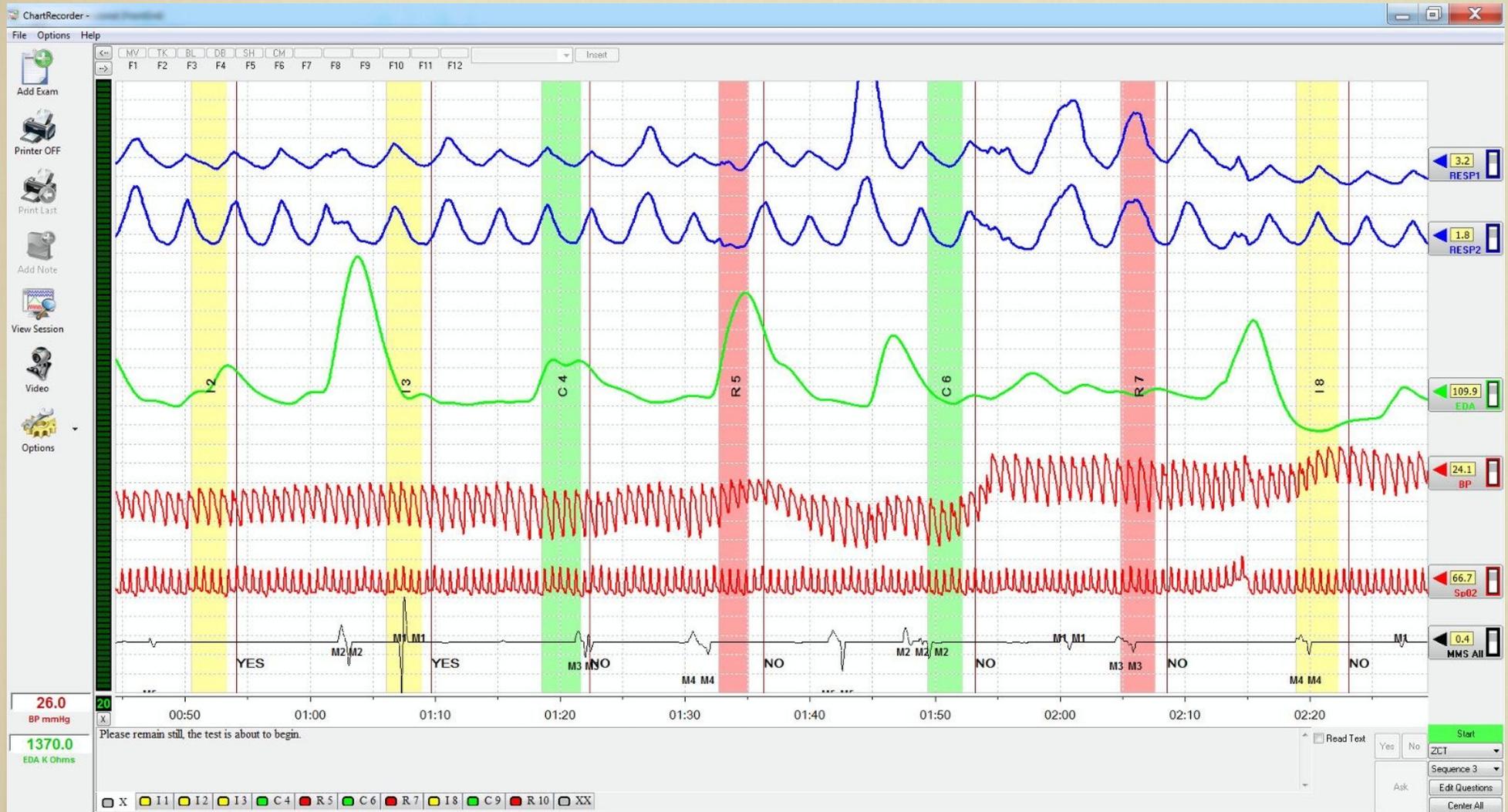
TYPES OF SO TESTS

- **SPECIFIC TEST**
- **SEXUAL HISTORY TEST**
- **MAINTENANCE TEST**
- **MONITORING TEST**

CRITERION VALIDITY

- **THERE IS A CORRELATION BETWEEN POLYGRAPH RESULTS AND DEMONSTRATED GUILT OR INNOCENCE**

PHYSIOLOGICAL DATA



HOW ACCURATE ARE POLYGRAPH TESTS?

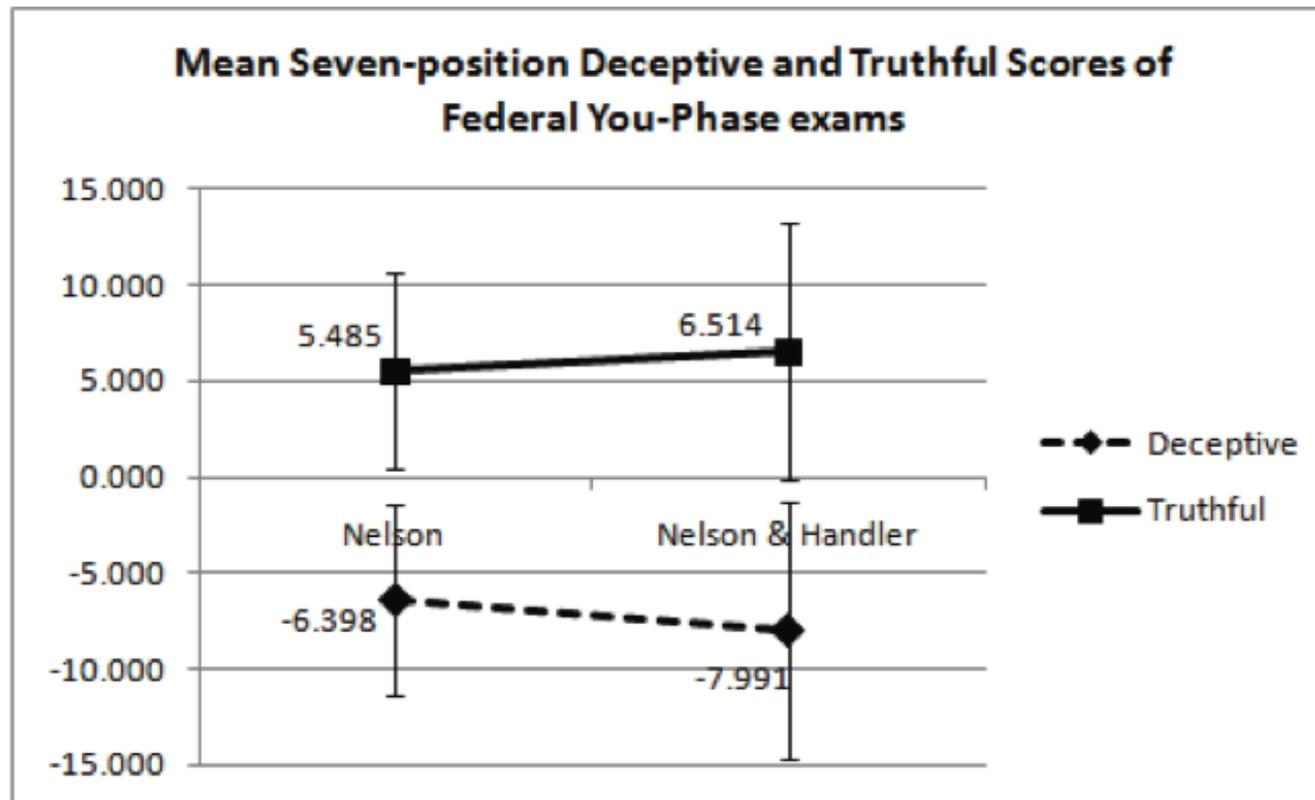
Table 1. Mean (standard deviation) and {95% confidence intervals} for correct decisions (CD) and inconclusive results (INC) for validated PDD techniques. References can be found at the end of the complete report.

<u>Evidentiary Techniques/ TDA Method</u>	<u>Paired Testing Techniques/ TDA Method</u>	<u>Investigative Techniques/ TDA Method</u>
Federal You-Phase / ESS ¹ CD = .904 (.032) {.841 to .966} INC = .192 (.033) {.127 to .256}	AFMGQT ^{4,8} / ESS ⁵ CD = .875 (.039) {.798 to .953} INC = .170 (.036) {.100 to .241}	AFMGQT ^{6,8} / 7 position CD = .817 (.042) {.734 to .900} INC = .197 (.030) {.138 to .255}
Event-Specific ZCT / ESS CD = .921 (.028) {.866 to .977} INC = .098 (.030) {.039 to .157}	Backster You-Phase / Backster CD = .862 (.037) {.787 to .932} INC = .196 (.040) {.117 to .275}	CIT7 / Lykken Scoring CD = .823 (.041) {.744 to .903} INC = NA
IZCT / Horizontal ² CD = .994 (.008) {.978 to .999} INC = .033 (.019) {.001 to .069}	Federal You-Phase / 7 position CD = .883 (.035) {.813 to .952} INC = .168 (.037) {.096 to .241}	DLST (TES) ⁶ / 7 position CD = .844 (.039) {.768 to .920} INC = .088 (.028) {.034 to .142}
MQTZCT / Matte ³ CD = .994 (.013) {.968 to .999} INC = .029 (.015) {.001 to .058}	Federal ZCT / 7 position CD = .860 (.037) {.801 to .945} INC = .171 (.040) {.113 to .269}	DLST (TES) ⁶ / ESS CD = .858 (.037) {.786 to .930} INC = .090 (.026) {.039 to .142}
Utah ZCT DLT / Utah CD = .902 (.031) {.841 to .962} INC = .073 (.025) {.023 to .122}	Federal ZCT / 7 pos. evidentiary CD = .880 (.034) {.813 to .948} INC = .085 (.029) {.028 to .141}	-
Utah ZCT PLT / Utah CD = .931 (.026) {.879 to .983} INC = .077 (.028) {.022 to .133}	-	-
Utah ZCT Combined / Utah CD = .930 (.026) {.875 to .984} INC = .107 (.028) {.048 to .165}	-	-
Utah ZCT CPC-RCMP Series A / Utah CD = .939 (.038) {.864 to .999} INC = .185 (.041) {.104 to .266}	-	-

- **THE PREVIOUS TABLE COMES FROM: HANDLER, M. ET AL. (2011). META-ANALYTIC SURVEY OF CRITERION ACCURACY OF VALIDATED POLYGRAPH TECHNIQUES. POLYGRAPH 40(4).**

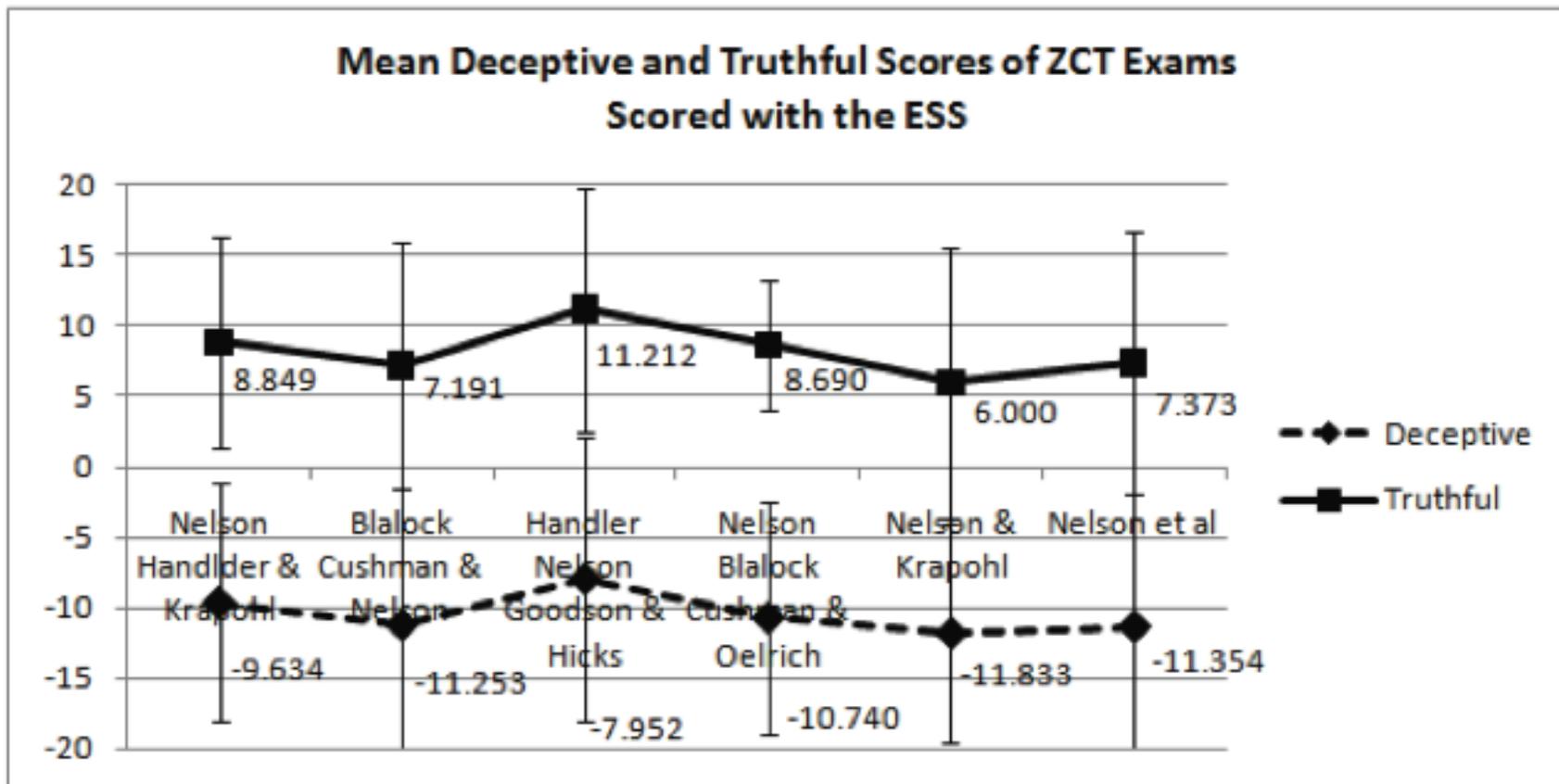
EXAMPLE OF POLYGRAPH VALIDATION RESEARCH

Figure 6. Mean and standard deviation plot for seven-position scores of Federal You-Phase exams.

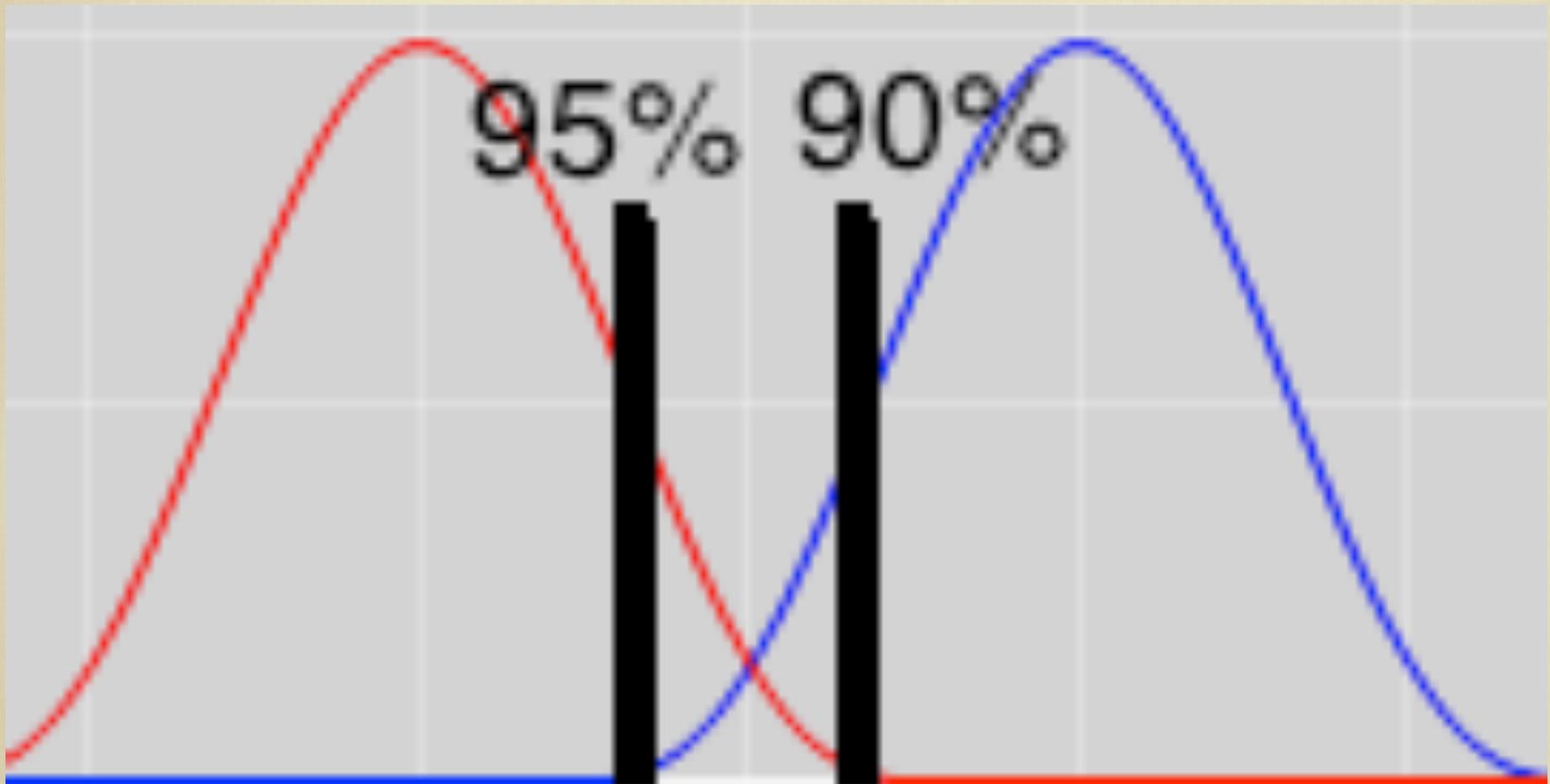


ANOTHER EXAMPLE OF VALIDATION RESEARCH

Figure 16. Mean deceptive and truthful total scores for ZCT ESS studies.



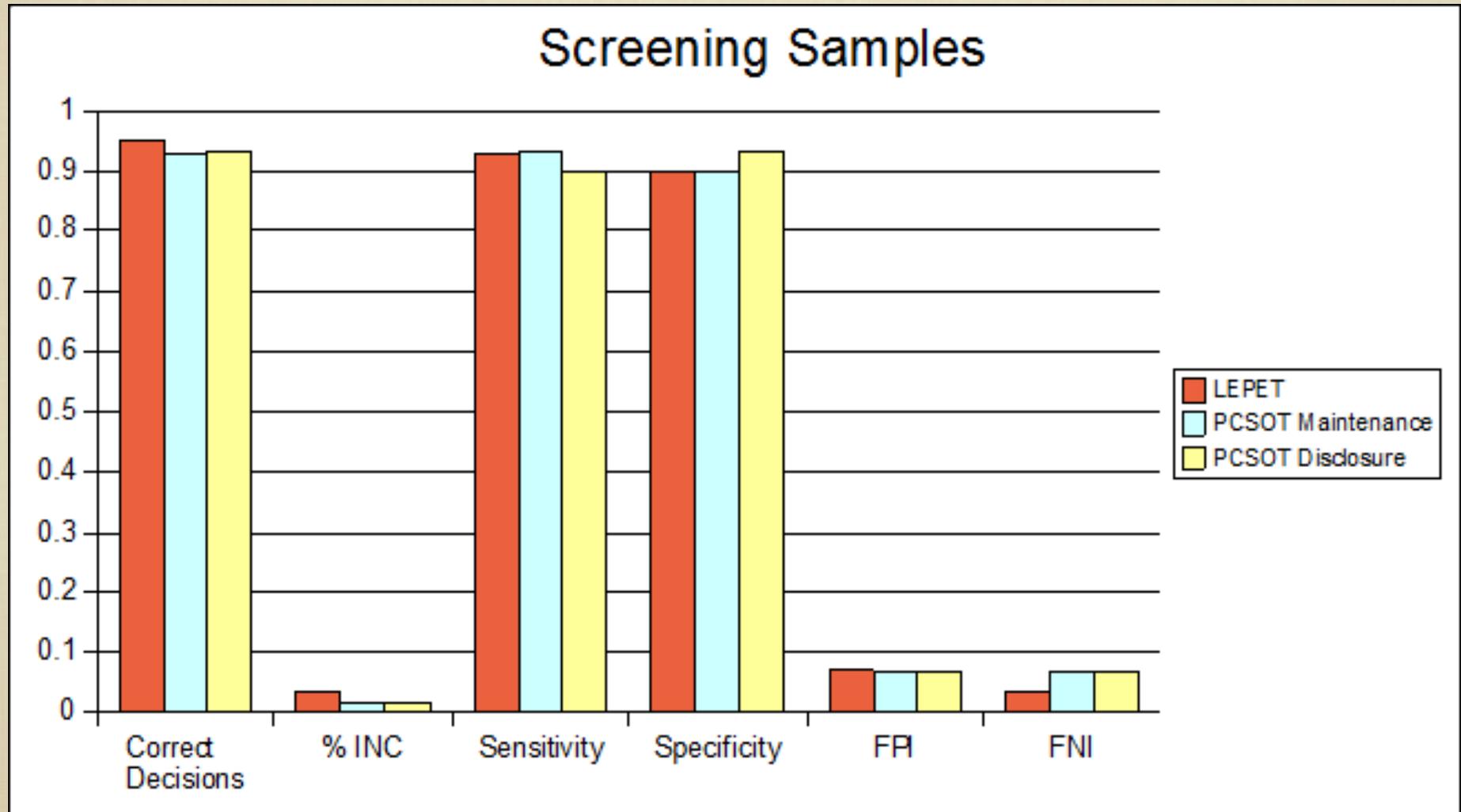
CUT SCORES - THE MINIMUM LOW (FOR DECEPTION)
OR HIGH (FOR NOT DECEPTIVE) SCORE, ALSO
SHOWING MIDDLE INCONCLUSIVE ZONE



INCONCLUSIVE RESULTS

- **UNAVOIDABLE**
- **PROTECTS THE TEST SUBJECT**
- **NO ONE SHOULD BRAG THEY “NEVER HAVE REPORTED AN INCONCLUSIVE”**

PCSOT RESEARCH - AN EXAMPLE OF ACCURACY USING ADMISSIONS (A WEAKER STANDARD) AS CRITERIA FOR LYING



OFTEN HEARD CRITICISM

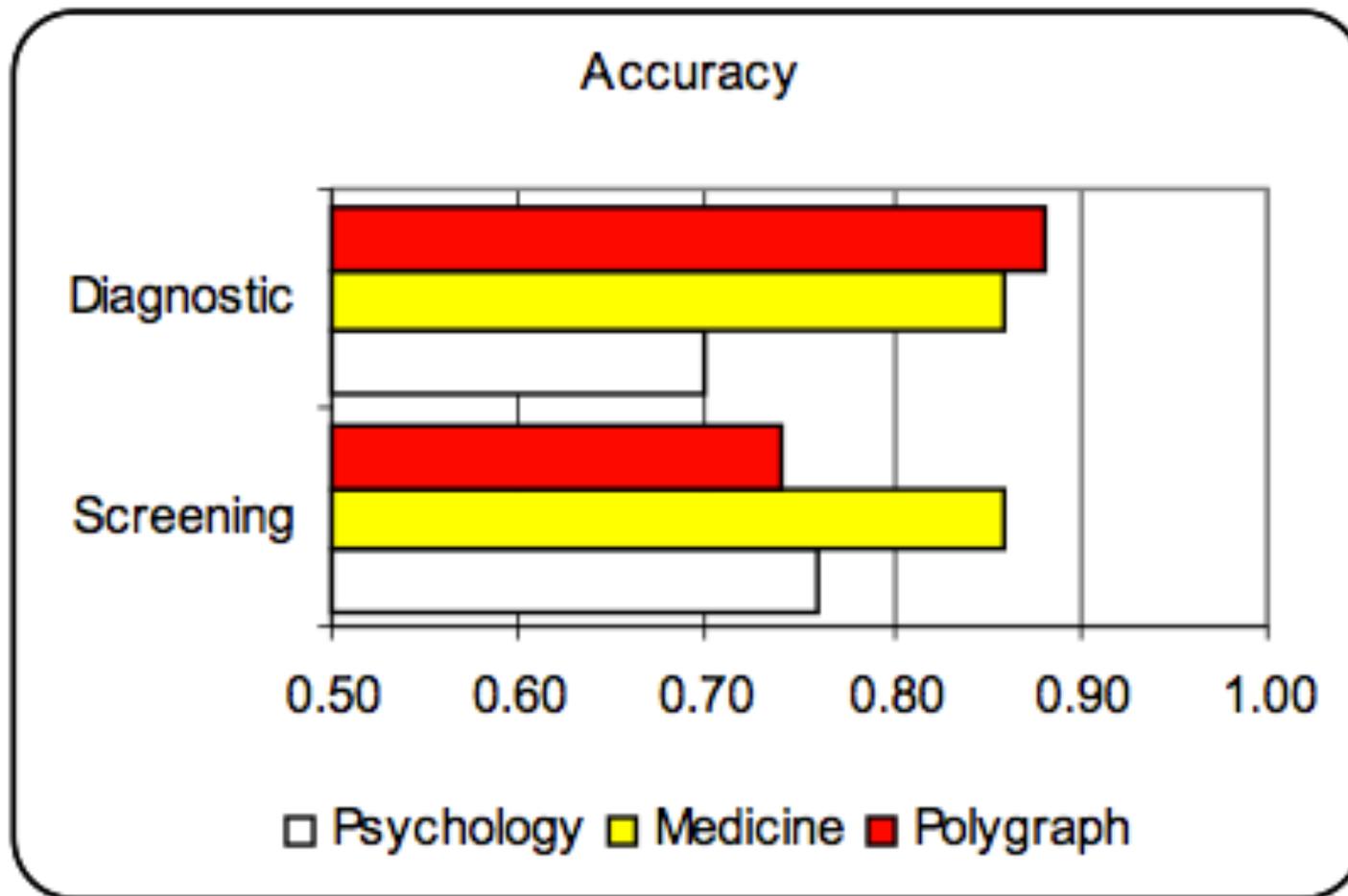
- GROUND TRUTH HAS NOT BEEN USED TO VALIDATE POLYGRAPH TESTING
- RASKIN ET AL., (1988) A STUDY OF THE VALIDITY OF POLYGRAPH EXAMINATIONS IN CRIMINAL INVESTIGATION: FINAL REPORT TO THE NATIONAL INSTITUTE OF JUSTICE.
- THIS WAS A STUDY OF SECRET SERVICE CASES CHECKING POLYGRAPH RESULTS AGAINST GROUND TRUTH AS VERIFIED BY ACTUAL IDENTIFICATION OF FAKE PLATES AND COUNTERFEITING EQUIPMENT
- SHOWED POLYGRAPH ACCURACY BETWEEN 80-95%.

POLYGRAPH TESTING

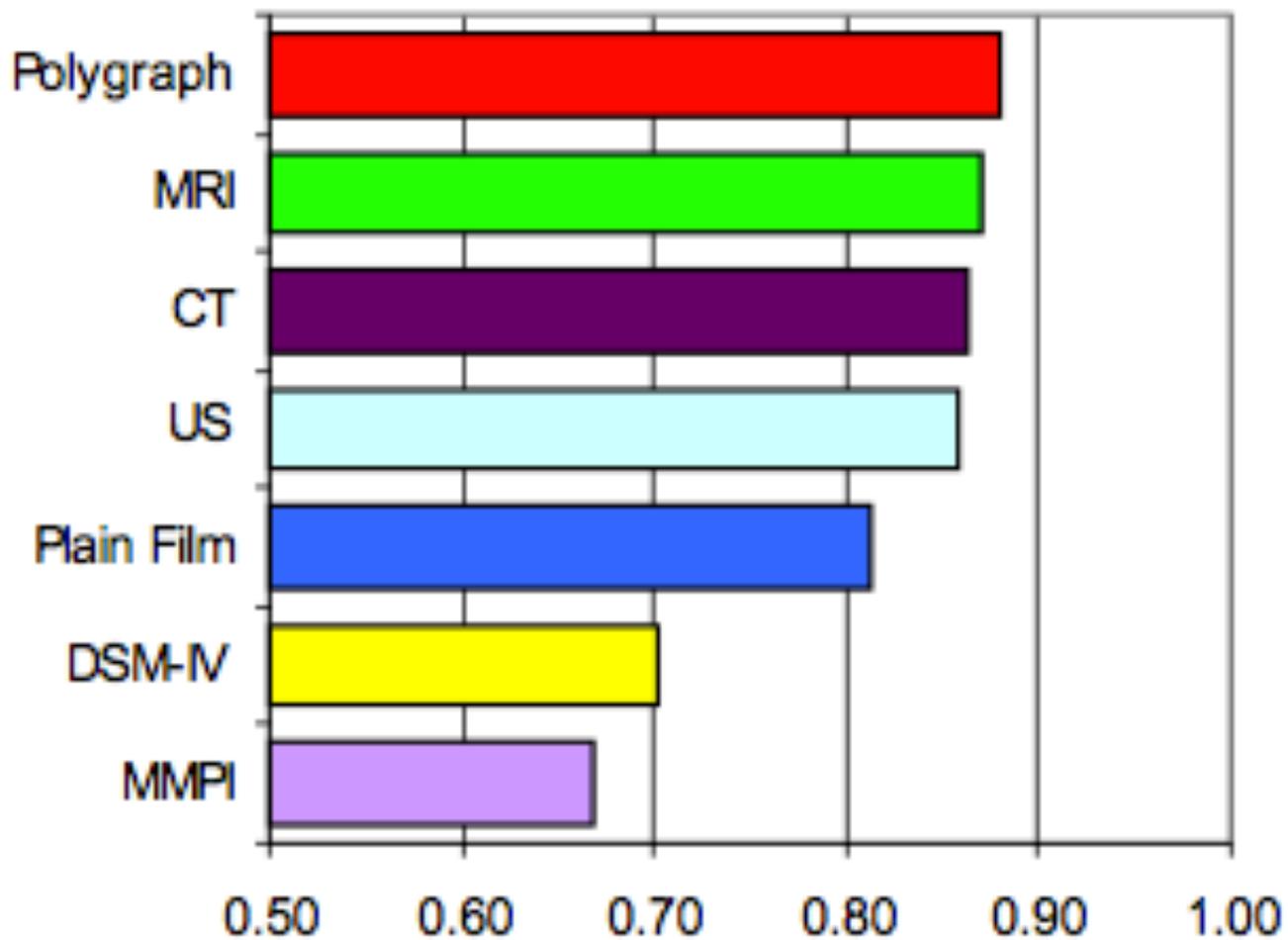
COMPARISON TO OTHER TESTING

- **CREWSON, PHILIP. (2001) A COMPARATIVE ANALYSIS OF POLYGRAPH WITH OTHER SCREENING AND DIAGNOSTIC TOOLS. RESEARCH FUNDED BY THE DEPARTMENT OF DEFENSE POLYGRAPH INSTITUTE.**

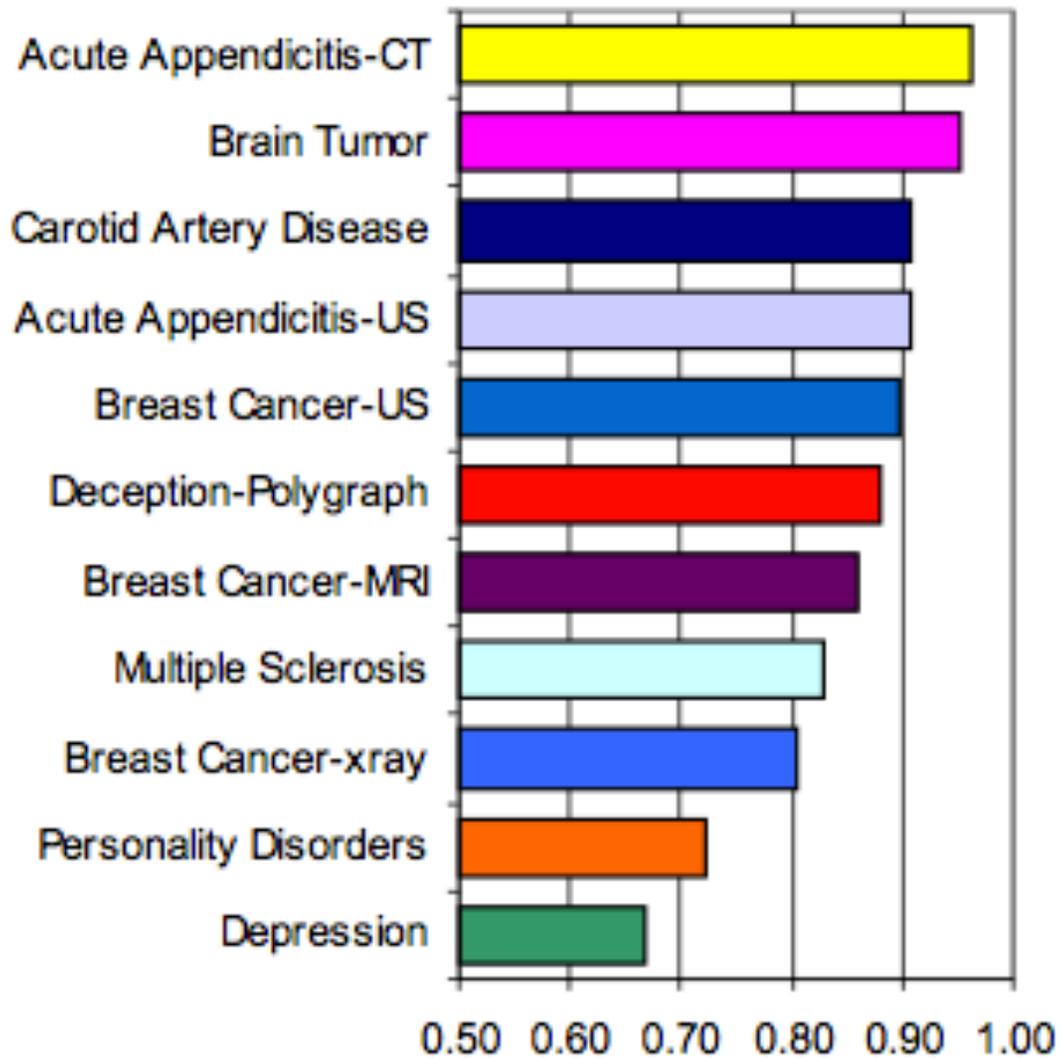
DIAGNOSTIC VS. SCREENING



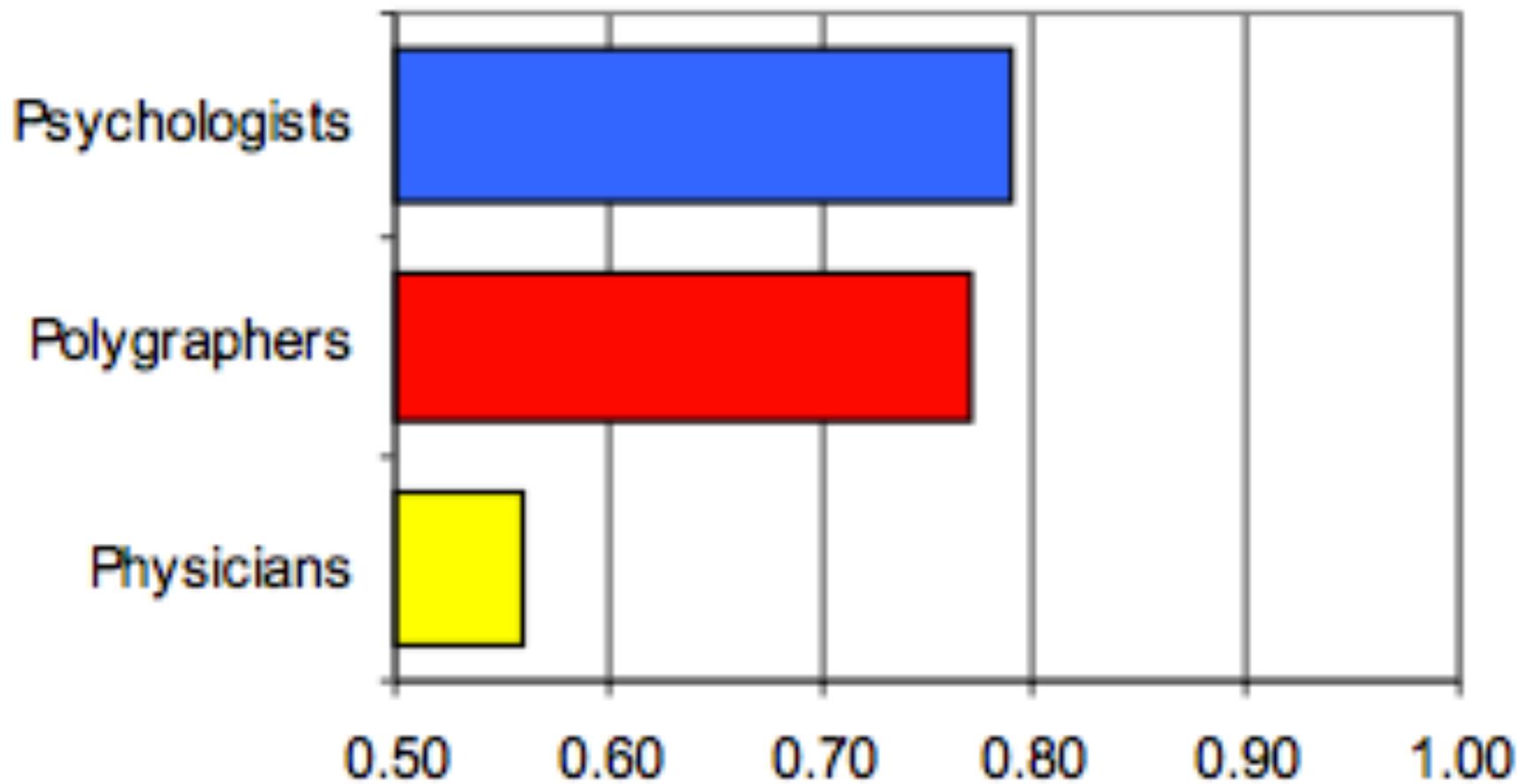
Diagnostic Accuracy by Assessment Tool



Diagnostic Accuracy by Target Condition



Reader Agreement (Kappa)



IS POLYGRAPH LIKE DRUG TESTING?

- **DRUG SCREENING IS CHEAPER**
- **...MORE ACCURATE**
- **...TESTS FOR ACTUAL DRUGS OR THEIR METABOLITES**

POLYGRAPH VS. DRUG SCREENING (CONT'D.)

- PROVIDES INFORMATION ABOUT SEXUAL HISTORY
- MAY PROVIDE INFO ON PATTERNS AND RISKY SITUATIONS
- MAY BE USEFUL IN RELAPSE PREVENTION PLANNING
- HOLDS YOUTH ACCOUNTABLE FOR BEING TRUTHFUL, REWARDS OPENNESS, DISCOURAGES LYING AND MANIPULATION
- MAY ACT AS A DETERRENT AGAINST REOFFENSE

- **MAY MAKE IT EASIER TO ENGAGE THE YOUTH IN TREATMENT, ADMITTING AND ADDRESSING SEXUAL ISSUES**
- **HELPS RESTORE CONFIDENCE IN YOUTH BY FAMILY AND VICTIM(S)**
- **INCREASES CHARACTER AND PERSONAL INTEGRITY**
- **HELPS IDENTIFY HIGHER DEVIANCY AND HIGHER CONDUCT DISORDER TYPES OF ADOLESCENTS.**

- **IS POLYGRAPH LIKE WATER BOARDING / HARSH INTERROGATION?**
- **DISRESPECTFUL**
- **AGAINST HUMAN DECENCY**
- **THE PERSON WILL SAY ANYTHING TO STOP THE TORTURE - UNRELIABLE**
- **DESTROYS TRUST**
- **COUNTERPRODUCTIVE TO THE GOAL OF TREATMENT**

- **IS THERE A REPLACEMENT FOR THE POLYGRAPH?**
- **CHAFFIN SUGGESTS VRT?**
- **AT LEAST THE POLYGRAPH FOCUSES ON ACTUAL BEHAVIORS, NOT DEVELOPING SEXUAL INTERESTS.**

SAFETY

- HOW DO YOU KNOW IF THE YOUTH YOU ARE TREATING IS A LOT MORE SEXUALLY COMPULSIVE/ AGGRESSIVE THAN YOU ARE AWARE?
- HOW DO YOU KNOW IF THE YOUTH YOU ARE TREATING IS AROUND VULNERABLE YOUTH OR DOING OTHER SEXUALLY RISKY BEHAVIORS POSSIBLY LEADING TO REOFFENSE.
- HOW DO YOU KNOW IF THEY REOFFENDED?

CONTINUITY IN SEX OFFENDING

- **LUSSIER (2013) REPORTED 12.3% WHO HAD OFFENDED AT 12-17 Y.O. RECIDIVATED AS ADULTS.**
- **6.8% OF THE ADOLESCENT OFFENDERS RECIDIVATED REPEATEDLY**
- **“HIGH RATE” OFFENDERS COMPRISED 4%**

PROTECTION FOR JUVENILES
REFERRED FOR POLYGRAPH

COLORADO SOMB

JUVENILE STANDARDS

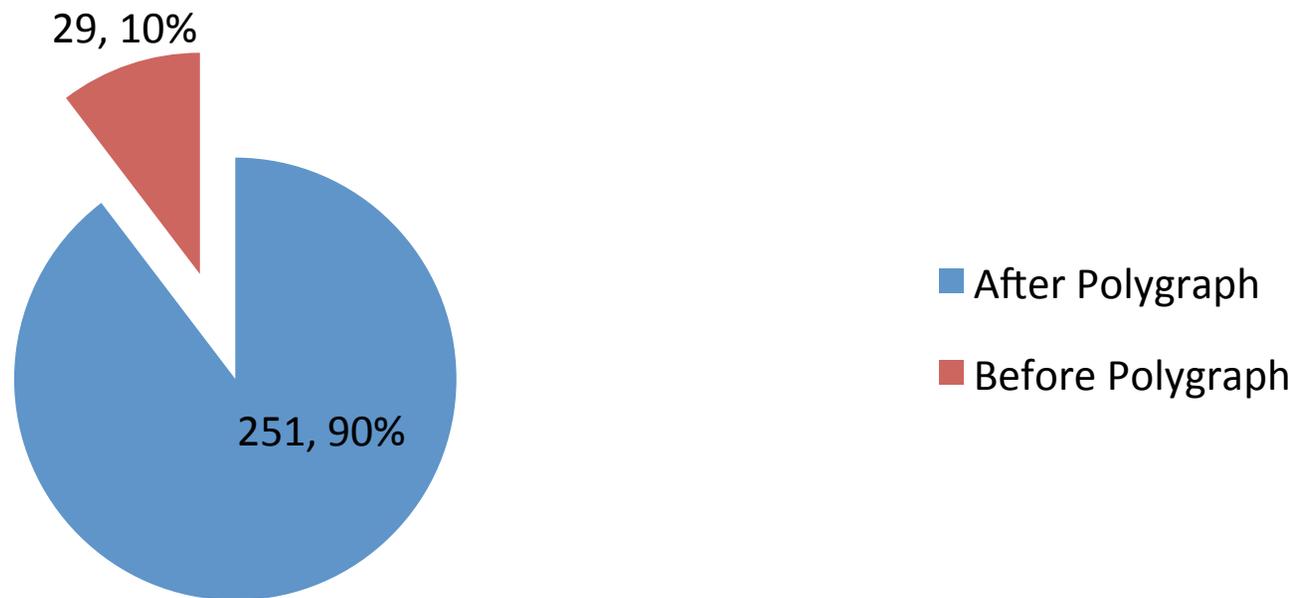
- 14 YEARS WITH AT LEAST 12 YO AGE EQUIVALENT AND IN SOME CASES 12-13 Y.O. NO ONE WITH MEAN AGE EQUIV. OF LESS THAN 12.
- NO ONE WHO IS PSYCHOTIC; NO ONE WITH ACUTE PAIN OR ILLNESS.
- NO ONE WITH A SEVERE AXIS I DX OR GAF OF LESS THAN 50
- INFORMED CONSENT OF JUVENILE AND PARENT/GUARDIAN
- ADJUNCT TOOL, NOT A PRIMARY DETERMINER OR TX DECISION MAKING

PROTECTION AGAINST LEGAL RISKS

- **AGREEMENTS WITH PROSECUTORS FOR LIMITED IMMUNITY**
- **COLLECT DATA WITHOUT IDENTIFYING INFORMATION**

JUVENILE SX HX RESULTS

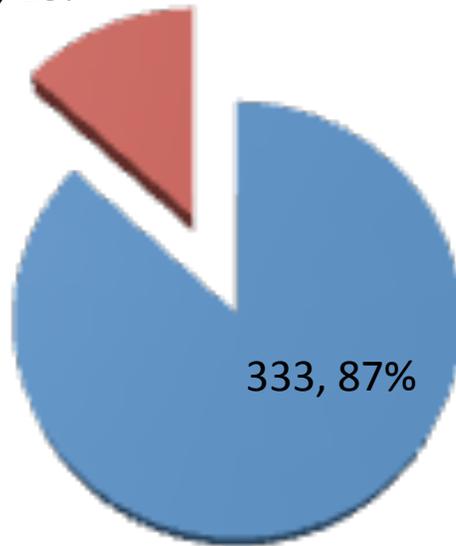
Incidents Discovered



22 CASES

Acts Discovered

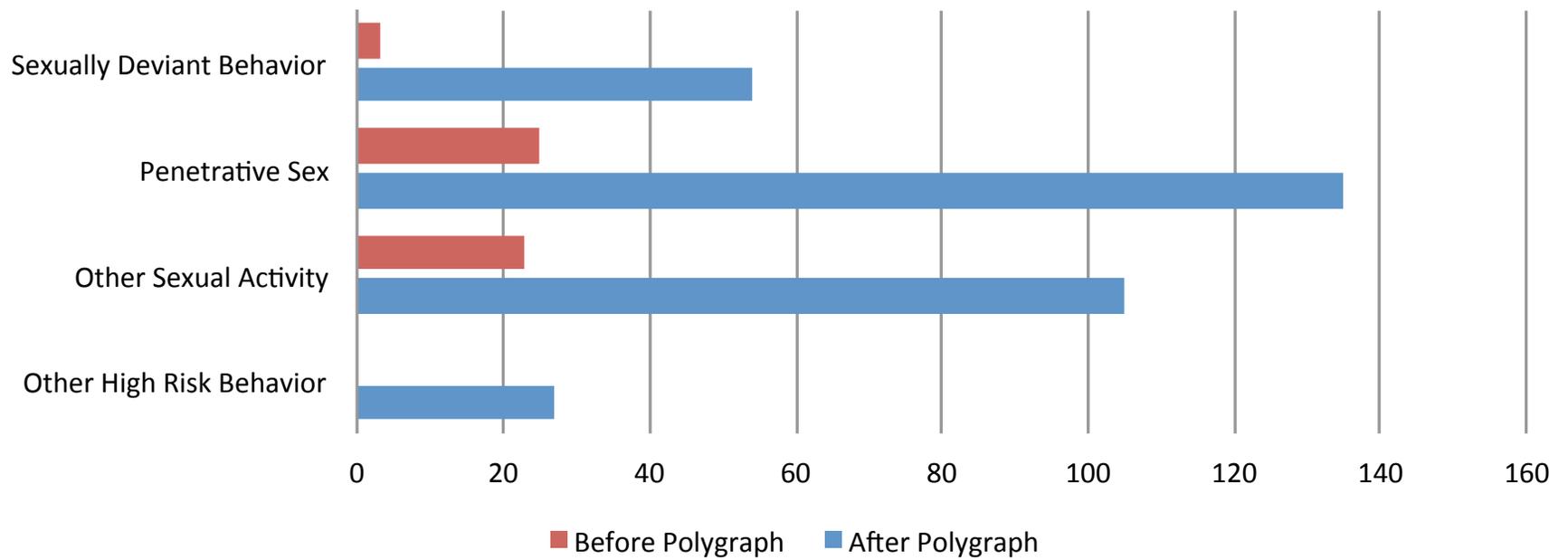
51, 13%



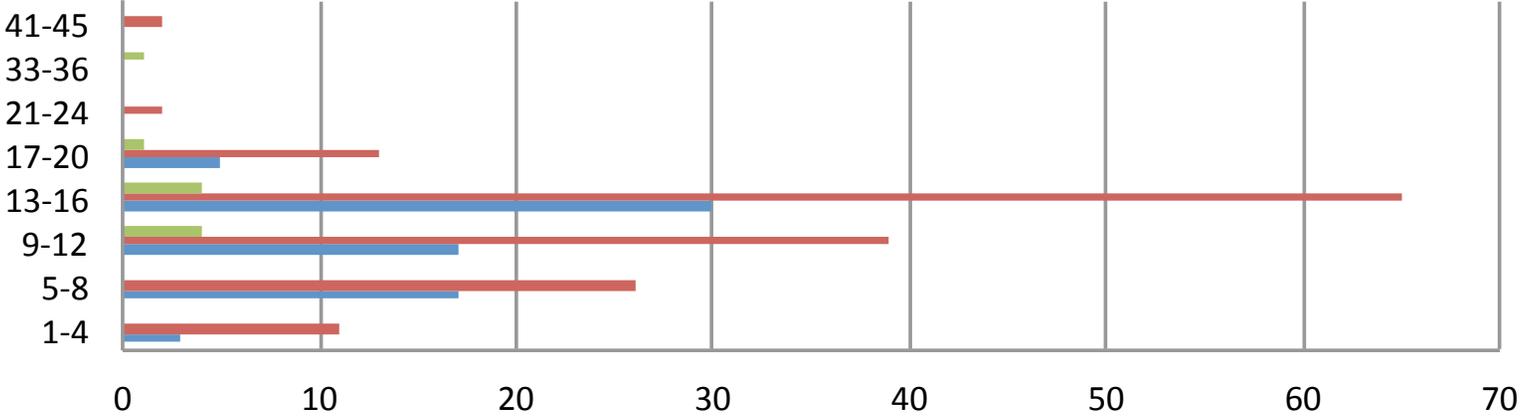
■ After Polygraph

■ Before Polygraph

Acts Discovered by Category



Incident Categories by Victim Age



	1-4	5-8	9-12	13-16	17-20	21-24	33-36	41-45
Sexually Deviant Behavior			4	4	1		1	
Penetrative Sex	11	26	39	65	13	2		2
Other Sexual Activity	3	17	17	30	5			

OTHER INFORMATION

- 8 HAD BEEN SEXUALLY OFFENDED THEMSELVES
- 1 SAID HE HAD BEEN ABUSED BUT ADMITTED HE HAD NOT.
- A FEW HIGH RISK INDIVIDUALS IDENTIFIED.
- OF 259 NEW SEXUAL INCIDENTS REPORTED, OVER 40 WERE FOR CONTACTS WITH PERSONS THREE OR MORE YEARS OLDER OR YOUNGER THAN THEM.

PARTIES AT THE TABLE

- COURT
- PROBATION
- CLIENT
- CLIENT'S FAMILY INCLUDING POSSIBLE VICTIMS
- THERAPIST

COURT ORDERED

- TREATMENT IS PART OF A LEGAL CONTRACT ENTERED INTO AS A CONDITION OF PROBATION
- THE CLIENT IS OBLIGATED TO MAKE A GOOD FAITH EFFORT.
- THE THERAPIST IS OBLIGATED TO HOLD THE CLIENT ACCOUNTABLE TO WORK IN COUNSELING.
- LETTING THE CLIENT SKATE BY, IS NOT REASONABLE.

RISK ASSESSMENT

- **THERE IS A LIMIT TO THE ACCURACY OF ACTUARIAL ESTIMATES OF RISK BASED ON OFFICIAL RECORDS AND SELF-REPORT**
- **COULD INFORMATION OBTAINED VIA POLYGRAPH INCREASE THE ACCURACY OF RISK ASSESSMENT?**

TRAUMATIZING?

- **WHERE'S THE DATA TO SUBSTANTIATE THIS CLAIM?**
- **WHERE ARE THE CHILDREN WHO HAVE BEEN HARMED?**
- **WHERE ARE THE SIGNS OF ANXIETY, DEPRESSION, BEHAVIORAL ISSUES, ETC. WHICH MIGHT BE EXPECTED DUE TO THE "TRAUMA" OF BEING POLYGRAPHED?**
- **WHERE ARE THE LAWSUITS?**

REBUILDING TRUST

- TREATMENT STAFF

- FAMILY

- VICTIMS

- **BETTER BEHAVIOR IN TREATMENT**
- **PEERS TALK - GROUP SUPPORT**
- **ONCE A FEW HAVE BEEN TESTED, THE OTHERS START TO OPEN UP IN ANTICIPATION.**

- **JAN HINDMAN - ~1990 STATED AT CONFERENCE IN OCALA, FL “IF YOU’RE NOT POLYGRAPHING, YOU’RE NOT DOING SEX OFFENDER TREATMENT.”**
- **CAN YOU DO AS GOOD A JOB AS A THERAPIST WITHOUT THIS SOURCE OF INFORMATION?**
- **A THERAPIST IN JACKSONVILLE STATED THE INFORMATION CHANGED HER UNDERSTANDING OF A SMALL NUMBER OF CASES, BUT CHANGED HER TREATMENT AND SAFETY PLANNING FOR A THIRD OF HER CASES.**

WHAT DO THOSE WHO USE POLYGRAPH SAY?

- **“BEST TOOL I EVER HAD.” - INCREASES OPENNESS, DECREASES LYING.**
- **HELPFUL IN RESOLVING DISCREPANCIES IN VICTIM VS. OFFENDER VERSIONS OF EVENTS.**
- **“CLEARER PICTURE OF KIDS” - SOME MAY IN FACT BE LOWER RISK.**
- **MAKES IT EASIER TO INNOVATE IN THE FIELD**
- **“I WOULD QUIT THE FIELD IF I COULD NOT USE POLYGRAPH.”**

MORE COMMENTS

- REDUCED THE LENGTH OF TREATMENT - HELPED IDENTIFY INDIVIDUAL NEEDS
- PARENTS WERE VERY POSITIVE ABOUT THE POLYGRAPH RESULTS.
- HELPED WITH TREATMENT PLANNING
- NO ONE HAS OBSERVED / REPORTED FEELING TRAUMATIZED OR ABUSED
- THE INFORMATION OBTAINED WITH THE POLYGRAPH IS NOT AVAILABLE ANY OTHER WAY.

FUTURE DIRECTIONS

- **BETTER LONGITUDINAL DATA COLLECTION**
- **MORE ACCESS TO LONGITUDINAL DATA FOR INDIVIDUAL PROGRAMS**
- **ORGANIZED STUDIES**
- **FOCUS ON IDENTIFYING AND USING THE POLYGRAPH IN WAYS WHICH MAKE A DIFFERENCE, E.G. DYNAMIC RISK FACTORS**
- **BETTER EDUCATE THOSE WHO DO NOT USE POLYGRAPH**

POLYGRAPH QUALITY CONTROL

- BETTER COMMUNICATION BETWEEN SOME EXAMINERS AND THERAPISTS
- USE OF APPROVED TECHNIQUES
- INDEPENDENT, RANDOM, OBJECTIVE REVIEW OF POLYGRAPH TESTING PERFORMED
- NOT ALL EXAMINERS ARE CREATED EQUAL

KEY BENEFITS

- AID TREATMENT WITH OFFENDER
- REDUCE/PREVENT NEW VICTIMS

THANKS

■ LISA GARRETT, M.ED.

■ ERIN DUPREE, MSW

■ DAVID PRESCOTT

■ STEVE BENGIS

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