

Tri County Batterer Intervention Provider Network Meeting Minutes  
November 8th, 2011

Attendance: Chris Huffine (Allies in Change), Jennifer Hopkinson (Clackamas Women's Services), Maggie Kirlin (Allies), Sarah Voruz (Allies), Simon Quartly (Allies), Debbie Tomasovic (A Better Way Counseling), Regina Rosann (ARMS), Barry Cadish (Turning Points DV Education), Mark Amoroso (MEPs Counseling), Jacquie Pancoast (ChangePoint), Samantha Naliboff (VOA Home Free), Wendy Viola (Portland State University), Suzi Evans (Choices), Amanda Briley (Bridges to Safety), Emmy Ritter (Raphael House), Guruseva Mason (Bridges to Safety), Linda Castaneda (Manley Interventions)

Minutes by Wendy Viola, edited by Chris Huffine

Topic: Polygraph in Post Conviction presented by Roger Cook

A version of the PowerPoint presentation is available at <http://youtu.be/tlFbtQvFU8> (this is an un-narrated video of the presentation). You can also go to his website, <http://www.rdcforensics.com/> for more information.

Post-conviction polygraphs are distinct from polygraphs used in initial investigations.

Types of polygraph tests include the following:

In **relevant/irrelevant** tests, the technician asks the client questions about the crime and about something irrelevant, and compares the client's physiological responses.

**Guilty knowledge** tests are not often used in the US. They involve asking the client questions, the answers to which only a perpetrator would know, and comparing their physiological responses to those questions to less charged questions.

**Comparison Question** Tests are most commonly used in the US, and today's focus.

We don't have a theory about the polygraph. Generally, we're measuring the fear of detection, but we can't necessarily distinguish between fear and other emotions that we might be detecting.

The idea of a psychological set is that certain questions might be interpreted by a client as particularly threatening, and another question asked shortly thereafter may not generate any reaction. In the context of just being asked a highly threatening question, a less threatening question, by comparison, generates very little response. This is the premise of the comparison question test (CQT).

CQT involves neutral questions, symptomatic relevant questions, comparison questions and relevant questions. Comparison questions are intentionally vague, and address content that almost everyone would lie about, so we know that people will answer this question deceptively. If clients have a stronger reaction to this comparison question than to the relevant question, the implication is that they find the comparison questions more threatening than the relevant

question. In that case, we assume that they're not being deceptive about the content of the relevant question, based on the idea of a psychological set. Oftentimes, people have the strongest reaction to the first question, so the first question is always irrelevant.

Most people would agree that the pretest interview is the most influential part of the CQT process. During this stage, interviewers generate some fear in the person, and the person starts to share some information that they are afraid will be revealed during the test. This often serves as a source of questions for the technician.

The rule is typically to ask three relevant questions per session, which are usually closely related. They often address the same violation and refer to the same time period ("since your last hearing...").

Polygraphs are more accurate at detecting truthfulness in individuals with higher baseline anxiety. The lower the base rate (the less anxious the participant is to begin with) the less accurate the polygraph. False negatives are particularly problematic, and base rates determine the likelihood of finding false-negatives.

The majority of the time, the client knows whether or not they passed the test when they leave, unless their attorney has asked the examiner not to share that information.

Scores are computed by combining changes in respiration, cardiovascular, and electro-dermal measures. There are multiple scoring methods with their own biases towards false-positives or not. Using the Senter system for scoring creates the most false positives. Scoring using the Backster system is based on the difference between the reactions to the comparison and relevant questions; the differences must be either greater than 6 or less than -6, anything in between is considered inconclusive.

The scoring process is relatively reliable (i.e., there is generally high inter-rater reliability), the skill comes in polygraph technicians' ability to ask questions in a consistent way, or in a way that successfully teases apart reactions to comparison and relevant questions. There are significant differences between examiners in the percentage of clients that they pass and fail. On average, examiners pass about 55% of their clients, though there are examiners that pass or fail highly disproportionate numbers of clients. As consumers of polygraphs, we need to be aware of technicians' personal records of passes and fails.

The goal of post-conviction polygraphs is containment, verifying that the PO's supervision is adequate and that the client is learning and applying techniques that are being taught in therapy. They're used primarily for maintenance, checking up on clients' contact, general probation compliance, violence, and alcohol and drug use. Therapists and PO's work collaboratively to generate a list of questions for the polygraph test, though these topics may need to be modified based on clients' pretest interviews. Post-conviction testing is usually motivated by community safety. Post-conviction testing also addresses events that are unknown, in that the goal is to

determine which behaviors clients have or have not engaged in, as opposed to probing about particular events that we know occurred.

The NRC (2003) found that 86% of the time in laboratory studies of polygraph tests, researchers were able to correctly identify participants' attempted deception.

As of 1923, pre-conviction polygraphs are not admissible in court. However, polygraph tests are admissible in the sense of contextualizing other evidence or lack of evidence. In 1975, the Federal Rules of Evidence were modified such that polygraph results may be considered in court proceedings, but there's a bias against relying on polygraphs, based on a fear of trial by machine replacing trial by jury. As of 2004, polygraphs are admissible in the state of New Mexico.

Dumping occurs when clients have consistently denied any violations, and then during their pre-test interview, admit everything that they've been doing wrong. Once the test begins, clients are already scared about repercussions of everything that they've just admitted, so the results of the test are often unclear. If a client has shared all of this information, then the technician can ask for additional details. Often, the client will dump a lot of information, but not the biggest or most serious offense. These admissions during the pre-test interview are admissible in court.

Polygraph tests only ask true/false questions that require one-word answers, because we do not want clients to be thinking very much or very complexly while they're answering relevant questions.

We can only really tell when people fail tests, we don't know why or what accounts for their anxiety in responding to particular questions. There are numerous reasons why clients react to particular questions and not others.

How is mental illness incorporated or accounted for in testing? Testing doesn't usually work for people who are suffering from delusions at the time of the test, but if the illness is stabilized, tests can be performed, though you have to account for the effects of medication and you're more likely to find inconclusive results.

Are there racial/ethnic/language differences in outcomes (i.e. differences based on the race of the questioners)? No differences have been found, but there's very little research, even about the effect of language barriers. Answering questions involves more thought for people who don't speak English very well, but because relevant questions are more concise, there's less thinking involved in translating those. If polygraph technicians are going to use an interpreter, they must be familiar with the logic of the polygraph test. Verbal IQ, however, is particularly important in determining outcomes.

Anecdotal evidence from our group is that English fluency is very influential in determining the outcomes of tests. Most often, non-native English speakers' results will be inconclusive.

If clients have been told for an extended period of time that they did something that they don't recall doing (i.e. during a blackout), the results are questionable.

There is no reason why psychopaths cannot be tested, their results follow the same patterns as non-psychopaths.

Counter-measures are clients' attempts to distort their charts by trying to appear especially calm in answering questions that make them nervous. Polygraph examiners are familiar with the patterns that indicate counter-measures.