

Polygraph/Lie Detector Testing of Victims/Survivors

The mission of the Pennsylvania Coalition Against Rape is to work to eliminate all forms of sexual violence and to advocate for the rights and needs of victims of sexual assault. 🌈

Position:

The Pennsylvania Coalition Against Rape opposes all polygraph testing or use of other truth-telling devices of victims of sexual assault, the victim's non-offending family members or significant others.

Rationale:

Most victims who report to law enforcement are telling the truth and should be treated as such unless and until the evidence shows otherwise.

Polygraph examinations can increase emotional trauma by inferring that the victim is not believed and trigger traumatic memory for a survivor under questioning by police. The results of polygraph examination also are too unreliable to be admitted in court or serve as the basis to decide whether a victim is telling the truth to law enforcement.

A polygraph examination measures physiological changes associated with anxiety and stress such as changes in a subject's heart rate, respiration (breathing) rate, blood pressure, and skin conductivity (a measure of how much sweat is present on the skin).

The presumption is that if a subject gives a deceptive answer while connected to a polygraph machine, the machine would detect changes in these measurements due to the subject's presumed anxiety about lying.

However, no known physiological response or pattern of responses is unique to deception. (Iacono, 2008)



Regardless of the test's accuracy, advocates for victims of sexual assault are also concerned with how victims of sexual assault are made to feel when asked to submit to such testing. In fact, the 2005 Violence Against Women Act clearly stated that prosecutors and law enforcement investigators may not request or require the use of polygraph or similar truth-telling examinations with sexual assault victims as a condition of initiating or continuing an investigation or prosecution.

Many victims find recounting their fear and embarrassing or degrading details of sexual assault a stressful experience. Some victims can feel like they are literally reliving the traumatic experience of the sexual assault when they are under questioning by investigators.

This is sometimes called "traumatic memory." Reliving the memory of a sexual trauma triggered by answering questions about the assault can cause anxiety in the subject that will cause the same measurable physiological changes during a polygraph examination as someone who

— POSITION STATEMENT —



is deceptive. Consequently, polygraph examinations are inherently unreliable when administered to sexual assault survivors.

Most victims of sexual violence never report the victimization to law enforcement. Numerous studies have scientifically quantified what victim advocates have anecdotally qualified for decades: people who are sexually assaulted do not report the crimes committed against them for reasons related to fear of not being believed (Kilpatrick, 1992).

Implying to a sexual assault survivor that a criminal investigation cannot go forward unless they submit to a polygraph examination—something that victims of other crimes are rarely asked to do—can also cause fear and anxiety in sexual assault victims because they may believe that law enforcement think that they are lying after going through the difficult process of disclosing what happened.

To have officers of the law request a victim to undergo a test

in attempt to verify whether the survivor is telling the truth reinforces these fears and may cause further emotional trauma to the victim, and ultimately erode trust in the criminal justice system. Victims who do not trust that the system is working to protect them are less likely to proceed with criminal investigations and prosecutions, which significantly reduces the likelihood of the offenders they report being prosecuted.

There is no one way for a sexual assault survivor to act after rape, but myths and misconceptions about victim behavior often lead criminal justice responders to mistakenly conclude that a victim is lying because her behavior does not fit their idea of how a ‘real rape victim’ would act. Most victims who report to law enforcement are telling the truth and should be treated as such unless and until the evidence shows otherwise.

It is imperative that all involved recognize the strong evidence of the statistical unreliability of polygraph testing and the re-victimization of sexual assault survivors. Every



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effort should be made to oppose its use as a standard tool of investigation.

Background:

Polygraph machines are a conglomeration of instruments used to measure blood pressure, cardiac activity, respiration, galvanic skin response (response to electricity), and sometimes muscle contractions. The devices measure the body's response to the stress normally associated with fear.

If the examiner interprets the relevant questions as generating more arousal than the control questions, the subject will be diagnosed as deceptive, or will "fail" the test.

Addendum: Testing of Perpetrators:

Enormous questions loom about the effectiveness of polygraphing in identifying perpetrators despite the test's effectiveness in forcing confessions from perpetrators.

Further, examination of this issue by PCAR may be warranted.

Sex offenders have motives that fall along a continuum from sexual to emotional to anger and require different skills and training of the polygrapher depending on where they fall on the continuum. One might be handled gently, another aggressively. One may respond better than another to questions designated to elicit "yes" answers rather than "no" answers. The degree to which the examiner sympathizes with the accused and the rate of change in his attitude toward the accused are both critical factors.

Selection of technique involves enormous assumptions about guilt or innocence and about the truth of the victim's story. And successful interrogation is heavily dependent on the sensitivity, the personal history, and the immediate mood of the examiner. Such variables are intolerable in a setting presented to the public as scientific and reliable.

The Pennsylvania Coalition Against Rape may issue statements regarding public policy affecting sexual violence victims and rape crisis centers. All position statements adopted by the Pennsylvania Coalition Against Rape will be viewed as the official position statement, the center, when publicly or privately voicing oppositions to the statement, will do so in the capacity of an independent program and in no way as a member of the Pennsylvania Coalition Against Rape.

References:

Iacono, W. G. (2008). Effective policing: Understanding how polygraph tests work and are used. *Criminal Justice and Behavior*, 35, 1295-1308. doi:10.1177/0093854808321529

Kilpatrick, D. G., Edmunds, C., & Seymour, A. (1992). *Rape in America: A report to the nation*. Retrieved from the Medical University of South Carolina, National Victim Center, Crime Victims Research and Treatment Center: http://www.musc.edu/ncvc/resources_prof/rape_in_america.pdf



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