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THE ROLE OF FORENSIC PSYCHOPHYSIOLOGY
IN OUR FUTURE CONCEPT OF SECURITY

By

Maynard C. Anderson

I think it is appropriate, as we enter this last decade of the twentieth century, that we contemplate the role of polygraph as it relates to a future concept of security.

At the 1990 Polygraph Oversight Committee meeting, a time capsule was prepared in which the program managers from each agency were asked to predict what polygraph would be like in 25 years. Virtually all of those present indicated that polygraph would be advanced to such a state that today's instrumentation, procedures, and format would be unrecognizable. Dr. Bill Yankee, with his tongue firmly embedded in his cheek, predicted that polygraph will have developed to such a point that in 25 years, people will quit lying.

Lord Salisbury said many years ago, "No lesson seems to be so deeply inculcated by the experience of life as that you should never trust experts. If you believe doctors, nothing is wholesome; if you believe theologians, nothing is innocent; if you believe soldiers, nothing is safe."

Had he known him, he might have added, "If you believe Bill Yankee, nobody is truthful."

The polygraph is unique in our arsenal of investigative methods in that it is the only tool with the potential of addressing issues of the past which may have no other means of verification.

In light of this, and assuming that people won't just quit lying no matter how accurate the polygraph becomes, we are devoting the greatest amount of resources ever assembled to ensure the future of polygraph and discover new, better and more accurate means to determine truthfulness. These resources come in the form of money, scientists, and advanced technology. Interestingly, these resources are scheduled to increase in the future while many defense programs are diminishing.

No fewer than four Government laboratories currently have full-time staff devoted to research in lie detection. This is remarkable indeed when contrasted with the paucity of polygraph research sponsored by the Government during the past 25 years. The laboratories of the FBI, CIA, DPI, and NSA are making significant contributions to the body of scientific knowledge relating to polygraph.

The author is Assistant Deputy Under Secretary of Defense (Counterintelligence and Security). The article is his Keynote Address, opening the Federal Interagency Polygraph Seminar at the FBI Academy, Quantico, Virginia on June 10, 1991. [Ed.]

The Role of Forensic Psychophysiology in Our Future Concept of Security

The focal point for Government-sponsored research is the DoD Polygraph Institute. It has been mandated by Congress in the 1986 Defense Authorization Act, and in each Defense Authorization Act signed since that time, to conduct research concerning: (1) evaluation of the validity of DoD polygraph techniques, (2) countermeasures and countermeasures research, as well as (3) developmental research on polygraph techniques, instrumentation and analytic methods.

To paraphrase Abraham Kaplan writing in The Conduct of Inquiry, the polygrapher, like the logician, can become so absorbed with embracing the power and elegance of his instrument that he loses sight of the material (the human mind) with which it must work (much less the political context which must support its practice).

We must guard against developing practitioners who are mesmerized by the instrument, who are skilled in applying the technique but fail in understanding its theoretical underpinnings and its relationship to other disciplines. Until the missions and functions of the DoD polygraph program changed, to include systematic research, multidisciplinary curriculae and a comprehensive "theoretical" foundation, we were guilty of practicing a trade rather than developing a profession.

Validation is very hard research but does not enjoy the accolades that development of new measures seemingly provide. Yet validation and theoretical grounding are the prerequisites for a true profession in that they legitimize the enterprise. Polygraphy must develop a body of knowledge linking deception with physiological changes through theoretical models - what Kaplan calls "inference schema".

The integration of research and development within the government accompanied by academic and industry spawned technological advances will accelerate our knowledge and public awareness of the positive qualities of the instrument as well as its danger if entrusted to the unqualified. Our practitioners must become better trained, more knowledgeable of human behavior, both psychological and physiological, than in the past.

The DoD Polygraph Institute is also responsible for coordinating the research efforts among the various polygraph laboratories to avoid duplication of effort, ensure efficiency of valuable resources, and provide advice, guidance, and assistance in attaining common goals. The Polygraph Institute will receive an additional infusion of one million dollars as well as additional personnel in fiscal year 1991 for the continuation and enhancement of these research efforts. You may hear about some of this activity for the first time this week during the seminar.

As the curriculum for the basic course at the Polygraph Institute develops, there will be an increased need for continuing education. Several courses are already being offered. You will have an opportunity here this week to influence the nature of the continuing education courses offered in the future so that the training needs of forensic psychophysiologicalists and the security community will be fulfilled.

I noted that you will also have a presentation this week on geopolitical trends, not necessarily as they relate to polygraph. There are changes in other areas likely to influence forensic psychophysiology and the role it might play in the security community in the future.

We must consider our security posture from the viewpoint of various entities which can have an impact on our ability to carry out our mission of protecting our national security interests. There are external, civilian organizations that have been active in furthering the protection of individual rights from parochial perspectives. In the past, the most cogent argument against use of the polygraph was a scientific argument addressing the issues of validity and reliability. As these scientific questions are resolved through research, the strongest opponents to polygraph utilization may be those who feel that polygraph procedure is an unacceptable invasion of privacy. This attitude can represent both another obstacle to protecting national security, and to the full employment of an individual's opportunity to prove a case (by exculpation, for example).

The American Bar Association is another organization which has a vested interest in the direction of the field of forensic psychophysiology. As the accuracy of polygraph approaches that of fingerprint identification, chromosome matching, and other scientifically established types of evidence, the resistance to polygraph evidence by some lawyers is likely to increase. The reason is simple. Polygraph directly addresses the issue of guilt or innocence, not circumstantial or other mitigating factors. Since guilt or innocence is the central issue of any criminal judicial proceeding, implications for our current legal system of a perfected polygraph are changing. Could a jury of our peers (guaranteed by our Constitution) any longer ignore results of examinations? Would the present adversarial prosecution and defense still be appropriate? Another application of polygraph could be to monitor the probation or parole of those convicted to ensure that they comply with the conditions of the probation. Thus, society would be protected from recidivist criminal activity, in many cases, without the usual costs of guards and prison walls.

Currently there is a move to change Rule 707 of the military rules of evidence in the Uniform Code of Military Justice. The proposed rule change would prohibit the admission of polygraph evidence or testimony of any type in a military court. This would represent a regression of 10 years in the efforts to have polygraph evidence accepted in military courts.

Endeavors such as these are likely to increase rather than decrease as certain members of the legal profession perceive advances in forensic psychophysiology as threats to easier criminal defenses.

Unrelated to today's issue, but as sort of a legal aside, I think you would be interested in reading "Scholarship Amok: Excesses in the Pursuit of Truth and Tenure" by Kenneth Lasson (Harvard Law Review, February 1990, Volume 103, pp. 926-950). It is a clever and amusing critique of legal writing.

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He begins the piece with two epigrams, one of which follows: "There are two things wrong with almost all legal writing. One is its style. The other is its content." (Yale Law Professor Fred Rodell, 1907-1980.)

He has a lot to say about footnotes. I was amused by the following: "Judge Abner Mikva thought (footnotes) represent dubious erudition--an 'abomination' that he hates to read: 'If footnotes were a rational form of communication, Darwinian selection would have resulted in the eyes being set vertically rather than in an inefficient horizontal plane.' Our, as Noel Coward put it, encountering a footnote 'is like going downstairs to answer the doorbell while making love.'"

The Congress will undoubtedly play a major role in the future utilization of polygraph. Their views, on the manner of application, may result in constraints on its use in some areas. There are some situations, such as espionage investigations and damage assessment, in which there is virtual unanimity in support of polygraph utilization. This may be due to the fact that the polygraph is perceived as the only method available of answering the most difficult and critical questions in these situations. In other situations, however, it is much more difficult to reach a consensus. With the stroke of a pen, congressional representatives authorized the use of counterintelligence-scope polygraph examinations to protect the classified information contained within our most sensitive defense programs. This authorization could be rescinded in the same manner.

The Congress is a reflection of the public attitude and wishes. Most within our society would say that they want to know the real truth. This is an easy position to take when the truth about certain matters is unattainable. But as forensic psychophysiology continues to develop and we find ourselves closer and closer to attaining the ability to identify truthfulness and deception with a higher degree of certainty, we will find out if society actually desires to know the real truth. The real truth is often too gruesome and creates too much disillusionment for the faint of heart.

Our future concept of security is also likely to change. The actual threat to our national security has changed dramatically since the crumbling of the Berlin Wall. The perceived threat has changed dramatically as well. It will become much more difficult to protect our sensitive information as the chasm between the actual threat and the perceived threat continues to widen.

The threat model remains pretty much the same:

The threat (perception) = estimated enemy capability and
estimated enemy intent to act.

But current threats are ambiguous so the nation must prepare for a spectrum of only dimly outlined threats.

There are some that remain constant. Listen to a few recent headlines:

- "Espionage: The Threat Does Not Go Away"

- "Return of the KGB"
- "KGB, Czech Spies in Cahoots"
- "East German Spy Supplied Fountain of Data About the West"
- KGB Used Embassy Fire as Cover for Spying"
- "Faxpionage"
- "New Course May Be Economic Espionage"

The major target areas of foreign intelligence are also likely to change, which will exacerbate the problems we now have with protecting information. Rather than strategic military information, information concerning new technologies is likely to be viewed as more valuable by foreign intelligence. For developing nations and those with unstable governments, this technological information will be helpful for their economic development, and can be easily converted to military uses when needed.

Our increased dependence on private businesses and contractors will further muddy the waters concerning what information should be protected and what should not. The new world order has engendered a spirit of cooperation among nations which formerly had neither formal nor informal ties. This cooperation will surely include an exchange of information and technologies which previously would have been unthinkable.

The general public believes that the polygraph works, and in national security matters, should be used. Our "opposition" also appears to be convinced since our technologies are copied and countermeasures are developed. We must protect our investment in these kinds of programs perhaps by convincing the judiciary and the legislators through awareness programs or better assurances of due process.

The President has given us four (4) basic objectives:

1. Survival of the Nation
2. Economic Prosperity
3. A Stable World Order
4. Strong Ties to Allies

In pursuit of these objectives, a major challenge will be in the arena of security awareness. We must do better in determining what information should be classified. It will become increasingly difficult to determine what types of information should be classified, as the shades in this area become predominantly gray rather than black and white. We must preclude cleared personnel from unwittingly aiding foreign intelligence by providing sensitive information, albeit, in a spirit of cooperation, which can undermine our own national security.

The Role of Forensic Psychophysiology in Our Future Concept of Security

Knowledge is power. As technologies advance to aid in the development of forensic psychophysiology, other technologies compete to confuse our future concept of security. We must strive to maintain a vision of clarity regarding our future security posture. I am convinced that polygraph will play an integral role in the future of our national security.

It will play that role in combination with many other things. As we look for vulnerability factors in our personnel, for example, it will supplement not only investigations, but continuing evaluation, improved methods of financial examination, and perhaps other forensic procedures. Combinations of new techniques might enable us to find other means of determining eligibility for access to classified information and granting clearances.

There is a social psychology of unauthorized disclosures that is just beginning to be explored. I suspect that there are relationships between motivations for unauthorized disclosure and espionage. Every technique at our disposal should be used in these determinations.

You and I are privileged to have the responsibility for ensuring that our future is secure. We must be leaders, not followers. We must have the personal integrity and resolve to meet the challenges of this important task. In order to properly adapt, we cannot fear change. We must have a desire to learn, to set high standards of professionalism, and to seek new knowledge in our area of expertise.

William Carson speaking on the management of outcome evaluations argues that policy-makers may suffer from two types of foolishness - the failure to estimate and adequately consider potential efforts and consequences of policies and programs before they are launched' and, failing to consider the actual effects and consequences of policies and programs after they are in operation. The first deals with policy analysis, the latter with outcome evaluations.

We have a powerful tool. We still don't understand all of its capabilities nor why it works effectively in some cases and not in others. Evaluation studies need to be developed and made available to policy-makers within our community for support, and outside the community to improve credibility and vanquish detractors with facts that are incontrovertible.

I am honored to be a part of this exciting surge into the future. By working together, I am confident of our success.

* * * * *

A REVIEW OF THE APA SCHOOL ACCREDITATION PROCESS

By

William J. Yankee, Ph.D.

Introduction

First, I would like to thank you for allowing me to come here to make this presentation regarding my views on accreditation.

The purpose of my presentation is to ask the Board to re-evaluate the accreditation process and, if as a result of this re-evaluation the facts permit, new procedures and different approaches to the accreditation process be considered.

Before I proceed, however, I'd like to point out that my comments should not detract from the great job that Rick Holden has done in establishing an accreditation process that is in operation today. He took the process from a basically defunct state to a point where it has been exceedingly valuable during the past few years. Reorganization of the process, training people to make the visitations, and developing the report system, etc., were all very positive steps. I also know, or at least feel I know, that Rick's real plans and ideas were never fully implemented. I think he was detracted, for a variety of reasons, from actually implementing all of the things he wanted to do. These detractions were not necessarily related to academic and professional goals, but rather to practical politics more than anything else.

I personally do not claim to have all the answers regarding accreditation, although I might point out that I have had some experience with accreditation. For approximately 14 years, I served as a consultant examiner for the North Central Association of Colleges and Universities, which is one of the larger accreditation bodies covering the states from Michigan and Ohio on through Arizona and from Minnesota down through Missouri, an 18-state association. Not only did I serve on teams accrediting various colleges, etc., but I also served as the chairman of at least a half dozen of these teams over the years. Consequently I do have some idea of what accreditation is all about; however, I would not want to suggest or recommend that we merely imitate or copy the role of other accreditation associations. Rather, I think we need to look beyond; we need to look at specialized accreditation processes, such as those used by the medical, bar, architectural, nursing, and other such associations.

This is the text of a presentation made to the APA Board of Directors on January 11, 1991. Dr. Yankee, Director of the Department of Defense Polygraph Institute, is a member of the APA. [Ed.]

A Review of the APA School Accreditation Process

Assumptions

Most of my comments are based upon certain assumptions. If these assumptions are not accepted, then my comments will not appear logical and will be subject to all kinds of refutation. The assumptions are as follows: (1) the American Polygraph Association Board has an interest and a desire to establish a meaningful and recognized accreditation process based on the current needs of the program; (2) the APA Board is supportive of a Master's degree level, professional program at Department of Defense Polygraph Institute (DoDPI); (3) that Congress will continue to support the use of polygraph long enough to implement such a program; and (4) that the goals and objectives of the DoDPI will be met. Assumption number four is the key factor underlying all other assumptions.

Goals and Objectives of DoDPI

Since 1987, I have been the Director of the DoD Polygraph Institute. During a faculty meeting in August 1987, I presented the goals and objectives of DoDPI as I perceived them. Later in November, that same year, I presented the program goals and objectives of DoDPI to the Oversight Committee. They were accepted by the Oversight Committee and later supported by the Deputy Under Secretary of Defense for Security Policy [DUSD(SP)].

The first goal was to develop and implement a transition program to take the Institute from an excellent military, technician type program to an excellent, professional model based upon the Master's degree level of professionalism. I do not want to belittle the important role of the excellent military technician program which existed until the time the Institute became a Department of Defense Institute. It was a fine program. It provided excellent polygraph examiners for the field and served its purpose very well. Making a transition from that to a professional program is merely a second step in the evolution of the profession. The second goal was to develop and implement a transition program for establishing an Institute capable of enhancing and directing the evolution of the science of psychophysiology as it relates to lie detection. Any accreditation process would look at these two aspects as a part of determining whether or not the Institute is directing its efforts or to what degree it is meeting its goals. These goals then become important to the process which I will discuss later.

These goals require objectives. A review of these objectives will illustrate where we were then (1987), where we are now (1991), and will serve as guides to how any accreditation program would evaluate the developmental progress of the Institute. Such a joint reference would be crucial to any professional specialization accreditation process.

A primary objective set in 1987 was: By 1990, the Institute will have an organizational structure which has academic, research and administrative flexibility and reasonable autonomy. A number of things have occurred that have influenced meeting this objective. We now have permanent division chiefs (three Divisions) which enhance the organizational structure. In addition, the Director recently received authority to be the program manager for the Institute. This along with the civilian budget management

William J. Yankee, Ph.D.

authorization (CEMA), which was granted last year, allows the Director to operate the Institute with minimal interference from the Army's normal routines. This has provided a reasonable degree of autonomy which is a very important factor in an accreditation review.

The second objective was: By 1990, the Institute will have the means of providing adequate financial resources on a timely and continuing basis. In addition to basic Army funding, beginning in fiscal year 1992, we will receive significant new funding from another program to support and develop ongoing research and instruction.

Recently the Army completed a "single location" study to evaluate and determine whether or not the Institute was sufficiently different to warrant a unique personnel requirement formula. The results indicted that the Institute was different and as a result, based on the 1988 workload, ten additional positions were identified. Once funds are available, we will be able to add a number of new positions to the Institute. Again, this was based on the workload of 1988. Since then, our workload has increased significantly and perhaps even more positions will be identified in subsequent studies. Thus, a second objective has been essentially met.

Another objective was that by 1992, we would have a professionally prepared faculty capable of: evaluating and assimilating the knowledge that is available in the literature; evaluating and assimilating knowledge from on-going research; and implementing that knowledge into the basic curriculum and a continuing education program. I am not sure that we can meet this objective. In one year, it will be 1992 and the Institute's rapid turnover of faculty (an average stay of 20 months) makes it very difficult to prepare the faculty for accomplishing these tasks on a continuing basis. I am not sure when we may be able to accomplish this objective. This is a serious weakness since an accreditation evaluation includes an appraisal of faculty capability to accomplish the mission of the Institute.

A fourth objective was that by 1995, we would have a fully implemented Master Degree program. I don't know whether or not this will actually happen. We currently have a Master's degree program in conjunction with Jacksonville State University. There are many concerns associated with this approach. Tuition is a major problem. Who pays the tuition? Certainly the Institute cannot afford to assume the cost; various agencies are refusing or cannot afford the cost; and many students refuse to pay. Another concern is the disagreement on what the subject matter content of some of these courses should be.

We are seeking permission to issue our own degree. We are looking to qualify with the Federal Department of Education. We are also seeking accreditation from the Southern Association of Colleges and Universities. More importantly, we feel that there should be "specialized professional accreditation" which could come from the American Polygraph Association. Hence, my concern about the accreditation process.

I think that we still have a chance to have a fully implemented Master's degree program by the end of 1995; however, there is still much to be done.

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The last objective is that by 1995, we will have an established, but flexible, curriculum and an established, but flexible, continuing education program. Both of these objectives are likely to be met.

Factors Necessary to Establish a Professional Program and Professional Specialized Accreditation¹

According to Hagerty and Stark, a professional environment is effected by external, intra-organizational and internal influences.

External influences

This involves influences that society requires of the program and factors that are impinged upon it from the professional community. These influences include advice as to what the knowledge base should be, how much autonomy the profession should have, what the accreditation and standards should entail, what the ethics, publications, and alumni involvement should be.

Intra-organizational influences

These influences include financial/technical support matters; patterns of control (governance); and statement of mission.

Internal influences

Internal influences also affect professional preparation. The purpose of the Institute; staffing and program organization (type of faculty, their background, their mix, how you evaluate, fund, support and develop faculty); professional curriculum structure which would entail specialization; the length of time necessary to complete the program; the entrance requirements into the program; and the student/faculty ratio. Curriculum matters such as instructional methodology, the balance between the theory and practice; the core courses; course sequencing; course and program evaluation; as well as a continuing professional education. All of these factors blend to influence the preparation of a profession. These factors will be looked at by the accreditation evaluators to determine how well an Institute is accomplishing its goals and objectives.

How Professional Preparation Relates To and Influences the Education Process

The educational process, itself, will determine the professional preparation, level of proficiency, and competency of graduates. Hagerty and Stark identified the following professional competencies to be crucial to professionalized programs.

Professional Competencies

Conceptual Competence

Conceptual competence is the ability to deal with subject matter relating to the theoretical base of the profession, or in other words, in the

knowledge base. No profession can exist without this aspect. A professional curriculum is built on basic knowledge, whereas technician and trade type curricula are limited to technical competence. In recent years we have added considerable basic subject matter content to the curriculum in the form of our parent disciplines -- psychology and physiology. Unfortunately, in the past we neglected the importance of conceptual competence.

Technical Competence

Technical competence involves the fundamental skills and tasks of the profession. Certainly interviewing, operating the instrument, producing good tracings, analyzing the charts, interrogating, etc., are all fundamental skills and tasks that every examiner must have to graduate from the Institute. The student spends half of his time (one half day for 14 weeks) developing technical competence in the laboratory. In addition, about one quarter of classroom time is devoted to presenting conceptual material as it relates to the technical competence. The students are graduating with a considerable technical competency. From a professional point of view, we would like to see an appropriate mix between conceptual and technical subject matter.

Integrative Competence

Integrative competence determines how well the student can mix theory with practice. This entails being able to select the right method for the right problem, or developing the right questions for a particular test. It involves the ability of the student to take theoretical and practical considerations and integrate them.

Contextual Competence

The student should graduate with an understanding of the political, legal and scientific environment within which he will be operating. Although we do subject our students to the legal and scientific aspect of their environment, we, nevertheless, gloss over the political aspects of the profession.

Adaptive Competence

This is the ability to adapt to theoretical and technical changes that are taking place within the profession. Right now, our students are learning how to operate the Stoelting and Lafayette, almost simultaneously. They will be learning how to use the computer assisted polygraph system and the completely computerized Axciton. They must learn how to be adaptive to changes and to be able to move from one thing to another in a quick fashion.

Professional Attitudes

When it comes to professional attitudes, certainly the student needs to graduate with a professional identity. How much does the student end up feeling a part of the profession? Not only should he join APA, AAPP, or any other professional association, but the real test of identification is whether or not the individual is capable and willing to engage in a rational

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defense of the profession. The key words here are "capable" (does he have the background to defend it) and "rational" (void of emotional argument).

Professional Ethics

Students should know and be able to apply the ethical principles and professional conduct standards of the APA, AAPP, and DoD guidelines. Sometimes ethical considerations go beyond what can be written down. One can be unethical, for example, by claiming that they can do more (be 100% accurate) than what one can really deliver. Actions and statements can be unethical even if they are not written in the guides.

Scholarly Concern for Improvement

To what degree does the professional cooperate and participate in research and other scholarly activities? This must involve more than lip service. A person must be willing to learn and participate in an active manner.

Motivation for Continued Learning

Being motivated to continue one's learning is more than planning to attend conferences in the mountains or at the seashore. This involves actively seeking out opportunities to learn, to broaden one's professional knowledge by reading, studying the written literature, and activities of this type.

These are some of the aspects that must be considered as we contemplate an accreditation program at a professional level. Obviously, the Institute, as I have described it thus far, is not totally prepared. However, I think if the APA and the Institute were to proceed to make progress toward professionalization, within two or three years the level of the Institute's program will be compatible with a true specialized professional accreditation process.

Proposals

At this time, I would like to propose some considerations for professional accreditation. Before I begin, I want to mention three assumptions upon which these proposed considerations are based. First, it is assumed that private, commercial polygraph schools will not (from a practical point of view) be able to meet the professional level of program development that will be prevalent at DoDPI. I am not saying it is impossible, but it will be difficult to establish the conditions normally associated with specialized professional accreditation. Secondly, private commercial schools are vitally necessary to meet the training and technical needs of state and local governments. Thirdly, the DoD Polygraph Institute will eventually become a true Master's degree level professional institute.

Considerations

A. The APA Board direct that the current accreditation process be re-evaluated; and as a result of this re-evaluation, redefine the purpose,

procedures, assessment tools, and qualifications of assessors. If the results warrant, the APA establish a multiple accreditation program of different types and levels.

B. The APA Board direct that the accreditation process be shifted from a teaching to a learning orientation. In the past, the accreditation evaluations have been from a teaching point of view. In other words, the assessor would come in, look at the program of instruction and tabulate podium hours. If the hours were dutifully logged, and the minimum hours were met, the program could be accredited. No attempts were made to observe what had been learned and how conceptually and technically capable the students were upon graduation. The evaluation process should be shifted from a teaching to a learning orientation.

C. The APA Board direct the development of at least two types of accreditation: one, a technician type and two, a professional type. The choice of these words are immaterial. Other terms could be used. These terms were used simply to identify the fact that some kind of distinction should be made.

D. The APA Board require that DoDPI accreditation standard compare, as a minimum, with the requirements of accreditation applied to other professional specializations. The evaluation should cover more than the basic course, it should evaluate the entire Master's degree, a 36-credit hour, program.

E. The APA Board ensure that the assessors for the DoDPI professional accreditation process have the knowledge and background to assess the program for which they are assigned.

F. The APA Board determine that the accreditation process will be adequately funded to pay the assessor's adequate compensation.

G. The APA Board direct the results of an accreditation visitation lead to improvement in professional advancement.

Thank you for taking the time to listen to me. I'll be happy to answer any questions that you may have.

Reference

¹ The following information is based upon the material presented in the article by Bonnie M.K. Hagerty and Joan S. Stark, "Comparing Education Accreditation Standards in Selected Professional Fields," Journal of Higher Education, 60, (1), 5-6, January-February.

* * * * *

HIDDEN CONTROLS

By

Robert A. Brisentine, Jr.

Since 1947, when John E. Reid introduced the Control Question into a structured sequence, the overt control question has been defined as a question that relates to a similar but unrelated offense than that which is being tested through use of the polygraph. It is designed in such a manner that the examinee will probably lie in responding to it. It is also designed to pose a threat to the security of the innocent or truthful examinee and force him to focus his attention upon this question. The examinee must believe the question is important. The hidden control, which has existed for at least 30 years, serves the same purpose as the Overt Control Question except that the examinee believes the question to be relevant.

During November 1961, following completion of a course on Zone Comparison taught by Cleve Backster at the National Training Center of Lie detection in New York, Tom Puckett, one of the instructors at the Army Polygraph School, informed me that Cleve advocated that in specific testing, the control question must not relate directly to the matter under investigation and should be separated from the relevant area by time, location or condition. During this same month I conducted the first Zone Comparison polygraph examination in the Army and since that time I have always separated the controls from the relevant area by time, location or condition.

According to Army Polygraph School Instructions and hand-out material provided students attending the Army Polygraph School during the period 1962 through 1985, the theory of polygraphy is based on the premise that the lying person fears detection causing physiological changes which can be recorded with the polygraph instrument and diagnosed by the examiner. The school also taught that fear of Detection must be experienced by the person being examined or physiological changes will not occur and the polygraph charts cannot be diagnosed. It is essential to remember that when an examinee enters the polygraph room, it must be considered that he or she is experiencing fear in at least one of four areas. They are: (1) Fear because he or she may be detected for a crime he (or she) committed, (2) Fear because of issues not directly related to the issue, (3) Fear because he (or she) is suspected of a crime he (or she) did not commit, or (4) Fear that the procedure will falsely detect he (or she) committed a crime. The hidden control is of great assistance in eliminating all the fears except the fear generated by the person who committed the crime.

To establish a Psychological Set, it is necessary that a Pretest results in channeling the examinee's fears, anxieties and apprehensions to the situation which holds the greatest immediate threat to his or her self preservation or general well-being. The examinee should be properly pre-tested wherein he or she tunes in that which indicates trouble or danger by having his or her sense organs and attention tuned for a particular

stimulus, and tunes out that which is of a lesser threat to his or her self preservation or general well-being.

The hidden control does not violate rules pertaining to question construction as it should be formulated in a manner that the examinee's answer is a known lie, probable lie, or a possible lie. Additionally, the hidden control, like the overt control, must be simple and direct, should not include legal terminology, should be constructed in such a manner that will enable the examinee to answer "yes" or "no", should be short as possible, should be phrased in language the examinee can easily understand, should not be in the form of an accusation, must refer to one offense only, should not contain an inference that presupposes knowledge on the part of the examinee, and should not control any emotional evoking words.

The hidden control should be used when it is considered by the examiner to be superior to the use of an overt control question but only if a hidden control can be developed that meets the criteria for a control question. There are instances when the hidden control is indispensable. These include those occasions in which the examinee has identified the overt control question as a measuring procedure for polygraph testing, those occasions in which the examinee will not answer control questions, and in those occasions the examiner chooses to use the Relevant/Irrelevant (Keeler) technique. I have been using hidden controls in excess of 30 years and in many instances it has been of immense assistance to my successful completion of an examination. I can remember many instances when I have been informed by examiners, who had only been trained in Control Question procedures, that the examinee did not object to answering relevant questions, but had refused to answer control questions. In many of those instances I advised the examiner to use hidden controls and continue with the examination. In each of those occasions the examiner realized excellent results.

A hidden control in an Aggravated Assault case in which the examinee contends he was assaulted by another individual would be "Do you think you sometimes cause other people to become angry enough with you to cause you injuries?", or in a sexual assault or rape case, it may be appropriate to use a control question during the alleged victim's examination like "Do you think you encourage other men to desire you?" In a larceny case the victim may be asked as a hidden control "Did you lie when stating that you always properly safeguard your property?" In each of these questions, the examinee believes the hidden control questions are relevant to the issue. Recently I examined an individual on the polygraph, who during a prior interrogation had been accused of lying when he denied conferring with two individuals, at the same time, who were under investigation for fraud. Although my subject would not have been guilty of a crime if he had met with the two individuals, it was obvious from listening to a recording of the prior interrogation and speaking with the examinee that he was concerned because he was accused of lying when he denied meeting with the two individuals. I used this question as a hidden control, while my relevant questions pertained to the actual commission of the Fraud under investigation. In each chart the examinee responded greater to the hidden control than to the relevant questions. My conclusion was "No Deception Indicated" as obviously my examinee, if deceptive, would have responded greater to the question about the

Hidden Controls

commission of a felony crime than to lying about meeting with two individuals, which in itself would not constitute a crime.

The hidden control is not a "cure all" or a procedure that should replace the overt controls in Control Question testing. However, it is a valid means of conducting a Control Question examination when overt controls are not working well or the examinee refuses to answer the overt control question.

* * * * *

THE EFFECTIVENESS OF THE DISCLOSURE TEST
WITH SEX ABUSERS OF CHILDREN

By

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and

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and

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This journal has chronicled the development of a new and most valuable use of polygraphy - polygraph surveillance. While it had its beginnings in the sixties where it was used with a variety of offenders on probation, a more formal approach was initiated in Oregon in 1973 (Partee 1975). A year after its inception, this procedure was described by Riegel (1974). It was developed to monitor probationers that would serve to deter them from re-offending through the use of periodic polygraph examinations. Each probationer stipulated to the use of repeated testing at the time of the sentencing. However, one of these individuals stated that "... she did not freely and voluntarily enter into the polygraph stipulation" because the choice between incarceration and entering into the polygraph stipulation was not a free choice at all. The Oregon Court of Appeals found that the "defendant voluntarily and freely executed the polygraph stipulation." (State v. Wilson) At the time that that paper was published, there was not sufficient opportunity to evaluate the success of the program, but four years later Teuscher reported on its progress (1978). He indicated that in addition to the original program an additional two programs had been developed in Oregon and all three of them were successful. The subjects utilized under polygraph surveillance had a history of failures in the community and ordinarily would not have been granted probation because of their past records. Despite the more difficult population, sixty of the 117 cases were deemed to be successful. In addition to this, many admissions were obtained and "thousands of dollars in stolen goods and drugs had been recovered."

In 1983, a two-year study was initiated with a group of probationers who were supervised by corrections officers being compared with a second group who, in addition to the probation supervision, received periodic polygraph testing (Abrams & Ogard 1986). The offenders consisted of burglars, substance abusers, and sex offenders. The findings indicated that those on polygraph supervision were successful in 69% of the cases as compared to 26% of those who were not being tested. These results were statistically significant at the $<.001$ level and dramatically showed the deterrent effect of repeated polygraph testing. Since there has been little study of the effects of repeated testing on polygraph validity, this was evaluated as

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well. In every instance of deceptive findings, an admission was obtained, whereas with truthful findings, no contradictory evidence was reported. While it certainly was likely that some of those individuals were offending and not be apprehended, the number of failures in the non-polygraph group who were apprehended would suggest that this was not happening to any great extent. The number of sex abusers in that study was rather small, seven in the experimental and seven in the control group, but the former were 28% more successful in serving probation than those without probation surveillance.

The results of this investigation indicated that periodic testing of the general criminal population would effectively serve to deter these individuals from re-offending, however it was recommended that this procedure be employed with pedophiles rather than the criminal population as a whole. The reasoning behind this was that sex abuse was epidemic and that there was no indication that this problem has diminished. Therapy has been unable to cure these individuals and the compulsiveness of their disorder almost guaranteed re-offending. There was also evidence that some of those who had been offended, offended others, so that it is possible that an increase in the problem actually would occur. Moreover, it has been shown that the sexual abuse of children results in scars that persist for life. Finkelhor(1986) has reported that many of these victims as adults suffer from eating disorders, drug problems, multiple personalities, prostitution, depression, and many other areas of difficulty. Because of all of these factors and the very despicable nature of the crime it was believed that there would be considerable support from the community in developing problems of this nature.

Polygraph surveillance of sex abusers has spread through Oregon and Washington to the extent that it is now difficult to find a pedophile on probation who is not being periodically tested. Following the Northwest's lead, a number of other states have initiated similar programs. The success of these procedures has been dramatically demonstrated by comments made before the Oregon Polygraph Licensing Board(Abrams 1991). Judges indicated that without polygraph supervision they did not feel that they could safely place pedophiles on probation; sex therapists stated that treatment could not be effectively conducted; and probation officers felt that these offenders could not be adequately supervised without the use of polygraphy. The periodic polygraph tests have proven themselves effective in reducing the prison population, the cost of housing these individuals, the supervisory time of probation officers so that they can work with other charges, and they also serve to apprehend re-offenders, protect the community, and deter the pedophile from re-offending.

Another polygraph procedure, however, has been developed that has become a significant part of the treatment process. The second procedure, the disclosure test, functions in a very different manner. Much like employee applicant testing, it allows the examiner to evaluate the past behavior of the individual. In this case, however, the purpose is to determine the pedophile's past history of aberrant behavior. Because of the concerns of being apprehended and also because of some degree of shame, the sex abuser is most secretive about his past sexual behavior. Sex therapists have indicated that it is impossible to successfully treat an individual who

is in denial. Throughout their life, pedophiles have lied, responded evasively, and have done everything that is possible to keep their sexual acts hidden. Denial has become part of their personality and it is very difficult to break through this. If the child molester admits to the act of which he has been accused, it is unlikely that he will admit to other past acts against children or any of the other abnormal sexual acts to which he or she has been exposed. A case in point was presented by Dr. Humbart of Eugene, Oregon before the Oregon Polygraph Licensing Board. He stated that he had a group of eight patients who had been charged with a total of 16 offenses. They had been convicted of 12 of these. After many individual and group sessions in which he had attempted to break through their denial, he was successful in pressuring them into admitting to 2,085 aberrant sexual acts. Disclosure testing has increased that number to 13,680 admissions. The threat of the polygraph test has been sufficient in making this hidden data more available.

This testing is generally administered on the basis of a referral from a therapist. Typically, the questions they want answered relate to the number and names of other victims, the types of sexual acts performed, whether force was used, and in what other abnormal sexual behaviors they were involved. The test is usually administered about three months after treatment has been started. The pedophile is informed by the polygraphist that his denial is impeding the progress of therapy and if it is to be successful he must discuss all of the abnormal sexual acts in which he has been involved. If, after he has made his disclosures, he fails the test, it demonstrates his lack of motivation to deal with the problem and the therapist will then consider eliminating him from the treatment process. Since therapy is one of the conditions of probation, this may well mean that he will be revoked. Typically, with this threat hanging over the pedophile's head, admissions are made prior to the test itself. If deceptive findings are found, there are usually additional admissions made at the end of the testing as well. Figure 1 shows the typical areas covered in the test.

FIGURE I

- I. INCIDENT RELATED TO ARREST
Name(s) / Age(s) / Sex of Victim
Acts Performed
Force of Threat Used
- II. PRIOR VICTIM(S)
Name(s) / Age(s) / Sex of Victim
Age of Subject at Time
Acts Performed
Threat/Force Used
- III. SUBJECT VICTIMIZED HIM/HERSELF
Age of Subject
Perpetrator & Age
Acts Performed
- IV. PEER SEXUAL RELATIONSHIPS
Name(s) / Age(s) / Sex of Partner(s)

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Age of Subject
Acts Performed
Force/Threat Used

V. MASTURBATION

Age
Fantasies
Objects Used

VI. PORNOGRAPHIC MATERIAL

Age

VII. GROOMING OF VICTIMS

VIII. ANIMALS

Age of Subject
Acts

IX. EXHIBITIONISM

Masturbate

X. VOYEURISM

XI. TRANSVESTITE BEHAVIOR

XII. FORCE

Weapons Used

XIII. HOMOSEXUAL

Acts
Fantasies

XIV. PHONE SEX

XV. ARRESTS

Acts

XVI. DRUGS

Age
Type

XVII. ALCOHOL

Age
Type

XVIII. SOCIAL OR SEXUAL CONTACT WITH GROUP MEMBERS

Reports by therapists indicate that this procedure is highly effective in breaking through the patient's denial. A paper from Jackson County, Oregon Correction's Department has reported on the effectiveness of this procedure(1991). They indicated that their patients have been willing to

admit to the full scope of their offenses which allows them to much more successfully treat these individuals. Because this data has been obtained under some degree of duress, the District Attorney has declined to prosecute them for the past offenses.

Despite these anecdotal reports, there has been no formal attempt at studying the effectiveness of this procedure. Therefore, this investigation attempted to determine both its effectiveness in obtaining information related to past abnormal sexual acts, and to attempt to determine the validity of the approach.

METHOD

The files of every patient in a sex abuser treatment clinic in which polygraph testing had been initiated at least two years prior to the termination of therapy were evaluated. In those instances where periodic testing was utilized, but not disclosure testing, these data were excluded from the study. The following data were tabulated:

All of the admissions made of sexually deviate behavior to the therapists prior to the examination.

The admission made during the pre-test phase of the polygraph disclosure test.

The critical questions in the disclosure test and whether the results were truthful or deceptive.

Admissions in the post-test phase of the examination to those deceptive findings.

Admissions made in the two or more years following the disclosure test that pertained to any of the questions on the disclosure test. These admissions might have been the result of group therapy or individual sessions with the therapist.

The findings that resulted from these data would indicate the effectiveness of the polygraph in obtaining admissions. Because of the great emphasis by the therapist on disclosure, it was seen as an effective means for evaluating the validity of the polygraph tests for both the truthful and deceptive findings.

RESULTS

The files of 83 individuals were evaluated, but 12 of those had to be eliminated because no disclosure test had been administered. The remaining 71 subjects had been in treatment for at least two years. Prior to the examination itself, a total of 166 admissions on 45 subjects had been obtained, but in the pre-test interview, another 538 disclosures were made. These results were thought to be skewed because one subject made 300 admissions. Post-test interrogation resulted in an additional 92 disclosures from 42 subjects for a total of 630 admissions. Excluding the 300 admissions

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made by the subject, an average of 4.7 admissions per subject were obtained on the remaining 70 subjects.

Of the total 71 subjects, 21 (30%) were found to be non-deceptive and 50 (70%) deceptive. Those who were deceptive showed a total of 98 deceptive responses to relevant questions. From those 50 subjects found to be deceptive, there were 61 admissions during the pre-test and an additional 42 admissions during the post-test phase of the examination. Two additional subjects made admissions to their therapist. In all, 45 of the 50 deceptive subjects later made admissions, providing a minimum 90% verification of the deceptive results. It is, of course, quite possible that some of those deceptive subjects were still in denial. Regarding the specific questions, a total of 98 deceptive responses was obtained on the 71 subjects and there were 77 admissions to those 98 responses following the test and another 7 admitted later to the therapist for a confirmed minimum accuracy rate for the individual questions of 86%. Twenty-one of the total group of 71 subjects were found to be truthful and only 2 of these subjects later made admissions during the treatment sessions. For the truthful subjects, an accuracy rate of 95% was found, but that is unconfirmed. Because some of these patients may have been withholding information, the accuracy rate of the truthful subjects might be lower than 95%. An additional 8 individuals who were found deceptive not only admitted to those questions to which they had lied, but made an additional 15 disclosures. In addition to this, however, another 7 individuals who had been found deceptive and made admissions, made an additional 618 admissions to the therapist. This figure is distorted by the fact that one person admitted to 600 of the other acts. These additional admissions can be readily understood. Deceptive findings were obtained and followed by disclosures. No further testing was conducted on these persons to determine if any other admissions were being withheld. Had additional testing been carried out, there would have been more deceptive findings and more admissions.

DISCUSSION

The findings of this study indicate the value of disclosure testing within the treatment realm of sex abusers. However, the average of 4.7 admissions for 70 of the 71 subjects was disappointing and seems somewhat inconsistent with the claims made by therapists and examiners at the Polygraph Licensing Board Hearings. It is seen as likely that the many admissions made to the therapist prior to the examination might have resulted from the threat of polygraph testing in the near future. Another factor is that the therapists operating this particular program have a "no nonsense" reputation and a high rate of eliminating patients from their program if they do not cooperate. This probably fosters many disclosures being made prior to the testing process.

In consideration of the possible difference in results that could be obtained in another treatment setting with a different treatment philosophy and a different testing approach of the examiner, this study will be repeated. A third aspect of this research will be to replicate the original study conducted by Abrams and Ogard to determine if periodic testing is as effective a deterrent with a sex abuser population as it was with a more general

criminal group. The validity of this procedure will also be evaluated at that time.

The findings on the validity of disclosure testing were more positive. A minimum of 90% accuracy for deceptive and a maximum of 95% for the truthful was verified by admissions. As is always the case with field polygraph research on validity, corroboration of truthful findings is difficult to obtain. If errors do occur, however, it is more likely to be in the area of false positives, diagnosing the truthful as deceptive rather than a deceptive subject being seen as truthful. Considering this, the 95% accuracy of those found to be truthful is seen as a reasonably accurate representation of the results. These findings are generally comparable to polygraph validity for both the truthful and deceptive subjects within the general criminal population (Patrick & Iacono 1987). Therefore, disclosure testing is viewed as a polygraph procedure that serves a useful purpose in the treatment of sex abusers and demonstrates a high degree of validity as well.

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* * * * *

POLYGRAPHY: A NEW BEGINNING

By

Stan Abrams, Ph.D.

The scars created by the sexual abuse of children do not diminish with time, but rather, they endure for a life time. There is firm evidence that these assaults upon the innocence and helplessness of children play a role in such diverse disorders as multiple personality, drug use, prostitution, post-traumatic stress disorder and eating disorders. Moreover, it perpetuates a cycle of further abuse because some victims themselves become abusers. Whatever conditions that exist in our environment that cause people to become pedophiles persist and treatment cannot cure them. Therefore, the epidemic nature of sexual child abuse will continue unabated. Therapy does serve to teach some pedophiles to control their acting out behavior and probation services can play some role in supervising these individuals, thereby, inhibiting their behavior. However, more and more it is being demonstrated that polygraphy can play a significant role in the treatment and deterrence of sexual abuse. In fact, this writer strongly believes that every polygraphist is obligated to develop programs of this nature in his state, not only for the protection of children but women as well. With the increased violence to women, it is time to develop comparable programs for rapists.

The early development of programs for polygraph probation supervision has been described previously in this journal.¹ That article described the growth of polygraph surveillance testing in the Northwest as well as the validity and deterrent impact on this approach. In the years that followed the early development of these programs there was a recognition of the need to concentrate the use of this technique with pedophiles rather than the criminal population in general. The results of this has been that the majority of sexual abusers in Washington and Oregon is now under polygraph surveillance. Much more emphasis was added to this movement when a child in Tacoma, Washington was sexually mutilated and man in the Portland area killed three children. The result of this has been that both states enacted more laws to protect children. A Governor's Advisory Committee was formed in Oregon to deal with the role of corrections in a number of areas which included pedophilia. Since it is felt that it is of extreme value for polygraphists, but also for probation officers, the courts and sex therapists in their respective states to be aware of their recommendations, that portion dealing with polygraphy follows.

¹ Abrams, S. and Ogard, E. Polygraph Surveillance of Probationers, Polygraph, 15(3), September 1986, 174-182.

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"The following options should be available during periods of supervision for sex offenders: (1) intensive supervision in conjunction with behavioral control programs and alcohol and drug treatment for qualified offenders; (2) regular probation or post-prison supervision to support and monitor offender's progress in the community; and (3) periodic, random polygraph monitoring examinations, the failure of which would return an offender to more intensive sanctions or supervision.

"The Task Force anticipates that many sex offenders would be subject to all three of these sanctions in the order set forth above. It may also be appropriate for some offenders to begin the period of supervision with regular supervision. As discussed below, polygraph examinations would be used to monitor and deter offenders during intensive or regular supervision by a parole and probation officer, as well as after such direct supervision is completed. The Task Force also recommends that house arrest and electronic surveillance be used during periods of intensive or regular supervision in appropriate cases.

"The 1991 Legislature should provide funding for periodic polygraph examinations of sex offenders under supervision, in order to monitor and control their behavior in the community for longer periods of time than would otherwise be possible.

"Reports from its technical advisors and available literature persuade the Task Force that periodic polygraph examinations of adult sex offenders, as part of the supervision program recommended above, offers a practical, cost-effective method to extend a large measure of the protections to the public otherwise provided through direct supervision by a parole and probation officer. In a world of unlimited resources, some of the Task Force's advisors would recommend such supervision for life, at least for the most serious sex offenders.

"While this would be an effective strategy to promote public safety, the Task Force doubts that it is attainable with the resources realistically available to the Legislature. However, with the use of periodic polygraph examinations as an integral part of a supervision program, the Task Force believes that sex offenders can be monitored and controlled for much longer periods of time at a substantial, though realistic, cost.

"This recommendation does not represent a novel proposal. Oregon's judges have used polygraph examinations to monitor offenders and reinforce their obedience to conditions of probation for some time. For example, in 1973 a Circuit Court judge in Multnomah County placed an offender on probation with the special condition that he participate in a new polygraph surveillance program. By May 1, 1977, the last of the 197 offenders to participate in the program was sentenced to polygraph surveillance.

"The Department of Corrections' staff would have the discretion to order polygraph examinations at any time during community supervision. The Task Force recognizes that polygraph examinations can be an important component of supervision, as well as behavioral control programs. However, when used as a substitute for, rather than an adjunct to, community supervision,

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this program's potential to extend meaningful surveillance and control over sex offenders at a realistic cost will be maximized.

"The type of polygraph examination contemplated by this recommendation is referred to as a 'monitoring examination' by experts in the field of polygraphy. The polygrapher's questioning of an offender under such an examination should be strictly limited to his compliance with the terms and conditions of supervision. For example, a 'predatory pedophile', who victimizes children at every available opportunity, would be questioned about compliance with the condition of supervision requiring him to stay away from schools. A 'situational pedophile', who victimizes particular children such as family members, would be questioned about his compliance with the condition of supervision prohibiting him from being near the location of the victims.

"If an offender failed this monitoring examination in the opinion of the polygrapher, the offender's parole and probation officer would be authorized to recommend returning the offender to more intensive community sanctions, such as regular or intensive supervision, and house arrest or electronic surveillance. Judges who sentence offenders to probation, and the Post-Prison Supervision Board which oversees the supervision of offenders released from prison, would be authorized to impose these more intensive community sanctions upon finding that an offender failed his monitoring polygraph examinations.

"The Task Force contemplates that the Department of Corrections would assume primary responsibility for the determination of the general levels of sanctions to which sex offenders would be subject during community supervision. For example, the Department's staff would determine when an offender should move from intensive supervision to regular supervision, and when house arrest or electronic surveillance should be imposed or removed as a condition of supervision. The Department's staff would also have the discretion to order a sex offender to submit to a monitoring polygraph examination at any time during the sentence of supervision.

"However, like current decisions to revoke parole or probation, decisions to place sex offenders exclusively in the polygraph monitoring program, or to return them to supervision for failing an examination, represent qualitative differences in the imposition of restraints on offenders and implications for public safety. Therefore, these decisions should be subject to a due process hearing before a judge or the Post-Prison Supervision Board.

"To ensure that these polygraph examinations are administered cost-effectively, the Task Force recommends, as a long-term objective, that the Department of Corrections consider employment of licensed polygraphers to administer monitoring polygraph examinations of offenders on community supervision. In the meantime, the Department will have to rely upon the services of polygraphers at the State Police when available and upon private practitioners.

"The Task Force recognizes that this program will place a huge demand on polygraphers currently licensed by the state. It will also create a new demand for polygraphers that cannot be met simply with dollars.

"The Task Force has been informed by the Polygraph Licensing Board of the Board of Police Standards and Training that there are currently 58 licensed polygraphers in the State of Oregon. The Task Force has not had sufficient time to obtain firm estimates of the demands for new polygraphers which would be created by this polygraph monitoring program. However, the Task Force has received a preliminary estimate from its technical advisors. Assuming that ____ sex offenders now under supervision in the community were subject to this program, it has been estimated that as many as 75 new polygraphers would be required in Oregon. In addition to the cost of their salaries, these new polygraphers will require at least a year of clinical training before they will be effective examiners.

"The Task Force also recognizes that this monitoring polygraph program will not be inexpensive. Fees for monitoring examinations by private practitioners currently range from approximately \$75 to \$150. Assuming that an offender is examined three or four times per year, the annual cost per offender would be approximately \$225 to \$600. However, this is considerably lower than the estimated annual cost per offender for intensive supervision of \$2,664, based upon caseloads of 25, or for regular supervision of \$972, based upon caseloads of 73. Therefore, the Task Force urges the 1991 Legislature to implement this polygraph monitoring program as a cost-effective method to extend the period of meaningful surveillance and control over sex offenders."

The polygraph testing discussed in these recommendations are of two distinct types, periodic and disclosure examinations. In regard to the former, these tests are administered approximately every six months at the request of the court, the probation officer, or the therapist. The questions asked relate to the needs of the referral source, but generally they deal with the conditions of probation. Therefore, questions such as "since your last polygraph test, have you ever been alone with a child?" or "Have you had any manner of sexual contact with a child since your last polygraph examination?" This procedure serves as a deterrent to re-offending and as a means of apprehending those who do re-offend. Despite the repetition of these tests over the years, the early research has indicated that this approach is both valid and an effective deterrent.

Disclosure testing is more similar to the testing of job applicants. Usually administered at the request of the sex therapist, it is an attempt to ascertain the types of aberrant acts in which the patient has been involved and the names and number of children molested. The purpose of the examination is to eliminate the denial which is so much a part of the pedophile's life. Without knowing all of the areas of sexual abuse in which the individual has been involved, therapists indicate that they are severely handicapped in the therapy of these individuals. In addition to the therapeutic value of this approach, it also allows for the identification of those children who have been victims so that treatment can be initiated if it is needed.

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Following the findings of the Governor's Advisory Board, the Oregon Polygraph Licensing Board held two days of hearings on the use of polygraphy in the supervision and treatment of sex abusers. In substance, judges said that they did not feel that they safely could place sex abusers on probation without polygraph surveillance; probation officers stated that these individuals could not be adequately supervised without polygraphy; and sex therapists indicated that treatment approaches without the use of the polygraph could not be conducted appropriately. The following are just some of the comments made by those who attended:

In regard to the issue of civil rights, Judge Leonard indicated, "in those situations people talk about the polygraph being an invasion of an individual's rights, that it's overly intrusive. What is forgotten is that these people are convicted people. They've been convicted of felony sex crimes, and by being convicted of a felony sex crime, these people have lost a good number of the rights that insulated them before they came into the courtroom and were found guilty, or pled guilty to a charge. I mean they no longer have the right to walk out a free person. I may take it away from them. And if I have the ability to decide whether somebody is going to be at liberty or not be at liberty, I certainly feel comfortable as a judge in deciding whether or not somebody's going to take a polygraph examination so I can determine whether they're going to stay at liberty. And I'm going to continue to use it as long as it's available to me, and I'm going to use it in all of the situations that I think are appropriate. When a therapist is in agreement with the use of that polygraph examination to promote the purposes that the therapist is aiming for with the individual, that is to try to control their behavior so those people that are threatened by a particular individual can feel a little bit safer when they're out in the community."

Judge Leonard also discussed the ability of the polygraph technique to obtain admissions related to the abuse of children in those cases that were not known to anyone, "... the initial disclosures made by sex offenders are rarely complete or accurate. The use of the polygraph dramatically increases the number of disclosures the men choose to make, and the polygraph used in conjunction with an established rehabilitative program appears to be effective. The abusive behaviors which brought the men to the attention of the criminal justice system represent only the smallest fraction of their total deviant behaviors. The disclosures that had not been made represent the shame that permeates the culture of the sex offenders, that they keep it all secret. ... what I have seen in my work on the Bench is that the polygraph is as effective as any tool that I know of in getting out disclosures, in determining whether somebody may have re-offended, and determining whether somebody is at risk to re-offend.

"What I think that sometimes gets lost in the discussion of the use of polygraph, especially when it comes to probationers, is that it can be used both for probationers and people that are post-conviction prior to sentencing. I often times have people who have been convicted of sex offenses receive a sexual evaluation which may include the use of a polygraph before I sentence them, so that I can have as much information as I can."

Another advantage of the results of disclosure testing was brought out by Jan Hindman, a nationally known therapist of both victims and abusers. "...children rehabilitate in direct proportion to the number of years spent in secrecy. If through the use of the polygraph we can find out about the offender's extensive history and provide treatment for those victims, children will have a much greater opportunity to rehabilitate. I believe the use of the polygraph can make an important contribution to victims as well as to sexual offenders."

Another therapist, Dr. Humbart, demonstrated the degree of denial that exists in pedophiles related to the acts that they have committed. "There was a group of eight men in a particular treatment group that had seemed to be doing quite well. It was unusually stable, with the same members remaining in the group for several months. I think they'd had one new member in recent months. And what had happened is that the group had coalesced together to work on what they had disclosed without really pushing each other too hard to open any other doors, any new doors. And I was getting increasingly comfortable, and so in January, made the decision to begin polygraphing each of the men in this group.

"Of the eight, the number of charges that they were initially accused of was 16. The number of crimes which they were ultimately sentenced for, they either pled guilty or were convicted was only 12. Through the use of the interview, sexual history questionnaires and group process, up until January of this year that group of eight men had disclosed a total of 2,085 deviant behaviors in their history -- deviant or inappropriate sexual behaviors. By May 1, after having completed a series of polygraphs and working with these men, that number had grown to 13,680 deviant or inappropriate sexual behaviors that had been disclosed. Now, that last number is somewhat skewed by one individual who had adamantly maintained that he had sexually abused one daughter on three occasions all through treatment. Since the polygraph process, he is now disclosing, 'Let's say it's about 7,500 times with at least 1,000 different people.' That man had been in treatment for several months, had completed pretty much all of the other screening devices that are available to me, maintaining that he had the one victim. If you eliminate that individual from the 13,680 figure, the average for the remaining seven individuals is still well over a thousand incidents each.

"These men and women, but primarily and overwhelmingly males, develop the behaviors over a period of time, they become compulsive behaviors that they cannot control without treatment, and even with treatment it's very difficult for them. If I'm going to do this work, I need all the help I can get, and the polygraph is an essential piece of that."

Dr. Knapp also emphasized the importance of eliminating denial in treatment purposes. "Currently I use polygraph examinations in my treatment of offenders to assist in diagnosis and in the clinical treatment process. Offenders are required to take a disclosure polygraph examination approximately three months after entering treatment. This examination serves to confirm their honesty in disclosing their previous sexual history. This information is of crucial importance in the treatment process. Without knowing whether the offender's history has been related honestly, it is

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really impossible to make safe decisions about what restrictions to place on the offender in terms of contact with minors.

"As you may realize, many offenders have problems with secrecy and attempt to hide their sexual abuse history. For them to become involved in a meaningful sense in the treatment process, it is necessary for them to open up and disclose all of the deviant sexual behavior for which they may feel intense shame and guilt. It has been my experience that many of the men who sexually abuse children and others do feel significant shame, and further, that this shame becomes a part of their sexual abuse cycle and serves to increase feelings of low self-esteem, etc. Until they can disclose the deviant sexual behaviors they have committed and begin to discuss these openly with their treatment group, their ability to accept themselves, to bond with the treatment group and to attempt to find new ways of coping with life stresses is hindered, and their psychological treatments jeopardized. This kind of disclosure is something many offenders would not do voluntarily. Hence, the coercive pressure of the polygraph examination is instrumental in getting the offender to disclose.

"Not only is the polygraph instrumental in facilitating the treatment of the offender, but it is also instrumental in monitoring the offender throughout his course of treatment. It is my opinion that I would not know what the offenders in my treatment group were doing outside of treatment if I did not have access to competent polygraph monitoring of their behavior. It is not unusual for offenders to make disclosures in group prior to taking the polygraph examination, and without such an examination I believe these people would keep much about their deviant sexual behavior, thoughts, and feelings secret.

"In summary, I wish to go on record as wholeheartedly supporting the use of polygraph examinations in a clinical and therapeutic setting to assist in dealing with people involved in sexual abuse offenses. My use of polygraph examinations in Jackson County is one of the primary tools, I believe, which helps make my therapy effective and also protects the community from sexual abusers who may be in treatment but who may not be conforming to the requirements of their treatment or probation."

Mr. Miller, also a therapist, discussed the deterrent effect of polygraphy stated, "I've had over twenty people, offenders tell me that if it wasn't for the polygraph, that they would either continue to masturbate to deviant themes, or possibly look at ways of acting out. I've had three specifically tell me that they came very close to breaking the conditions of their probation, with a child, and the thought of going through the polygraph examination popped in their head, and knowing that, recognized that they can't be doing this."

Related to the surveillance of pedophiles, Judge Larson indicated "...polygraphs are really one of the very few available practical, relatively inexpensive tools for trying to monitor what's going on with the sex offender. To push that sex offender in terms of treatment in the right direction, and to keep that person going in the right direction in being able to periodically monitor how that person's doing, both in treatment, and maybe in his personal life outside of the treatment provided. Without that tool in

sort of a descending scale or increasing scale of specificity or generality, as the case may be, that tool would become unavailable and I think sex offenders basically would be noncontrollable to the court process. I think there's just no way of getting around it. Either you would have to lock them up for as long as you possibly can, and recognize that treatment is largely unsuccessful."

In regard to the issue of immunity for those abusers who admit past acts of abuse, Judge Larson said, "It seemed to us largely useless to waste resources on another prosecution when you already had the person placed under the jurisdiction of the Department of Parole and Probation. And the real question being is the treatment, if that's going to be tried, working and moving in the right direction. And to the extent that disclosure is important in the treatment program, it seemed to us the throwing away of good resources to do what we'd already accomplished, which was to get the person convicted and under treatment."

From the vantage point of a probation officer, Carol Manstrum said, "... it is my experience that the polygraph is an essential tool in the supervision and treatment of sexual offenders, particularly because of the complexity of the sexual offending behavior, and the secretiveness and denial that often accompany it. The polygraph assists the supervising officer by providing information as to whether clients are complying with conditions, whether clients are placing victims, children, and other members of the community in danger by associating with them. Whether they are engaging in deviant or inappropriate behaviors which might indicate that they are 'in cycle,' which refers to an offender's typical cycle of abuse. With this information the supervising officer can, if necessary, utilize intervention techniques, intensify supervision, and work more effectively with other agencies. This helps to ensure that everyone's best interests are being considered, the victim's, the community's, and the offender's.

"I feel that sexual offender therapists definitely need to know each client's history of offending behavior and history of deviancy. This knowledge enables the therapist to provide more effective treatment which is tailored to the individual's needs. It also enables the therapist to make a more accurate assessment of the individual's dangers.

"It is my opinion, based on my experiences and training, as an officer in the sexual offender unit, that in order to receive benefit from treatment, the offender must take responsibility for his abusive behavior. This abusive behavior usually has occurred over extended periods of time in one form or another. The polygraph is extremely valuable in assisting the offender with regard to taking responsibility for his actions."

Roland Gangstee, another probation officer, added to this, "During the last 5-6 years, I have had the opportunity to work with two polygraphers in both adolescent and adult sex offender treatment programs. Sex offender issues of deception, secrecy, and denial can be frustrating roadblocks to successful treatment; if unchecked, these issues place the offender at high risk to re-offend. In an outpatient or community setting, I know of no more powerful and effective way to monitor sex offenders behavior and compliance to treatment than with the assistance of an experienced polygrapher.

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"It is absolutely essential in treatment of sex offenders that a full and complete disclosure of their offending history be articulated early in the treatment process. The programs with which I have worked give the offender an opportunity to detail his offending history early in the treatment process. A 'disclosure or discovery' polygraph test is scheduled to assess the validity of his story. I cannot recall an instance in several hundred cases in which additional deviant incidents and victims were not identified in the course of the disclosure interview and subsequent polygraph tests. I am confident that without the objective measure of the polygraph test, such information would never be discovered in traditional 'talk therapy.' Additionally, throughout the course of treatment, maintenance tests are scheduled to determine among other things whether or not the offender has been offending during treatment."

Finally, a comment made by Bob Lundell, a polygraphist is pertinent. "The problem that I see with polygraphy is first of all availability. There are so few polygraph agents that are available that it is extremely difficult to get clients in to see polygraph people. Right now we have a five to six week waiting list."

From the comments made at the hearings, it can be seen that there are nine significant advantages to the use of polygraphy with sexual abusers. They are:

1. Through the use of polygraph supervision, the prison population is reduced.
2. The public does not have to pay for the costs of housing these individuals.
3. Re-offenders are apprehended.
4. Periodic testing has a significant deterrent effect.
5. The community is safeguarded.
6. The names of victims are learned in disclosure testing and contact can be made with them so that therapy can be made available if it is needed.
7. When juvenile abusers are tested and admit to having been abused themselves, it is possible to learn who the perpetrator was and bring charges against him or her.
8. The polygraph technique plays a significant role in the therapeutic process:
 - a. Disclosure tests significantly help the therapist break through the denial.
 - b. Periodic tests, in deterring acting out, serve to reinforce aversive conditioning that would be weakened if they did re-offend.

Stan Abrams, Ph.D.

9. Periodic testing has been called everything from an electronic conscience to a 24-hour tail. With the probation officer having polygraphy at his or her disposal, it frees some of their time to spend with other offenders.

Having read the comments in this paper that were presented by non-polygraphists on the value of polygraphy with sex abusers, it is strongly felt that examiners should take these ideas before the judges, probation officers, and sex therapists in their respective states. Programs of this nature should be initiated throughout the country because there is not the slightest doubt of their value. What greater role can polygraphy play than to protect a child from the pain and grief of sexual abuse. With our involvement in this realm, polygraphy will become one of the helping professions.

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DRUGS AND THE POLYGRAPH:
A BIBLIOGRAPHY

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