

Model Policy for Post-Conviction Domestic Violence Offender Testing

Table of Contents

1. Model Policy.....	3
1.1. Compliance and local authority.....	3
1.2. Periodic review and modification.....	3
2. Evidence-based approach.....	3
2.1. Face-valid principles.....	3
2.2. Evolving evidence.....	3
3 Post-Conviction Domestic Violence program goals.....	3
3.1. Containment through a comprehensive and collaborative approach.....	4
3.2. Operational objectives.....	4
4. Decision-support.....	4
4.1. Professional judgment.....	4
4.2. Successive hurdles approach.....	4
4.3. Confidentiality.....	5
5. General principles.....	5
5.1. Rights and dignity of all persons.....	5
5.2. Polygraph examiner as part of the supervision and treatment team.....	6
5.3. Non-interference with ongoing investigations.....	6
5.4. Known and unknown allegations.....	6
5.5. Confirmatory testing.....	6
5.6. Ethical and professional roles.....	6
5.7. Number and length of examinations.....	6
5.8. Examination techniques.....	7
6. Operational definitions.....	7
7. Examination questions.....	7
7.1. Relevant questions.....	7
7.2. Comparison questions.....	8
8. Types of PCDVT examinations.....	8
8.1. Instant offense exam.....	8
8.1.2. Instant offense investigative exam.....	9
8.2. Prior allegation exam.....	10

8.3. Violence history exams	10
8.3.1. Violence history document	10
8.3.2. Violence history exam.....	11
8.4. Maintenance exam.	12
9. Suitability for testing.....	13
9.1. Medications.....	14
9.2. Unsuitable examinees.	14
9.3. Team approach.	14
9.4. Incremental validity.	14
10. Testing procedures.	15
10.1. Case background information.....	15
10.2. Audio-visual or audio recording.	15
10.3. Pre-test phase.	15
10.4. In-test operations.....	16
10.5. Test data analysis.	17
10.6. Posttest review.	18
11. Examination report.....	18
11.1. Dissemination of test results and information.....	18
11.2. Scope of expertise.	19
12. Records retention.	19
13. Quality Control	19
14. Examiner qualifications.	19

1. Model Policy - Policy should be considered a description of the recommended best-practices for polygraph professionals who engage in post-conviction domestic violence testing (PCDVT) activities. This Model Policy is intended to provide information to polygraph professionals conducting PCDVT and for local programs developing or updating their PCDVT regulations and does not attempt to address all aspects of PCDVT programming or policy implementation at the local level. This Model Policy is not intended to set out a standard of care for polygraph examiners and should not be used as a basis for any legal claims or actions.

1.1. Compliance and local authority. Examiners should be responsible for knowing and adhering to all legal and regulatory requirements of their jurisdictions. In the case of any conflict between the Model Policy and any local law and/or practice requirements, the local requirements should prevail.

1.1.1. Compliance with this Model Policy. This Model Policy should be considered non-binding and not enforceable by the American Polygraph Association (APA).

1.2. Periodic review and modification. This Model Policy should be reviewed and amended periodically to remain consistent with emerging information from new, empirical studies.

2. Evidence-based approach. To the extent possible, this Model Policy relies on knowledge and principles derived from existing research about polygraph testing, risk assessment, risk management, and domestic violence offender treatment. Examiners should be cautious of field practices based solely on a system of values or beliefs. Some elements of this Model Policy are intended to increase professionalism and reliability among field examiners through the implementation of standardized field practice recommendations in the absence of data from empirical studies.

2.1. Face-valid principles. When an evidence-based approach is not possible, the Model Policy emphasizes face-valid principles about polygraph testing, field investigation principles and related fields of science. These include psychology, physiology, mental health treatment, forensic threat assessment, signal detection, decision theory, and inferential statistics.

2.2. Evolving evidence. If evidence from future empirical studies reveals the practice recommendations of this Model Policy are inconsistent with empirically based evidence, the evidence-based information should prevail.

3. PCDVT program goals. The primary goal of all PCDVT activities should be to increase public safety by adding incremental validity to risk-assessment, risk-management, and treatment-planning decisions made by professionals who provide supervision and offense-specific treatment for convicted domestic violence offenders in community settings.

- 3.1. Containment through a collaborative approach. Examiners who engage in PCDVT activities should emphasize a collaborative multi-disciplinary or multi-systemic containment approach to the supervision and treatment of domestic violence offenders. This method involves a collaborative effort among professionals from varying disciplines and systems including treatment providers, supervising officers, polygraph examiners, medical and psychiatric professionals, child-protection/family and victim services workers, and other professionals.
- 3.2. Operational objectives. Any or all of the following operational objectives should be considered a reasonable and sufficient basis to engage in PCDVT activities:
 - A. Increased disclosure of problem behavior that will be of interest to professionals who work with the offender;
 - B. Deterrence of problem behavior among convicted domestic violence offenders by increasing the likelihood that engagement in such behaviors will be brought to the attention of supervision and treatment professionals; and
 - C. Detection of involvement in or abstinence from problem behavior that would alert supervision and treatment professionals to any escalation in the level of threat to the community or potential victims of domestic violence offenses.

4. Decision-support. Psycho-Psychophysiological Detection of Deception (PDD) (polygraph) testing of convicted domestic violence offenders should be regarded as a decision-support tool intended to assist professionals in making important decisions regarding risk and safety. Polygraph testing should not replace the need for other forms of behavioral monitoring or traditional forms of supervision and field investigation.

- 4.1. Professional judgment. Polygraph testing and polygraph test results should not supplant or replace the need for professional expertise and judgment. Polygraph test results should not be used as the sole basis for revocation of any individual from court supervision or termination from domestic violence specific treatment.
- 4.2. Successive hurdles approach. Examiners should use a successive hurdles approach to testing to maximize both the informational efficiency and sensitivity of multi-issue (independent target) screening polygraphs and the diagnostic efficiency and specificity of event-specific single-issue exams. The term screening, as it applies to PCDVT, is based on the fact that some exams are conducted for exploratory purposes in the absence of known allegations or known incidents. Follow-up examinations may employ a single-issue screening technique to resolve an issue. Successive-hurdles may include following an unresolved mixed-issue polygraph test with additional attempts to resolve the issue(s), including posttest discussion, additional field or background investigation, alternative credibility assessment technologies, or additional polygraph testing. Follow-up examinations may be completed on the same date as the initial exam, or they may be scheduled for a later date.

- 4.2.1. Multi-issue (mixed-issue) exams. Examiners should use multi-issue polygraph techniques only in the absence of a known incident, known allegation, or a particular reason to suspect wrongful behavior. Exploratory exams may at times be narrowed to a single target issue of concern. However, most exploratory exams involve multiple target issues in which it is conceivable that a person could lie about involvement in one or more issues while being truthful or uninvolved in the other issues of concern.
 - 4.2.2. Single-issue exams. Examiners should use single issue polygraph techniques for follow-up exams conducted in response to a previously unresolved exploratory exam. Event specific diagnostic/investigative exams, conducted in response to known allegations or known incidents for which there is reason to suspect the involvement of the examinee, may be formulated as multi-facet tests with questions pertaining to several behavioral roles or aspects of a single known allegation.
- 4.3. Confidentiality and mandatory reporting. Except as provided by law, information from the polygraph examination and test results (outcomes) should be kept confidential and provided only to those involved in the containment approach to the supervision and treatment of domestic violence offenders.
 - 4.3.1. Examiners are not mandated reporters. Examiners should not engage in mandatory reporting activities except where required by law (i.e., whenever polygraph examiners are named or listed in statutes describing mandatory reporting requirements).
 - 4.3.2. Other professionals and mandatory reporting. Examiners should remain aware that other professional members of the multi-systemic containment team will likely be subject to mandatory reporting or other disclosure requirements.
- 5. General principles. Examiners who engage in PCDVT activities should adhere to all of the generally accepted principles that pertain to polygraph testing, including, but not limited to the following:
 - 5.1. Rights and dignity of all persons. Examiners should respect the rights and dignity of all persons to whom they administer polygraph examinations.
 - 5.2. Polygraph examiner as part of the supervision and treatment team. Examiners should consider themselves to be an integral part of the multi-disciplinary supervision and treatment team. Contact with supervision and treatment team should be frequent, though contact with an examinee will be periodic (i.e., the examiner will not maintain routine contact with the examinee between examinations).
 - 5.3. Non-interference with ongoing investigations. Examiners who engage in PCDVT activities should not interfere with or circumvent the efforts of any open or ongoing investigation of a new criminal allegation.

- 5.4. Known and unknown allegations. Examiners who engage in PCDVT activities should investigate and attempt to resolve, if possible, known allegations and known incidents before attempting to investigate or resolve behavioral concerns that do not involve a known allegation or known incident.
- 5.5. Confirmatory testing. PCDVT activities should be limited to the Psychophysiological Detection of Deception (PDD). Confirmatory testing approaches involving attempts to verify the truthfulness of partial or complete statements made after the issue of concern should not typically be utilized in PCDVT programs. Truthfulness should usually be inferred when it is determined that the examinee has not attempted to engage in deception regarding the investigation targets.
- 5.6. Ethical and professional roles. Examiners who possess multiple types of credentials (i.e., examiners who are also therapists, probation officers, or police officers) should be limited to one professional role with each examinee and should not conduct polygraph examinations on any individual whom they directly or indirectly treat or supervise.
- 5.7. Number and length of examinations. Examiners should not conduct more than five examinations in a single day, and should not normally conduct more than three Violence History disclosure examinations in a single day.
 - 5.7.1. Length of examination. Examiners should not plan to conduct examinations of less than 90 minutes in duration from the start of the pretest interview until the end of the post-test interview.
 - 5.7.2. Number of exams per examinee. Examiners should not conduct more than four separate examinations per year on the same examinee except where unavoidable or required by law or local regulation. This does not include re-testing due to a lack of resolution during an initial or earlier examination.
- 5.8. Examination techniques. Examiners should use a recognized comparison question technique for which there is evidence of validity and reliability, including estimates of sensitivity and specificity, published in the *Polygraph* journal or a peer-reviewed scientific journal. There should not be more than four (4) relevant questions per test series.
- 6. Operational definitions. Examiners should strive to make certain that every behavior of concern to the multi-disciplinary supervision and treatment team will be anchored by an operational definition that describes the behaviors of concern. Operational definitions should be standard among all referring professionals, and should use language that is free of unintelligible jargon. These definitions should be readily understood by the examinee.

7. Examination questions. Examiners should have the final authority in the determination and selection of test questions and question language, which must be reviewed with the examinee. Examiners should advise the supervision and treatment professionals to refrain from informing the examinee of the exact test questions and investigations targets, or coaching the examinee in the mechanics, principles or operations of the polygraph test. Technical questions about polygraph should be directed to the examiner at the time of the examination. Examiners should advise community supervision team members and treatment professionals that it is appropriate to inform the examinee of the purpose or type of each examination.
 - 7.1. Relevant questions. Relevant questions should pertain to a single frame of reference, which refers to the type of PCDVT examination. (See section 8.)
 - 7.1.1 Content. Relevant questions should address behaviorally descriptive topical areas that have a common time of reference, which refers to the time period under investigation. Content should bear operational relevance to actuarial or phenomenological risk assessment, risk management and treatment planning methods. Examiners should exercise caution to ensure they do not violate any rights of examinees regarding answering questions about a crime currently under investigation by a law enforcement agency.
 - 7.1.2 Structure. Relevant question construction should be:
 - A. answerable by a “NO” in most testing situations and without unnecessary mental exercise or uncertainty; and
 - B. behaviorally descriptive of the examinee’s direct or possible involvement in an issue of concern and, whenever possible, not indirectly addressing that issue by targeting a subsequent denial of it;
 - C. simple, direct and easily understood by the examinee;
 - D. time-delimited (date of incident or time of reference);
 - E. free of assumptions of guilt or deception;
 - F. free of idiosyncratic jargon, legal terms; and
 - G. free of references to mental state or motivational terminology except to the extent that memory or sexual motivation may be the subject of an examination following an admission of behavior.
 - 7.2. Comparison questions. Comparison questions should meet all common requirements for the type comparison question being applied.

- 7.2.1. Content. Comparison questions should address broad categorical concerns regarding honesty and integrity and should not be likely to elicit the same, or greater physiological response than deception to any relevant question in the same test. Nothing precludes the use of Directed Lie Comparison Questions in PCDVT.
 - 7.2.2. Structure. Nothing in this Model Policy should be construed as favoring exclusive or non-exclusive comparison questions.
- 8. Types of PCDVT examinations. Examiners should utilize four basic types of PCDVT examinations: instant offense exams, prior-allegation exams, violence history disclosure exams, maintenance/monitoring exams. These types of examinations provide both a frame of reference and a time of reference for each examination. Examiners should not mix investigation targets from different frames of reference (examination types) or times of reference within the structure of a single examination.
 - 8.1. Instant offense exams. Examiners should use two basic types of examinations to investigate the circumstances and details of the instant offense for which the examinee was convicted: the Instant Offense exam and the Instant Offense Investigative exam. These exams should be conducted before victim clarification or reunification to reduce offender denial, mitigate the possibility of further traumatizing a victim, or possibly identify a false-confession/admission. These circumstances might result when an offender has attempted to conceal the most invasive or abusive aspects of an admitted offense or whenever the multi-disciplinary community supervision team determines that accountability for the circumstances and details of the instant offense represent a substantial barrier to an examinee's engagement and progress in domestic violence specific treatment.
 - 8.1.1. Instant offense exam. Examiners should conduct the Instant offense (IO) exam as an event-specific polygraph for examinees who deny any or all relevant aspects of the allegations about their present assault related crime(s) of conviction.
 - 8.1.1.1. Instant offense – examination targets. Examiners, along with the other members of the community supervision team, should select the relevant investigation targets from the circumstances of the allegation that the examinee denies.
 - 8.1.1.2. Instant offense – testing approach. Examiners should conduct this exam either as a single-issue or multi-facet event-specific exam. However, nothing in this Model Policy should be construed as to prohibit the completion of the Instant Offense exam in a series of single-issue exams when such an approach will lead to more accurate or satisfactory resolution of the investigation targets.

8.1.2. Instant offense investigative exam. Examiners should use the Instant Offense Investigative (IOI) exam to test the limits of an examinee's admitted behavior and to search for other behaviors or offenses not included in the allegations made by the victim of the instant offense. This examination should usually be completed prior to victim clarification or reunification.

8.1.2.1. Instant offense investigative – examination targets. Examiners, along with the other members of the community supervision team, should select relevant targets from their concerns regarding additional or unreported offense behaviors in the context of the instant offense. At the discretion of the examiner and the other professional members of the community supervision team, examination targets may include the following:

- A. Number of offense incidents against the victim: when the admitted number of offense incidents is very small.
- B. Invasive offense behaviors: when the intrusive or hands-on offense behaviors against the victim of the instant offense.
- C. Degree of physical force or violence: when denies use of violence, physical restraint, threats of harm, or physical force against the victim of the instant offense.
- D. Other assaultive behaviors: when not included in the allegations made by the victim of the instant offense, at the discretion of the community supervision team.

8.1.2.2. Instant offense investigative – testing approach. Examiners should conduct this exam as a multi-facet or multi-issue (mixed-issue) exploratory exam. However, nothing in this Model Policy should be construed as to prohibit the completion of the Instant Offense Investigative exam in a series of single-issue exams (i.e., in the absence of an allegation involving the behavioral examination targets) when that approach will lead to more accurate or satisfactory resolution of the investigation targets.

8.2. Prior allegation exam. Examiners should use the Prior Allegation Exam (PAE) to investigate and resolve all prior alleged domestic violence or assault crime (i.e., allegations made prior to the current conviction) before attempting to investigate and resolve an examinee's history of unknown offense history. This exam should be considered identical in design and structure to the Instant Offense Exam, except that the details of the allegation stem not from the current crime of conviction but from an allegation before the conviction resulting in the current supervision and treatment, regardless of whether or not the examinee was charged with the allegation. Examiners should exercise caution to ensure they do not violate any rights of an examinee regarding answering questions about criminal behaviors.

- 8.3. Violence History exams I and II. Examiners can use two basic types of Violence History examinations to investigate the examinee's history of involvement in unknown or unreported offenses. Information and results from these examinations should be provided to the professional members of the supervision and treatment team to add incremental validity to decisions pertaining to risk assessment, risk management and treatment planning.
- 8.3.1. Violence history document. Examiners should work with the community supervision team to require that examinees complete a written violence history document prior to the conduct of a violence history polygraph. This document should provide operational definitions that unambiguously describe each violence-related behavior of concern. The purpose of the document is to help examinees review and organize their violence histories. It aids in familiarizing examinees with the conceptual vocabulary necessary to accurately discuss such behaviors; it can assist examinees in recognizing behavior that was unlawful and or abusive.
- 8.3.1.1. Prior review of the violence history document. Examiners should request that each examinee review the violence history document with his or her community supervision team and treatment group prior to the examination date. The examiner should also conduct a general review of the document prior to the examination date in order to make sure it is complete and to consider possible relevant targets for the actual examination. The content should be reviewed thoroughly with the examinee during the structured or semi-structured pretest interview.
- 8.3.1.2. Examiner authority. It should be the examiner's discretion to administer an alternative form of PCDVT examination if an examinee has not completed and reviewed the violence history document before the examination date.
- 8.3.2. Violence History exam – unreported violence. Examiners should conduct the Violence History Exam (VHE) to thoroughly investigate the examinee's lifetime history of committing assault crimes against others. These target issues provide a summary of the most tangible signal issues that provide interpretable information about age, profile, selection, control/access, and silencing behaviors when committing violence. VHE also provides information about the offender's capacity for grooming, sneakiness, violence, relationship-building and relationship-exploiting in addition to the capacity to offend in the absence of a relationship. Gathering information in these areas is additive to forensic risk assessment and risk management efforts. Ruling out matters in these VHE areas is also helpful as it allows the justification of a lower assumption of risk. What a person does or does not do (is capable of doing or not doing) to others is illustrated by past behavior. One of the best predictor of future behavior is past behavior.

- 8.3.2.1. Violence History exam I – examination targets. Examiners, along with the other members of the community supervision team, should select investigation targets that provide operational relevance to actuarial and phenomenological risk/threat assessment protocols pertaining to recidivism, victim selection, and risk management decisions.

Examples include the following:

a sense of ownership of the partner, threats or ideation of suicide or homicide, access to firearms, degree of obsessiveness about the partner, acute and chronic mental health instability, level of depression in particular, drug and alcohol abuse, centrality of the partner as a social and economic support for the offender, and an increased sense of loss of control.

Examiners should ask about persons with whom the offender had a short or long term relationship; members of his family and other relatives; friends and acquaintances as well as complete strangers. These persons include children as well as adults.

- 8.3.2.2 Violence History exam – time of reference. The time of reference for the Violence History Exam I may be restricted to the period of time before the current court supervision that mandated the present treatment when there are concerns about 1) potential differences in consequences for pre-treatment or pre-conviction acts and those acts occurring post-conviction or after treatment onset, or 2) examinee rights pertaining to the behavioral targets after conviction while under the supervision of a court or in a treatment program. The time of reference should be included in the test question unless clearly established during the pre-test interview.
- 8.3.2.3 Violence History exam - testing approach. Examiners should conduct this examination as a multi-issue (mixed-issue) exploratory examination. However, nothing in this Model Policy should be construed as to prohibit the completion of the Violence History I Exam in a series of more narrowly focused exams when that approach will lead to more accurate or satisfactory resolution of the investigation targets.

- 8.3 Maintenance exam. Examiners should conduct the Maintenance Examination (ME) to thoroughly investigate, either periodically or randomly, the examinee's compliance with any of the designated terms and conditions of probation, parole, and treatment rules. This examination should be conducted as a multi-issue (mixed issue) exploratory exam. However, nothing in this policy should be construed as to prohibit the completion of a Maintenance Examination in a series of more narrowly focused examinations when that approach would increase the accuracy or resolution of investigative target.

- 8.3.1 Maintenance exam - scheduling. It is recommended that Maintenance Exams be completed every four to six months, or every 12 months at a minimum. Community supervision team members should consider the possible deterrent benefits of randomly scheduled maintenance exams for some examinees, as well as conducting such exams in the early stages of supervision to ensure offender compliance.
- 8.3.2. Maintenance exam - examination targets. Investigation targets for the Maintenance Exam should bear operational relevance to an examinee's stability of functioning and any changes in dynamic risk level as indicated by compliance or non-compliance with the terms and conditions of the supervision and treatment contracts. Any of the terms and conditions of the probation or treatment may be selected as examination targets to include the possibility of new offense behaviors related to assaults or violence. Investigation targets for Maintenance Exams should emphasize the development or verification of information that would add incremental validity to the early detection of an escalating level of threat or to the community or to potential victims.
 - 8.3.2.1. Unknown allegations. Maintenance Exams should not address known allegations or known incidents, which are properly investigated in the context of an event-specific polygraph exam.
 - 8.3.2.2. Compliance focus. Maintenance Exams should be limited to questions about compliance or non-compliance with supervision and treatment rules. Questions about new assaults or acts of violence may be included in the examination as long as circumstances related to rights against self-incrimination do not exist. If information provided to the examiner, or obtained by the examiner during the pre-test interview suggests the offender has been at an elevated risk for a new violence related offense, the relevant questions should focus only on specific re-offense behaviors. If no such risk is perceived, relevant questions concerning new assault offenses may be combined on the same examination with other appropriate relevant targets.

- 8.3.2.3. Examination targets. Examination targets should include, but are not limited to the following: new victims of assaults, prohibited use of alcohol or drugs, possessing firearms or prohibited weapons, unapproved intimate relationships, prohibited contact with the victim or victim's home, or any of the other general or specific rules related to probation/parole.
 - 8.3.2.4 Maintenance examinations- time of reference. Maintenance examinations should refer to a time of reference generally from the last examination or some other specific date such as the start of court probation; most recent release from jail, etc., and should be clearly stated in the relevant questions.
9. Suitability for testing. Suitable examinees should, at a minimum, be expected to have a capacity for...
- A. Abstract thinking;
 - B. Insight into their own and others' motivation;
 - C. Understand right from wrong;
 - D. Tell the basic difference between truth and lies;
 - E. Anticipate rewards and consequences for behavior; and
 - F. Maintain consistent orientation to date, time, and location
- 9.1. Medications. Examiners should obtain and note in the examination report a list of the examinee's prescription medication(s), any medical or psychiatric conditions, and any diagnosed acute or chronic medical health conditions.
- 9.2. Unsuitable examinees. Examiners should not test examinees who present as clearly unsuitable for polygraph testing at the time of the examination.
- 9.2.1. Psychosis. Persons who are acutely psychotic, suicidal, or have un-stabilized or severe mental health conditions, including dementia, should not be tested.
 - 9.2.2. Age. Persons whose chronological age is 12 years or greater should be considered suitable for polygraph testing unless they are substantially impaired. Polygraph testing should not be attempted with persons whose Mean Age Equivalency (MAE) or Standard Age Score (SAS) is below 12 years as determined by standardized psychometric testing (e.g., IQ testing, and adaptive functioning).
 - 9.2.3. Level of functioning. Persons whose level of functioning is deemed profoundly impaired and warranting continuous supervision or assistance may not be suitable for polygraph testing.

- 9.2.4. Acute injury or illness. Persons suffering from an acute serious injury or illness involving acute pain or distress should not be tested.
- 9.2.5. Controlled substances. Persons whose functioning is observably impaired due to the influence of non-prescribed or controlled substances should not be tested.
- 9.3. Team approach. Examiners should consult with other professional members of the multi-systemic containment team, before the examination, when there is doubt about an examinee's suitability for polygraph testing.
- 9.4. Incremental validity. When there are concerns about an examinee's marginal suitability for testing, examiners should proceed with testing only when multi-disciplinary team determines that such testing would add incremental validity to risk assessment, risk management, and treatment planning decisions through the disclosure, detection, or deterrence of problem behaviors.
- 10. Testing procedures. Examiners who engage in PCDVT activities should adhere to all generally accepted polygraph testing protocols and validated principles.
 - 10.1. Case background information. The examiner should request and review all pertinent and available case facts within a time frame sufficient to prepare for the examination.
 - 10.2. Audio-visual or audio recording. Examiners should record all PCDVT polygraph examinations. The recording should include the entire examination from the beginning of the pretest interview to the completion of the posttest review. The recording should be maintained for a minimum of three years. The recording documents the quality of the conduct of the testing protocol; documents the content and authenticity of the content of the information provided by the examinee, thus precluding possible future denials; and facilitates a comprehensive quality assurance review when necessary.
 - 10.3. Pre-test phase. Examiners should conduct a thorough pre-test interview before proceeding to the test phase of any examination. An in-depth pretest interview will consist of the following:
 - 10.3.1. Greeting and introduction. Examiners should introduce themselves by their names and orient examinee to the examination room.
 - 10.3.2. Brief explanation of procedure. Examiners should ensure examinees have some information about the ensuing procedure and scope of testing prior to obtaining the authorization and release to complete the exam.

- 10.3.3. Authorization and release. Examiners should obtain informed consent from each examinee, in writing and/or on the audio/video recording, to a waiver/release statement. The language of the statement should minimally include 1) the examinee's voluntary consent to take the test, 2) that the examination may be terminated at any time, 3) a statement regarding the examinee's assessment of his or her mental and physical health at the time of the examination, 4) that all information and results will be released to professional members of the community supervision team, 5) an advisement that admission of involvement in unlawful activities will not be concealed from the referring professionals and 6) a statement regarding the requirement for audio/video recording of each examination.
- 10.3.4. Biographical data/determination of suitability for testing. Examiners should obtain information about the examinee's background including marital/family status, children, employment, and the current living situation in addition to a brief review of the reason for conviction and length/type of sentence. Examiners should obtain, before and at the time of the examination, information about the examinee's suitability for polygraph testing.
- 10.3.5. Explanation of polygraph instrumentation and testing procedures. The testing process should be explained to the examinee, including an explanation of the instrumentation used and the physiological and psychological basis of response. Nothing in this Model Policy should be construed as favoring a particular explanation of polygraph science. In general, an integrated explanation involving emotional attributions, cognitive theory and behavioral learning theory may be the best approach.
- 10.3.6. Structured interview. The examiner should conduct a structured or semi-structured pre-test interview, including a detailed review of the examinee's history and personal information, any relevant case facts and background, a detailed review of each issue of concern, and an opportunity for the examinee to provide his or her version of all matters under investigation. For event-specific diagnostic/investigative polygraphs of known allegations or known incidents, a free-narrative interview is used instead of a structured or semi-structured interview.
- 10.3.7. Review of test questions. Before proceeding to the test phase of an examination, the examiner should review and explain all test questions to the examinee. The examiner should not proceed until satisfied with the examinee's understanding of and response to each issue of concern.
- 10.4 In-test operations. Examiners should adhere to all generally accepted standards and protocols for test operations.
- 10.4.1 Environment. All examinations should be administered in an environment that is free from distractions that would interfere with the examinee's ability to adequately focus on the issues being addressed.

- 10.4.2 Instrumentation. Examiners should use an instrument that is properly functioning in accordance with the manufacturer's specifications.
 - 10.4.2.1. Component sensors. The instrument should continuously record the following during the test: thoracic and abdominal movement associated with respiratory activity by using two pneumograph components; electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue; and cardiovascular activity to record relative changes in pulse rate and blood pressure. A channel that detects vasomotor responses or other validated data channels may also be recorded.
 - 10.4.2.2. Activity sensors. A motion sensor is required for use by APA members.
- 10.4.3 Data acquisition. The conduct of testing should conform to all professional standards concerning the data quality and quantity.
 - 10.4.3.1. Number of presentations. Examiners employing a comparison question technique should conduct a minimum of three presentations of each relevant question. It is acceptable to conduct a fourth or fifth presentation in order to obtain a sufficient volume of interpretable test data.
 - 10.4.3.2. Question intervals. Question intervals should allow a reasonable time for recovery. For comparison question techniques, question intervals from stimulus onset to stimulus onset should not be less than 20 seconds. It is suggested that a time period between 25 and 30 seconds would be superior to the minimum time of 20 seconds.
 - 10.4.3.3. Acquaintance test. An acquaintance test should be administered during the first examination of each examinee by each examiner. Examiners are encouraged to use an acquaintance test during the conduct of other tests as appropriate.
- 10.5. Test data analysis. The examiner should render an empirically-based interpretation of the examinee's responses to the relevant questions based on all information gathered during the examination process.
 - 10.5.1. Scoring methods. Examiners should employ quantitative or numerical scoring for each examination using a scoring method for which there is known validity and reliability, which has been published and replicated.
 - 10.5.2. Results – diagnostic exams. Test results for event-specific diagnostic/investigative tests are normally reported as Deception Indicated (DI), No Deception Indicated (NDI) or Inconclusive (INC) / No Opinion (NO).

- 10.5.3. Results – exploratory exams. Test results of exploratory tests are normally reported as Significant Response (SR), No Significant Response (NSR) or No Opinion (NO).
- 10.5.4. No opinion/inconclusive. Examiners should render No Opinion (NO) whenever test results produce inconclusive numerical scores or whenever the overall set of test data do not allow the examiner to render an empirically-based opinion regarding the relevant test questions. (i.e., when test results are “inconclusive,” an examiner should render “no opinion” concerning the truthfulness of the examinee.) “No opinion” concerning the truthfulness of the examinee should be reported when an examination was stopped before collection of sufficient data to arrive at an empirically-based opinion.
- 10.5.5. Professional opinions and test results. Examiners should render an opinion that the examinee was deceptive when the test results are SR or DI for any of the investigation targets. Examiners should render an opinion that the examinee was truthful when the test results are NSR or NDI for all of the investigation targets. Examiners should not render an opinion that the examinee was truthful when the test results are SR or DI for any of the investigation targets. Examiners should not conclude an examinee is deceptive in responses to one or more investigation targets and non-deceptive in responses to other investigation targets within the same examination.
- 10.5.6. Non-cooperation. Examiners should note in the examination report whenever there is admitted evidence that an examinee has attempted to falsify or manipulate the test results and whether the examinee was forthcoming in explaining his or her behavior during the test. An opinion that the examinee was Purposefully Non-Cooperative (PNC) is appropriate when there is admitted evidence that an examinee was attempting to alter his or her physiological response data. Examiners reporting an examinee was PNC are not precluded from rendering an opinion that the examinee was deceptive (SR/DI) when the numerical scores support a conclusion that there were significant reactions to one or more relevant questions. Examiners should not render an opinion of truthfulness (NSR/NDI) when there is evidence that an examinee has attempted to falsify or manipulate the test results.
- 10.5.7. Data quality. Examiners should not render a conclusive opinion when there is insufficient data of adequate quality and clarity to allow a minimum of three interpretable presentations of each of the investigation targets.
- 10.6. Post-test review. The examiner should review the test results with the examinee, advise the examinee of any significant responses to any of the test questions, and provide the examinee an opportunity to explain or resolve any reactions or inconsistencies.
11. Examination report. Examiners should issue a written report containing factual and objective accounts of all pertinent information developed during the examination,

including case background information, test questions, answers, results, and statements made by the examinee during the pre-test and post-test interviews.

- 11.1. Dissemination of test results and information. The polygraph examination report should be provided to the professional members of the community supervision team who are involved in risk assessment, risk management, and treatment/intervention planning activities.
 - 11.1.1. Dissemination to other authorities. Reports and related work products should be released to the court, parole board or other releasing agency, or other professionals at the discretion of the community supervision team or as required by law.
 - 11.1.2. Communication after the exam. Following the completion of the posttest review, examiners should not communicate with the examinee or examinee's family members regarding the examination results except in the context of a formal case staffing.
- 11.2. Scope of expertise. Examiners should not attempt to render any opinion concerning the truthfulness of the examinee prior to the completing the test phase and test-data-analysis. Examiners should not attempt to render any opinion regarding the medical or psychological condition of the examinee beyond the requirement to determine suitability for testing at the time of the examination. Post-test recommendations should be limited to needs for further polygraph testing and the resolution of the behavioral targets of the examination.
12. Records retention. Examiners should retain all documentation, data, and the recording of each examination for a period of at least three years or as required by law.
13. Quality control. To ensure examiner compliance with these recommendations and other field practice requirements and to sustain the quality of the testing process, an independent quality control peer-review of a portion of each examiner's work product should take place annually.
14. Examiner qualifications. Examiners whose work is to be considered consistent with the requirements of this Model Policy shall have completed a basic course of polygraph training at a polygraph school accredited by the APA or meet other training, experience and competency requirements for professional membership in the APA.