

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
POLICY AND PROCEDURES

Policy No.: 01-12	Effective Date: 03/07/03	Revision Date: 05/09/07
Subject: Polygraph Use with Sex Offenders		

**I. Policy Statement**

The Clinical Polygraph Examination (CPE) may be used when integrated with juvenile sex offender treatment, and with adjudicated sexually offending juveniles that are ordered to the custody of Juvenile Justice Services.

**II. Rationale**

- A. The primary objectives of the clinical polygraph examination are to obtain accurate information for placement recommendations, treatment planning, clinical interventions, risk assessment, and community management.
- B. The polygraph can assess reports relating to behavior. The three types of polygraph examinations that are typically administered to sex offenders are:
  - 1. Sexual History Disclosure Test: Refers to verification of completeness of the offender's disclosure of his/her entire sexual history, generally through the completion of a comprehensive sexual history questionnaire.
  - 2. Instant Offense Disclosure Test: Refers to testing the accuracy of the offender's report of his/her behavior in a particular sex offense, usually the most recent offense related to his/her being criminally charged.
  - 3. Maintenance/Monitoring Test: Refers to testing the verification of the offender's report of compliance with supervision rules and restrictions. The primary objective of the clinical polygraph examination is to obtain information necessary for placement recommendations, treatment plan, risk assessment, community management and clinical interventions.
- C. The Association for the Treatment of Sexual Abusers (ATSA) has developed ethical guidelines to guide, safeguard and set standards for the clinical use of this particular evaluation procedure that JJS and its contractors adhere to. <http://atsa.com/pdfs/COE.pdf>
- D. Use of the polygraph is expected to improve treatment delivery, treatment efficacy and reduce the potential for sexual recidivism.

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
POLICY AND PROCEDURES

Policy No.: 01-12	Effective Date: 03/07/03	Revision Date: 05/09/07
Subject: Polygraph Use with Sex Offenders		

**III. Procedures**

- A. The polygraph may only be used after the Division’s director of clinical services approves a written request submitted by the youth’s case manager. The case manager will have already staffed this request with his/her supervisor and APD, and received approval from them prior to submitting the request.
  
- B. The case manager shall consider the following indicators present in a juvenile’s risk profile prior to recommending a clinical polygraph examination include, but are not limited to, the following:
  - 1. age of juvenile (14 years and older),
  - 2. delinquency history,
  - 3. sexual offense history,
  - 4. type of sexual offense,
  - 5. presence of mental illness (DSM-IV Diagnosis),
  - 6. cognitive functioning (Global Assessment of Functioning Scale),
  - 7. culpability (accountability and responsibility for sexual offending behaviors),
  - 8. current medications.
  
- C. The clinical polygraph examination may only be used with the voluntary, written consent of the sexually offending adjudicated juvenile and parent or legal guardian.
  
- D. The case manager shall notify the youth and parent or legal guardian that if, through the examination, any new sexual abuse victims are revealed, the appropriate law enforcement and child protective agency shall be notified and new charges may be filed as a result.
  
- E. Staff shall explain to the sexually offending adjudicated juvenile consequences of a failed polygraph examination prior to the beginning of any examination. These may include, but are not limited to, one or more of the following:
  - 1. requirement to retake the test;
  - 2. rework prior assessment assignments previously completed;
  - 3. loss of privileges;
  - 4. increase in the level of supervision,
  - 5. more restrictive programming,
  - 6. reduction in privileges and mobility,

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
POLICY AND PROCEDURES

Policy No.: 01-12	Effective Date: 03/07/03	Revision Date: 05/09/07
Subject: Polygraph Use with Sex Offenders		

- 7. placement in a more restrictive setting;
- 8. inform parent of results;
- 9. report to case manager.
- F. Termination from the program or a return to court shall not be based solely on a failed clinical polygraph examination.
  
- G. A licensed/certified polygraph examiner who has specialized training and experience in testing sexually offending juveniles shall administer clinical polygraph examinations. Certifications and licensures obtained through sanctioned and approved training associations, such as the American Polygraph Association, National Association of Polygraph Specialists in Sex Offender Testing/ Monitoring, and the Association of Police Polygraph Examiners.
  
- H. A post staffing shall be held with the case manager, director of clinical services or appointee, and the entity requesting the polygraph.
  
- I. Written reports by the polygraph examiner shall be placed in the juvenile's permanent case file. This information will be released in accordance with GRAMA.

**CLIENTS WHO SHOULD NOT BE TESTED ARE THOSE THAT:**

- 1. parent/guardian refuses to sign Release of Information form;
- 2. client refuses to sign Informed Consent form;
- 3. refuse to answer any questions of any kind;
- 4. have current medical problems.
- 5. have acute pain or illness;
- 6. are extremely overweight and may create problems with the equipment;
- 7. are experiencing sleep deprivation;
- 8. have a diagnosis of psychotic condition per the DSM IV-TR;
- 9. lack contact with reality;
- 10. have a DSM IV-TR Axis I level of "severe" for any diagnosis;
- 11. have a DSM IV-TR Axis V Current – Global Assessment of Functioning score indicative of serious or profound functional difficulties (i.e., GAF score less than 60);
- 12. have the presence of acute distress;
- 13. have had recent medication changes;
- 14. are heavily medicated: all clients should continue to take all prescribed medications. Most medication will not affect the testing process. If

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
POLICY AND PROCEDURES

Policy No.: 01-12	Effective Date: 03/07/03	Revision Date: 05/09/07
Subject: Polygraph Use with Sex Offenders		

- the client is taking medications for serious nervous disorder, or suffers from any psychoses, no testing can be done;
15. are at a low level of mental functioning;
  16. criminal charges pending. Normally no pre-conviction testing can be done on any client who is awaiting adjudication of a criminal matter. The exception would be IF the client has admitted his guilt and is awaiting sentencing and you want to know what "else" he has been doing during the time frame in question. If the client denies he committed a crime, the only test that can be done would be an exam regarding that specific issue. Those type tests are outside the normal "maintenance" type examination and the client would be advised of his constitutional rights, which would include his right not to take the examination.

*Taken from the Utah Polygrapher Handbook by John Pickup and the Colorado Sex Offender Management Board*

**IV. Continuous Renewal**

This policy shall be reviewed two (2) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.

\_\_\_\_\_  
Jody Valantine, Chair  
Board of Juvenile Justice Services

05/09/07  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Dan Maldonado, Director  
Division of Juvenile Justice Services

05/09/07  
\_\_\_\_\_  
Effective/Revision Date