

Introduction to the Model Policy for Examinee Suitability

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The Board of Directors of the American Polygraph Association has approved a Model Policy for the Evaluation of Examinee Suitability for Polygraph Testing. Examiners have traditionally been required to make a determination, prior to testing, of the suitability of each examinee to undergo testing. Despite this requirement, practical information about how to make a determination of suitability or unsuitability has been missing from polygraph practice guidelines. Examiners have therefore been faced with the alternatives of either foregoing testing when there is any uncertainty about suitability, or facing criticism from other professionals and other examiners for decisions to proceed with testing of individuals for whom there exists some indication of exceptional circumstances pertaining to their medical, psychological or social functioning.

A further result of the absence of evidence-based guidelines for examinee suitability decisions has been that examinee suitability decisions have been made with the false assumption of a simplistic dichotomy between suitable examinees (i.e., normal functioning persons represented by published studies and normative data), for whom the test is expected to provide the intended benefits, and unsuitable persons for which polygraph testing can offer no anticipated benefit. In actual practice, suitability for polygraph testing may exist on a continuum from highly suitable to less suitable and ultimately unsuitable functional characteristics. Some persons, though not unsuitable for polygraph testing, may present with obvious diagnosed or identifiable difficulties.

Although there is no known potential for erroneous test results as a consequence of any medical, developmental or mental health difficulties, potential hazards involving the polygraph test may include an increased likelihood for an inconclusive test result. This can contribute to increased frustration among

referring professionals when they have been permitted to hold unrealistic expectations regarding the capabilities of the polygraph test under exceptional circumstances. Polygraph examiners have at times had to resist pressure to provide examination results that are more fully resolved than possible under some circumstances. There is concern that unusual attempts to fully resolve all test results may contribute to unknown error rates when examinees are not represented by the available normative data.

The trend towards increased emphasis on evidence-based field practices in forensics, psychology, and medicine – along with an emphasis on post-Daubert evidentiary standards that emphasize the importance of statistical error estimates for individual test results – can be expected to increase the level of scrutiny applied to suitability decisions when there is evidence or indication that an examinee presents with medical or functional complications. At the present time, published studies regarding the validity and reliability of polygraph testing have included samples consisting only of persons who are assumed to be normal functioning (i.e., within the normal range of the distribution of functional characteristics of the population). Professionals who make referrals for polygraph testing have become increasingly aware of the empirical and ethical hazards related to testing of persons with substantial differences in cognitive, emotional and behavioral functioning, as persons with functional exceptionalities may be outliers to the normal range of functional characteristics and may not be adequately represented by presently available normative data.

Although it may be difficult or impossible to numerically quantify the exact degree of suitability or unsuitability of each person referred for polygraph testing, much information is presently available to support a more systematic and structured way to guide and ensure the effectiveness of these important decisions. The new model policy

provides information on functional maturity and mental health, along with medical and medication issues that should be included in examinee suitability decisions. The model policy provides conceptual language that can be used to assist in written or verbal communication regarding suitability concerns.

At a practical level most polygraph examinees may present without any complications that compromise their suitability for polygraph testing. For those examinees who have apparent difficulties with medical, mental health or social functioning, the model policy provides a basis to identify the expected practical benefits that would justify decisions to complete testing. These expected benefits include increased disclosure of information, increased deterrence of problems, and increased detection of involvement or non-involvement in the examination target behaviors. These operational advantages stem from both the polygraph procedure and the test result, and are expected to add incremental validity to decisions regarding investigative, selection, risk assessment and risk management tasks.

According to the model policy, any of the objectives – disclosure, deterrence, detection – is considered a sufficient ethical basis for testing. Ethics is ultimately about good and bad outcomes resulting from a decision or action. Questions about ethics are answered, as a practical matter, by this question: what bad things happen to whom as a result of a decision or action. The model policy for suitability decisions was constructed around the assumption that mainly good things, and no direct harmful results, occur as a result of polygraph testing. Individuals are more likely to receive the attention and consideration they need, agencies and programs will be more effective at risk management and risk assessment decisions, and our communities will ultimately be safer.

Just as there is no such thing as a panacea that will solve all problems, there is no single test or type of test that will work for all persons. Polygraph professionals are therefore obligated to understand the

limitations of the test capabilities with respect to exceptionalities and differences among examinees. All professionals are to make thoughtful and informed suitability decisions, with consideration for known factors that may affect the effectiveness of the polygraph test. Of course, all professionals, in all fields, are obligated to treat all persons as unique and important individuals who are deserving of respect, consideration, and dignity. The availability of an authoritative reference can help field examiners, referring professionals, and program managers to make ethical and effective decisions to forgo testing of those individuals for whom polygraph testing is unlikely to work as intended or can be expected to provide no practical benefit.

The new Model Policy for the Evaluation of Examinee Suitability for Polygraph Testing which follows this article will serve as a reference for field practice decisions that will help to ensure the ethical use of polygraph testing when there are anticipated benefits from doing so. The model policy also provides guidance for conducting, interpreting and reporting the test and test results in a manner that is respectful of any identified suitability issues. Polygraph examiners will experience a reduction in criticism and professional exposure when examinee suitability decisions are informed by a thoughtful evaluation of the evidence regarding factors known to potentially affect the effectiveness of the polygraph test, and are guided by field practice policies that are oriented around clearly defined testing objectives. The new model policy may also serve as a basis to gain additional experience regarding examinee suitability decisions, and may inform the development of more effective program and agency policies that can reduce the potential for adverse legal decisions that would affect the use of the polygraph with both exceptional and non-exceptional persons. Although the model policy for suitability decisions may seem, at the present time, like a new and unfamiliar set of ideas, it is likely that we will look back in a short time and wonder how polygraph professionals made these important decisions with little to no practical guidance in the past.