

Sex Offender Management Board (SOMB)
Standing Committee Concerning County Considerations
Clarifications related to the use of polygraphs
Approved by the SOMB on January 19, 2007

The SOMB Standing Committee Concerning County Considerations identified concerns related to the misapplication of the use of the polygraph as specified in the *Juvenile Standards and Guidelines For the Evaluation, Assessment, Treatment, and Supervision of Juveniles Who Have Committed Sexual Offenses*. Concerns cited include the use of the polygraph as the sole determining factor in decision making eg: for dispositional, placement, or reunification recommendations

Outlined below are clarifying statements from the *Juvenile Standards* related to the use of polygraphs.

When should the Multi-Disciplinary Team (MDT) refer for a polygraph?

Per Standard 7.100 the following is the criteria set forth for the use of polygraph examinations: 1) Chronological age of 14 or older, 2) Minimum functional age-equivalency of 12 years, and 3) The juvenile must also have the following abilities:

- A. Capacity for abstract thinking
- B. Capacity for insight.
- C. Capacity to understand right from wrong
- D. Ability to tell the truth from lies
- E. Ability to anticipate rewards and consequences for behavior
- F. Consistent orientation to date, time, and place

Should twelve and thirteen year olds be referred for polygraph examination?

Per Standard 7.100 A.1 “Twelve and thirteen year olds may be referred for a polygraph examination when the MDT determines that the information and results would be clinically useful.” These youth must be able to meet criteria 2 and 3 as outlined in the above question.

Can the MDT decide that a polygraph should not be utilized?

Per Standard 7.121, “Exceptions to the requirement to use polygraph testing shall be made by the majority of the multidisciplinary team in consultation with the polygraph examiner. The reasons for the exception shall be documented in the juvenile’s file. If the exception(s) change, documentation is required regarding referral for or continued deferment from the polygraph examination.”

Can the polygraph examiner make a decision to not conduct a polygraph examination?

Per Standard 7.110, “At the time of testing the polygraph examiner shall make the final determination of suitability for polygraph examination and shall not conduct polygraph examinations with juveniles when clear indicators exist that the results would be invalid.”

What testing should be done if there is doubt about a juvenile’s level of functioning?

Per Standard 7.100 A.2, “Standardized psychometric testing shall be employed when there is doubt about a juvenile’s level of functioning.”

Does the polygraph replace other forms of supervision?

Per Standard 7.160, “Polygraph testing shall be used as an adjunct tool. It does not replace other forms of monitoring. Information and results obtained from the polygraph examinations should never be used in isolation when making treatment or supervision decisions.”

Do polygraph results become the sole source for treatment and supervision decisions?

Per Standard 7.161, “Information and results obtained through polygraph examination shall be considered, but shall not become the sole basis for decisions regarding transition, progress, and completion of treatment...The findings of polygraph tests, as well as the juvenile’s compliance or refusal to comply with the request for polygraph testing, should not be used as the sole source in making treatment and supervision decisions.”

If MDT members are violating the Standards related to Sections 7.160-61, is there a complaint process?

MDT members should be committed to the team approach and should try to settle among themselves conflicts and differences of opinion. However, if the need arises, formal complaints through the SOMB can be filed if a provider violates any of the Standards identified in the Standards and Guidelines for the Evaluation, Assessment, Treatment, and Supervision of Juveniles Who Have Committed Sexual Offenses.