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Daniel T. Wilcox (Ed.)

*The Use of the Polygraph in Assessing, Treating and
Supervising Sex Offenders. A Practitioner's Guide,*

Wiley–Blackwell, Chichester, 2009, pp. 332

This newest book on the global market devoted to polygraph testing is edited by Dr. Daniel T. Wilcox, a famous British clinical and forensic psychologist. It is a joint effort, including contributions mostly by British and American authors, as well as those from Australia, New Zealand and the Netherlands. The volume consists of a foreword, followed by fourteen relatively lengthy chapters. Each of the chapters is highly competent, well documented and comprehensive in scope, and focuses on the subject matter of polygraph post-conviction sex offender testing (PCSOT).

The introduction, authored by the former president of the American Polygraph Association and current chair of the APA PCSOT committee, states that polygraph testing of sex offenders is the most rapidly developing sector of polygraph examinations in the world. In the USA such examinations are used in 46 states, and the remaining 4 states are in the analytical stage of the process of their introduction. Never before in the history of polygraph testing did such examinations have such support in this area as they do now. Apart from the natural support of polygraphists, these tests are also endorsed by the judiciary and by politicians.

It is likely that these circumstances, coupled with the fact that Great Britain is now preparing for the introduction of PCSOT on a large scale, are where the book stems from.

Overall, the volume presents the scope of the use of polygraph testing in rehabilitation of sex offenders. Irrespective of the complex and varied corrective and therapeutic concepts, a constant element of working with offenders who were convicted and then released on parole is their comprehensive monitoring, aimed at the reduction of the possibility of their committing another crime. Clearly this job is well suited for polygraph testing. The use of polygraph examinations for monitoring sex offenders on parole was initiated by Stanley Abrams in 1973. Despite certain shortcomings in terms of scientific grounding, PCSOT was developed in the USA in a number of wide-ranging programmes.

The polygraphist who carries out the PCSOT is one of the elements of the triad: therapist (rehabilitator) – probation officer (usually a police officer) – polygraphist; usually in the monitoring capacity and with the task of supplying the other two officials with information on the offender.

The programmes carried out nowadays usually consist of four types of examinations. The first group consists of examinations aimed at obtaining a confession with regard to the offence that was the basis of conviction. This naturally applies only to offenders who had not confessed earlier during the criminal trial, hence the name: specific issue denial testing. If the offender acknowledges his/her guilt status, further corrective methods are easier to apply.

The second group consists of sexual history disclosure examinations, which allow for a better understanding of the past interests and sexual behaviours of the subject, as well as a better selection of measures and more accurate estimate of risk and direction of possible re-offending.

The third group contains maintenance polygraph examinations, where the extent to which the offender on parole implements the requirements of the court is examined. Tests deliver up-to-date information on the behaviour of the offender and are conducted every 3–6 months.

The last group consists of monitoring polygraph examinations, which are directed at discovering possible new offences or breaches committed while on probation. The tests are conducted on the basis of information obtained by the authorities pertaining to the fact that the offender fails to observe the requirements imposed upon him/her, e.g. he/she was seen meeting minors with no supervision, visited websites with banned material or used public libraries for accessing such materials, or entered an area where he/she was not allowed to go.

Clearly, PCSOT is conducted not with the purpose of learning more about the crimes which are under investigation (with the exception of monitoring examinations), but rather in order to make the offender acknowledge his/her

guilty status and accept rehabilitation as a value. This is reflected both in the way the offenders are motivated to take the tests (e.g. by informing them of the consequences of being deemed “liars” at the current phase of probation), as well as the offenders’ perception of the examinations. These perceptions are usually favourable, since the very fact of appropriate cooperation with the polygraphist creates the opportunity for improving the offender’s image.

Polygraph examination also improves the cooperation of the person undergoing rehabilitation in their contact with the therapist. Moreover, it is a source of new useful information for both the therapist and the probation officers. Of course, the close cooperation of all parties involved is a key factor. This cooperation is carried out within the framework of a rehabilitation plan, drafted individually for each offender. There is a lot to be said for the utility of polygraph tests in predicting the risk of future undesirable behaviours of subjects. In this respect, it is vital to discover the past frequency of offending and of failing to observe probation requirements. The possible discovery of unknown facts pertaining to using violence within a sexual context is also crucial.

Questions arise as to the diagnostic value of polygraph examinations in this context. Scientific knowledge in this respect is largely imperfect, since most experiments and studies have so far focused on the effectiveness of polygraph testing pre-conviction. The modest scope of research material does provide scientific grounding for optimism, albeit with a clear recommendation to treat results which are unfavourable to the subjects as “red flags”, i.e. warning information only, which should not become the sole basis for further actions.

The American Polygraph Association has been working on developing a set of standards for examinations of this type. The minimum has been set at completion of a 40-hour specialist course for polygraphists intending to carry out PCSOT. Many state jurisdictions in the USA have accepted this requirement either in its original form or with adaptations to their own specific circumstances.

There is no intention to hide the deficit of knowledge on validity, reliability and accuracy of polygraph examination in the case of convicted sex offenders. Moreover, there is no option to release the polygraphist community from the duty to diligently research the effectiveness of polygraph examination in PCSOT usages. The following questions remain in force: Would those people who are being monitored and rehabilitated be more honest if polygraph examinations were excluded from the inventory of measures used towards them? Are the tools of clinical diagnostics available to therapists and the control measures used by probation officers more efficient than polygraph examinations?

These are no easy questions. It seems, however, that negative answers to them are more justified. One must also agree with the following statement: "Errors with deceptive individuals can lead to new offences against children, whereas errors with truthful individuals can devastate people's lives" [T. Cross, L. Saxe (2001), Polygraph testing and sexual abuse: The lure of the magic lasso, *Child Maltreatment*, 6, p. 203]. While this caution is important to remember, the same errors can be made without the polygraph and result in similar consequences" (p. 212).

The last part of the volume to some extent broadens its primary scope. Namely, it appears that the same assumptions that underlie the use of polygraph examinations in rehabilitation of sex offenders are applied also in respect to other offenders, and in particular to perpetrators of acts such as stalking, domestic abuse and other violent behaviours, some with the sexual aspect included. Despite the first – and encouraging – attempts to use polygraph examinations in these types of cases, the considerations on this new field of research remain in the realm of speculation. However, they give rise to hopes on the expansion of post-conviction examinations. It is natural that there is a tendency to appreciate a potential new source of independent information on an offender.

The book ends with a few notes on the tactics of interviewing and interrogation, alternate new technologies of lie (deception) detection (a very interesting review of the newest research in this area) and a final review on forensic (but other than polygraphy) assessment of sexual interest.

As I mentioned earlier, all of the constitutive parts of the volume are very well written. The language is clear and, as far as it is possible to be so in scientific texts, simple. The editing of the volume is also excellent, with the possible exception of the (perhaps inevitable?) repetitions of historical references. It is worth stressing again that the documentation of each article/chapter is impressive.

Since it is very difficult to criticise what the book contains, let me say a few words on what it fails to contain and what it in my opinion definitely should contain, considering that the focus of the volume is, apart from the sex offender, on the polygraphist-practitioner. This polygraphist-practitioner should be able to find in this book two more chapters: one on the specific role and the details of the pre-test interview in PCSOT, and another on the optimal techniques of examination. These issues are mentioned in the book on rare occasions only, and are scattered throughout the volume. This is certainly insufficient. Possibly in future editions these matters will be dealt with in more depth. Maybe a monograph is in the works already, and the authors and the publisher are aware of that? That would be very good news.

The final conclusion is clear: we have gained a book that is very good and very important for lawyers, criminologists, forensic scientists, police officers, experts on polygraphy and those concerned with the penitentiary system, therapists, probation officers, activists and everyone interested in counteracting sex crimes.

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