

CHAPTER 1

Overview: Opportunities and Responsibilities

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Over recent years there has been a steady accumulation of information about post-conviction uses of the polygraph, particularly in work with sex offenders. The polygraph has been employed to investigate the range of sexual interests and behaviors that offenders can demonstrate (Heil, Ahlmeyer & Simons, 2003; O'Connell, 1998; Simons, Wurtele & Durham, 2008; Wilcox, Sosnowski, Warberg & Beech, 2005). These studies have confirmed significant levels of crossover sexual offending. In the past it was popularly held that men who are known to sexually abuse in one area were unlikely to 'cross over' and show concomitant deviant sexual interests and involvements in other areas e.g. there was a belief that individuals who sexually abuse adults would not sexually abuse children, that those who abuse girls would not abuse boys, that those who offend within the family would not have deviant extra-familial interests and that those who commit non contact offences do not have any susceptibility to committing contact sexual crimes.

However, these more recent studies have consistently rejected the notion that crossover is rare and have regularly evidenced disclosures of more wide ranging sexual offending interests and involvements than

standard methods have identified. Further, this has frequently had direct treatment implications, giving therapists the opportunity to engage more fully with offenders to produce more robust relapse prevention strategies. This work allows treatment facilitators to better address crimes for which offenders have been convicted, as well as areas of sexual interest or activity for which they have not been criminally charged but pose a risk to the public by their own admission during polygraph examination. Importantly offenders with treated profiles have a much greater potential for remaining offence-free in the future (Allam, 2000), and as the polygraph serves to identify the magnitude of the offending risk in terms of incidence of past offending, numbers of victims and types of offending behaviors, effective treatment becomes more achievable. Relatedly, the polygraph has been shown to be an effective tool in breaking down denial among offenders, and as most sex offender treatment programs focus considerable attention on offenders taking accountability for their offending behavior, (Allam, 2000; Salter, 1988), the polygraph again offers a beneficial way forward enabling convicted offenders to engage in the treatment services that are most readily available to them.

Nonetheless there continues to be controversy about the use of the polygraph in working with post conviction sex offenders (Ben-Shakhar & Gershon, 2008; Gannon, Beech & Ward, 2008; Grubin, 2008; Meijer, Verschuere, Merckelbach, Harald & Crombez, 2008). However, this application of the polygraph has demonstrated considerable utility in particular to professional practitioners in the sex offender field and this has led to the expanding employment of this technology.

In the UK, the recently passed Offender Management Act (2007) makes provision for polygraph testing of sex offenders who are released on license or parole from a custodial sentence of twelve months or more. This law specifies that post-conviction polygraph testing for assessment, treatment and monitoring sex offenders can be employed, though it prohibits the use of any evidence obtained in this way being used in criminal proceedings where the offender is the defendant. Through employment of these powers, plans have also been developed for further research to proceed such that convicted offenders are legally compelled to engage in polygraph testing thus enabling additional systematic assessment of the polygraph to be undertaken on a larger scale. It is recognized that in some studies, including the British and Dutch work referenced in this book, the offenders who have been polygraphed have volunteered and have not been legally mandated to do so (Buschman, Wilcox, Foulger, Sosnowski, Bogaerts & Mulder, 2008; Grubin, 2006; Grubin, Madsen, Parsons, Sosnowski & Warburg, B. 2004; Wilcox & Sosnowski, 2005; Wilcox,

Sosnowski & Middleton, 2000; Wilcox, Sosnowski, Middleton & Grubin, 2003). The Offender Management legislation will enable polygraph to be used with riskier sexual offenders on parole/license following custodial sentences for the commission of serious sexual offences. They will be required to be regularly polygraphed and engage in compulsory treatment work, evaluation and supervision.

Based on current research drawn upon to produce this book it is asserted that the different post-conviction polygraph examinations have important utility in the management of offender behavior. Periodic polygraph testing appears to have a deterrent effect on criminal attitudes and behavior. With regard to monitoring and supervising the behavior of sexual offenders, research in this area by Grubin (2006) suggested that the polygraph has considerable utility. Disclosure testing facilitates the therapeutic process offering a potential to more accurately gauge the range of deviant sexual interests and risk behaviors in which offenders engage. Index offence or specific incident testing breaks down denial in a way that enables cognitive distortions to be addressed better in treatment. Salter (1997) described that sex offender workers in the North West of the United States would be unwilling to work with these individuals if they were not allowed to use polygraphy as an adjunct to their management and treatment work. The dialogue between supervising officer, therapist, polygraph examiner and other professionals including psychologists, provides a more comprehensive framework within which sexual offending behavior can be more effectively contained.

Grubin's UK polygraph pilot (2006) demonstrated the utility of polygraph in this regard. A further study by Wilcox and Donathy (2008) described the views of sex offender workers in England about the employment of the polygraph within the course of their work. Importantly, those professionals who had had the opportunity to use polygraphy in their work with sex offenders were more strongly supportive of its use in sex offender work than those individuals who did not have direct experience of polygraphy in their work. Indeed, where the use of polygraphy has been integrated into sex offender assessment, treatment and supervision, despite it possibly being looked upon skeptically at the outset, polygraph's continued employment has been strongly endorsed by professionals involved.

However, the application of polygraphy to post-conviction sex offender testing will continue to require careful integration in the UK with substantial attention directed at the development and maintenance of effective polygraph practice. It is important that sound guidelines for post-conviction testing should be agreed and adhered to where this technology is being introduced. The establishment of standards for

professional practice is needed as well as a code of conduct for polygraph examiners working with sex offenders, in particular. Further the promotion of appropriate professional training in this field is essential as well as the introduction of a process of accrediting polygraph examiners at basic and specialist levels. Lastly, in my opinion, it would be of considerable assistance in the UK if a board or council were established to monitor the implementation of polygraph in this area, specifically as a safeguard against unprofessional practice and to ensure that the polygraphers' contribution is of a high standard.

The central focus of this book is to help professionals who work with sex offenders to have a clearer understanding of how post-conviction polygraph testing can assist them in assessing, treating and supervising sexual offenders. The book deals with accuracy, validity, and utility issues, together with ethical considerations and discussion about effective management integration of this tool within the field. The book also represents a 'work in progress' volume to be revisited and revised as further research is generated. The chapters endeavor to set out polygraph development and its use with sex offenders. From this central theme the book extends its brief to consider other applications of post-conviction polygraphy, and to explore related areas including interview and interrogation techniques, alternative technologies for detecting deception, and a systematic review of current methods for assessing sexual interest and deviance.

In the following chapter, Whittingham describes the polygraph's clinical application as distinct from the many other pre-conviction investigative uses of polygraph. His consideration of 'caveats and limitations' provides an important backdrop to Chapter 3 by Wilcox and Madsen, which explores polygraph development broadly over the last century or so and emphasizes the establishment of post-conviction uses of this instrument. Both chapters provide historical and contextual information regarding the use of the polygraph more generally, allowing the reader to gain a sense of the rationale and basis behind its current use with sex offenders.

Following on from this, Madsen and Wilcox in Chapter 4 set out the empirical evidence of the utility of the polygraph, describing its value particularly within the field of sex offender work. Chapter 5 by Sosnowski and Wilcox offers direction and clarification to professionals about the basic application of post-conviction polygraph to sex offenders from the perspective of a trained and experienced polygraph examiner in this field. While there is a great deal of evidence supporting the utility of the polygraph, it is important that the complexities and subtleties associated with this technology are acknowledged and understood.

In Chapter 6, Wilcox, O’Keeffe and Oliver present case studies where the polygraph has been employed in collaboration with supervision, assessment and treatment processes already in use within Probation Services. The chapter highlights a need for careful communication among professionals and describes ways that the various participants can contribute to improving the effectiveness in sex offender management. A re-occurring theme in this arena of work is the need for constant interdisciplinary teamwork and communication if sex offenders are to be most effectively assessed, treated and supervised.

Chapter 7 by Buschman explores the unique opportunities presented by polygraphy as a means of assessing the interests, behaviors and risks presented by internet child pornography downloaders. The polygraph has been employed with this population and has provided insights about these offenders not readily accessible through other means. This work has given indications of important links between downloading child pornography and the risk of contact sexual offending behavior. Chapter 8 by Gannon, Ward and Beech, provides a helpful consideration of the polygraph’s potential role in assessing risk among sex offenders. The authors describe the ideological model of risk (Beech & Ward, 2004) and discuss how the disclosures obtained through polygraph may influence the risk assessment process.

Chapter 9 by Madsen, considers the accuracy of the polygraph and focuses most centrally on work conducted by Grubin, Madsen and colleagues. Their research has significantly impacted on the field of polygraphy and to date provides perhaps the best evidence of the accuracy of this instrument.

Chapter 10 by Heil and English, gives a detailed account of the polygraph’s employment with Sex Offenders in the United States where its use has been established for a much longer period of time. Besides having considerable research acumen, the authors convey a unique and insightful perspective about post-conviction polygraphy, in describing their ‘containment model’ for working with sexual offenders. In Chapter 11 by Addison and Criscella, other post-conviction uses of the polygraph are explored. The authors discuss its application with individuals convicted of drug offences, domestic violence issues and consider other areas of probation and parole work, suggesting approaches that might enable workers to supervise, assess and treat offenders more successfully.

The book concludes with several chapters that address some other areas related to offender assessment and engagement. The potential for these methodologies to further improve effectiveness in working with sex offenders and inform assessment and supervision is a principal

focus of these chapters. This begins with Blair's Chapter 12 on interviewing and interrogation techniques. He considers how these approaches may relate to polygraph testing, as well as how they can be employed independently.

In Chapter 13, Vendemia and her colleagues provide an up-to-date appraisal of alternative technologies for detecting deception, considering methods that are in some ways complimentary to polygraphy and other approaches which employ distinctively different paradigms to identify deceitful responding.

Chapter 14 by Kalmus, Beech and Warberg reviews forensic assessment tools that are currently employed to assess sexual interest with a particular emphasis on being able to identify deviant arousal patterns in offenders.

Polygraphy can provide helpful assistance in tailoring more effective treatment programmes as well as dealing with practical problems like denial. Polygraphy also presents an opportunity to improve offender management and risk assessment in the community. However, differences may arise about how best to integrate, implement, monitor and evaluate this tool. As a consequence the challenge to responsible practice will be one of continuously weighing the opportunities that this technology offers against the responsibilities associated with using it.

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