

RESEARCH ARTICLE

The use of tactical polygraph with sex offenders

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Abstract Professionals who work with sexual abusers often are faced with a significant obstacle: offenders’ failure to accurately report their histories of undetected offences, particularly hands-on crimes against children. The implications are significant and include poor risk assessment, misguided treatment planning, inadequate sentences, and insufficient supervision conditions. This problem is particularly important with so called child pornographers—offenders whose known criminality is limited to the Internet, and who may be reluctant to admit they have engaged in the hands-on abuse of children. The current study examines an investigative method that we refer to as tactical polygraph and describes its effectiveness in identifying previously undetected sexual offending within this population. In our sample of 127 suspects with no known history of hands-on offending, only 4.7% admitted to sexually abusing at least one child. During polygraph procedures, an additional 52.8% of the study sample provided disclosures about hands-on abuse they perpetrated.

Keywords Tactical; polygraph; sex offenders; child pornography; abuse; deception

The sexual abuse of a child is generally considered one of the worst (if not *the* worst) of crimes a person can commit. Even among the nation’s criminal population, child molesters are held in great disdain and can be found at the bottom of the criminal hierarchy. Admitting that one has committed such a crime has significant legal consequences and carries serious social implications. It therefore is not surprising that most sex offenders keep their actions hidden for as long as possible—ideally forever—and when they are apprehended for one act they adamantly deny ever committing others. Sexual crimes are acts of secrecy, and denial is a place where offenders often seek psychological refuge (Nunes & Jung, 2012).

Many victims of sexual exploitation and assault also remain silent about what they experienced at the hands of their abusers. Their reticence to disclose may be emotionally self-protective, or it may be based on fears relating to shame and humiliation, their abuse, or of

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not being believed (Bagley, 1991). As a result, the base rates for detecting sexual offences are significantly lower than those of most crimes, where victims typically hasten to contact authorities (US Department of Justice, 2012). The consequences of the secrecy surrounding sexual offending are twofold: (1) offenders remain at large for years, perhaps committing other offences; and (2) many victims do not receive the care and treatment they need and deserve. Their undetected abuse places them at higher risk of future victimisation (Bagley, 1991), low self-esteem and depression (Molnar, Buka, & Kessler, 2001), serious psychiatric conditions (Bagley, 1991; Elliott & Briere, 1994; Spataro, Mullen, Burgess, Wells, & Moss, 2004), substance abuse (Fergusson, Horwood, & Lynskey, 1996; McCauley et al., 1997; Silverman, Reinherz, & Giacona, 1996; Wilsnack, Vogeltanz, Klassen, & Harris, 1997), relationship difficulties (Elliott & Briere, 1994), and suicide (Beautrais, 2000; Bensley, Van Eenwyk, Spieker, & Schoder, 1999; Lanktree, Briere, & Zaidi, 1991; Martin, Bergen, Richardson, Roeger, & Allison, 2004; Molnar, Berkman, & Buka, 2001).

Although it may seem paradoxical to what is written above, it is difficult for most offenders to constantly hold at bay the secrets about their abusive conduct. For those who appreciate the wrongfulness of their actions, their silence foments cognitive dissonance. Similarly, abusers with a capacity for empathy experience chronic feelings of shame and self-loathing. Overall, offenders find that suppressing these types of secrets is an enormously tiring endeavour. They live day-to-day, always wondering if, or when, their victim(s) will decide to tell someone what happened. And they must constantly guess whether today is the day police will arrive at their door, warrant in hand.

It is important to understand this concept, because in the collective experience of the authors (see also Abrams & Abrams, 1993), offenders' shame, self-loathing, and fear often create a pronounced urge to be rid of the secrets they hold at bay. The need for homeostasis—to be comfortable and in balance—is a basic human condition. And just as the body seeks to achieve homeostasis by purging itself of a toxin, the psyche attempts to rid itself of excessive stress and anxiety. Whether one refers to this urge as catharsis, venting, confessing one's sins, engaging in the first step of therapeutic change, or some other conceptualisation, at one point or another, many offenders grow anxious or weary from being out of balance, and they may experience a desire to expel the truth. When this point is reached, some confess to a spiritual leader, friend, therapist, or spouse. A rare few actually turn themselves in to authorities. The majority, however, weigh the merits of confession and decide that the benefits that might be gained from psychological release are not worth the anticipated losses to their reputation, status, family (including child custody), relationships, employment and income and/or freedom. These offenders take an alternative path: they further suppress their guilt and self-disgust. They choose to maintain silence, withhold, deny, distort, and minimise (Beckett, 1994; Buschman et al., 2010). Put more simply: they lie.

The deceptive and manipulative methods used by sex offenders to hide or minimise their crimes are well known among those who work with this population. As English, Jones, Pasini-Hill, Patrick, and Cooley-Towell (2000) note:

Complete information about the scope and frequency of a sex offender's deviant activities is available only from the offender, yet most sex offenders have made secrecy and dishonesty a part of their lifestyle. In fact, most sex offenders have deceived many people, often for many years, and few containment professionals believe that sex offenders will suddenly begin telling the truth when they are placed under correctional supervision (Pullen et al., 1996). The skill that has allowed these offenders to manipulate many victims allows them to manipulate criminal justice system officials as well. (p. 11)

Although at times these lies are overt, conscious efforts to evade consequences, there also exist what treatment providers refer to as *cognitive distortions* (Burn & Brown, 2006; Howitt & Sheldon, 2007; Quayle & Taylor, 2003). These thinking errors allow the offenders to rationalise or minimise their actions, and on some level they may actually believe these distortions (e.g., child victims are capable of “seducing” grown men; sexual activity between adults and children is healthy). Self-protective defence mechanisms complicate and often prevent mental health professionals and criminal justice officials from obtaining an accurate history of an offender’s sexually deviant acts. This is particularly true with undetected sexual crimes. In many cases, therapists must work for months to build sufficient rapport and trust for additional admissions to emerge, and even then the confession may be only a partial account. Often the incidents disclosed earliest in therapy are the least shameful or embarrassing acts the offender has committed—the tip of the offending iceberg. This lack of disclosure has led to an understanding by professionals in the field that it is unwise for a therapist to rely on the self-reported sexual history of a sex abuser (Association for the Treatment of Sexual Abusers [ATSA], 1993; English et al., 2000).

The irony of this situation is that the most effective treatment and management of sex offenders is often possible only if the involved professionals are aware of the offender’s entire offence history (Abel & Rouleau, 1990; Abrams & Abrams, 1993; English et al., 2000). Hence, the more offenders use denial to hide from internal anxiety or external consequences, the more they get in the way of their own efforts to manage their deviance. If, as the mantra goes, “the best predictor of future behavior is past behavior”, it goes without saying that offenders’ past crimes cannot remain in shadow. It is essential that probation and parole officers, as well as treatment providers, have insight into what the offender has done in the past, and even what he or she has thought about doing. They need to be aware of any deviant fantasies, motivational pathways, and former *modus operandi*. To appropriately assess risk, they must be informed about former victims, violence, and other adjunctive forms of sexual criminality, to name only a few factors.

Given the pronounced need to obtain the truth about what offenders have done, we should not presume they reveal all their secrets because they should, or are told to; likewise, we should not assume the truth will emerge when sufficient “rapport” has been established.¹ As English et al. (2000) note:

Most convicted sex offenders have organized their lives around deception, since their crimes are committed in secret. Past and present offenses are not easily detected, and sex offenders are certainly not forthcoming with shameful information about illegal acts (Carnes, 1983). Information about past and present deviant behavior—information that is essential to assessing risk and treatment needs—is extremely difficult to obtain. (p. 21)

Given the importance of learning as much as possible about sexual offenders, we are left with a need to obtain the truth through a more effective process than, say, unconditional positive regard. An effective way to see through deception and uncover the facts is through a process referred to as Psychophysiological Detection of Deception, and the tool used most often in this field is the polygraph instrument (English et al., 2000).

Detecting deception and the polygraph

Post-conviction polygraph testing has been shown to be quite effective in obtaining a more accurate account of sex offenders’ deviant criminal behaviour (Ahlmeyer, Heil, McKee, & English, 2000; Bourke & Hernandez, 2009; Buschman et al., 2010) and has been used to help identify undetected paraphilic interests, offences, and victims (Abrams & Abrams, 1993;

Abrams, Hoyt, & Jewell, 1991; English, Pullen, & Jones, 1996; Wilcox, 2009; Wilcox, Foss, & Donathy, 2005). In a study by Buschman et al. (2010), the authors concluded “the polygraph examination proved beneficial as a means for obtaining more thorough, realistic, and in many cases previously undetected details concerning the sexual behaviors of men attending sex offender treatment...” (p. 406).

In fact, the use of the polygraph in the field of sex offender treatment is not only considered acceptable, but is viewed as consistent with best practices. The Association for the Treatment of Sexual Abusers (ATSA), the leading and most reputable organisation for treatment providers who work with this population, provides professional standards that include guidance on polygraph assessment (ATSA, 2001). Many treatment providers who work with sex offenders consider the tool invaluable for obtaining important information about the offenders’ behaviour. Notably, one of the instrument’s most important uses in a therapeutic setting is the identification of previously undetected sexual crimes. When Ahlmeyer et al. (2000) used the polygraph to encourage disclosures among sex offenders in a treatment programme, for example, they found that less than one percent of victims had been identified in official records. As Buschman et al. (2010) note, “...[T]he polygraph can be effectively used to gain a greater insight into the interests and deviant behaviors of participants in a way no other method has yet been able to do” (p. 406).

The use of the polygraph

Although the polygraph is surrounded by a certain mystique, there is nothing magical about the instrument. Readers who have ever told a lie in their lives, particularly one of significance, are well aware that deception simply “feels different” than truth-telling. Our psychological discomfort often begins before the lie is fully formed—perhaps even in response to the *idea* of lying. Before, during, and after telling a falsehood we may exhibit “deception symptoms” in several areas, including physiological (e.g., having a rapid heartbeat), behavioural (e.g., stammering to get the words out, avoiding eye contact), emotional (e.g., feeling a sense of guilt or betrayal), and even moral (e.g., liking oneself a bit less, experiencing general “wrongness” about the situation). The specific manifestation of lying varies from one individual to the next, but for many the experience of lying is—at a minimum—disquieting, unpleasant, and uncomfortable.

The use of the polygraph has weathered a great deal of controversy since it was first introduced. The current paper is not an evaluation of the validity of the instrument from the perspective of false positives (i.e., how likely is someone telling the truth to produce charts that indicate deception) or false negatives (how often an examiner might fail to detect deception in someone who is lying). Similarly, it is not an evaluation of any particular polygraph test format. Rather, we begin with a simple truth: the polygraph is an effective interviewing tool for obtaining confessions and acquiring important information. In one recent study, polygraphed offenders were approximately 14 times more likely to make important disclosures compared to a control group of non-polygraphed offenders (Grubin, 2010). In short, we are not trying to investigate the *accuracy* of the polygraph, but rather its *effectiveness* as an investigative tool; specifically, its utility in uncovering previously undetected sexual abuse and exploitation.

Tactical polygraph

Although a description of the polygraph examination process is beyond the scope of the current paper, it is important to note that the intent of “typical” investigative polygraph

examinations is to gather evidence to support the matter under investigation (the *prima facie* case). Thus, in the case of online offenders, examiners historically have limited the scope of the tests to the offenders' online behaviours. Though logical, this method obviously limits the information that investigators can obtain to a small area of sexual misconduct. Also, even if polygraph examinations are offered to suspects (they usually are not), they typically occur later in the investigative process. Under normal circumstances, for example, an examination would not be offered to a suspect on the day a search warrant is executed at his or her home.

The current authors offer the following definition of what we refer to as *tactical polygraph examinations*: a polygraph examination administered as soon as possible after the point of first contact with a suspect as an investigative tool for gathering immediately actionable information. In the context of child exploitation cases, we can further narrow the definition to: polygraph examinations intended to assist with producing a more complete and truthful interview regarding the facts of the offence under investigation and the individual's history of offending against children. It is noteworthy that tactical polygraphs are only one component of an integrated approach to the initial encounter with a suspect,² and that, other than the temporal differences, the procedures for conducting this type of polygraph are similar to "typical" criminal polygraphs. As with other polygraph tests, appropriate ethical standards to ensure the protection of the examinees are followed throughout the administration of any tactical polygraph.

Although the polygraph examination process is not designed to be aversive, it is quite common for examinees to experience at least some degree of anxiety and trepidation. Examiners are aware that both dishonest and honest examinees are likely to be nervous, and they are trained on how to control for resultant physiological manifestations of this anxiety. For this reason, though they certainly can be done in a field setting, quiet, controlled settings (a small office works well) are ideal. Further, it is best if the examiner does not feel rushed and that he or she has sufficient time to develop rapport with the examinee before conducting a thorough pre-test interview.

Online sexual offenders

Crimes involving the possession, distribution, or manufacture of child pornography³ constitute violations of specific laws pertaining to the receipt and transmission of child abuse/exploitation images, and as a result there is a tendency for some individuals to assume these offenders are somehow distinct from child molesters (i.e., "hands-on" abusers). This assumption, in fact, is a key reason why recent years have seen an increase in judicial sentences that fall below sentencing guidelines (United States Sentencing Commission, 2012), a trend that may be attributable to an impression that the rate of "crossover" between child pornography collection and hands-on abuse is low (Eke & Seto, 2011; Endrass et al., 2009; Seto, Hanson, & Babchishin, 2011).

The logic of this conceptual view is somewhat befuddling. It ignores the observation that individuals who molest children and those who download and masturbate to child pornographic images share a primary motivational pathway—both are sexually aroused by minors (Seto et al., 2006). It therefore should come as no surprise that offenders whose sexual fantasies and urges involve children are able to derive pleasure and gratify their deviant impulses through a variety of means, and it suggests that significant "crossover" may exist between these crimes.

Although some research (Elliott, Beech, Mandeville-Norden, & Hayes, 2009; Howitt & Sheldon, 2007; Webb, Craissati, & Keen, 2007) has shown differences between groups of "online" and "offline" offenders, most is limited by an important assumption; that is, an

individual is a hands-off offender simply because official records do not reflect contact sexual offending. This assumption appears unwise, given the base rates for detecting sexual abuse are extraordinarily low, the finding that most victims of abuse never report their victimisation to law enforcement, and the low percentage of arrests leading to convictions (Centres for Disease Control and Prevention, 2010; National Centre for Policy Analysis, 1999; US Department of Justice, 2010, 2012). Researchers should never assume an offender has not committed a hands-on crime merely because his or her criminal record does not reflect such a charge or conviction. In order for an offender to have a prior conviction, the following must occur:

- (1) the act would have to be known by the victim (this assumption disregards abuse that occurs when the child is asleep or drugged),
- (2) the child would have to be verbal (this omits pre-verbal toddler and infant victims),
- (3) the child would have to make an outcry (many victims are threatened, blackmailed, or ashamed),
- (4) the child would have to be believed (this would ignore all the cases where the word of a trusted adult prevailed over the complaint of a “troubled youth”),
- (5) the adult who obtained the report would have to notify law enforcement,
- (6) the police would have to gather sufficient evidence,
- (7) the prosecutor would have to accept the case,
- (8) the perpetrator would have to be convicted,
 - the perpetrator would have to plead guilty to the charge (the case could not be pled down to a lesser offence) or
 - the case would have to go to trial and the perpetrator would have to be convicted and
- (9) he or she would have to lose their appeals.

Then, and only then, would the offender have a hands-on crime reflected in his or her criminal record. Thus, any reliance by researchers on official records to categorise offenders seems poorly placed, at best.

In an interesting study by Buschman et al. (2010), which unfortunately has a small sample size, data were collected from Dutch offenders who had downloaded child pornography. The researchers were able to ensure that disclosures would not be used against the offenders in court—immunity that obviously facilitated more complete honesty. Self-report and post-polygraph confessions were compared, and researchers found that while the majority of participants (21 of 25) initially denied any high-risk behaviours towards children in their self-report, following polygraph examination many offenders admitted they had engaged in such acts, and five participants acknowledged they had a plan to sexually abuse children if the opportunity arose. For legal reasons, the researchers did not ask the participants to report prior acts of hands-on abuse.

Tactical polygraph with online sexual offenders

Let us assume that at least some sex offenders feel burdened by their secrets and on some level want to relieve themselves of their pain, self-loathing, and guilt. Let us also assume that the reasons individuals who commit these acts do not discuss their behaviour with others is attributable to one or some combination of the following: guilt, remorse, fear of prison, fear of reputational damage, and fear of consequences to familial relationships. Such individuals, one might suppose, do not live in a state of true, healthy balance, but rather one consisting of

incredible pressures on one side, repressed or pushed down by equal or stronger pressures on the other. These individuals may be seeking an emotional pressure valve, a way out.

Polygraph examiners are trained in methods to elicit the truth from reticent suspects and are well-equipped to navigate this situation. They do not achieve this end in a coercive manner (as television would have us believe), but rather by building rapport, engaging in active listening, and using non-judgmental confrontational techniques. Further, they do not succeed by over-reliance on some magical “lie detector” machine, but instead come to interviews equipped with a tool that helps detect whether, and where, an individual has been deceptive. It makes good sense to use such a tool alongside custom-tailored interview strategies to discover previously undetected criminal behaviour and, in this case, identify and help victims.

Our analysis specifically sought to address three questions regarding use of the tactical polygraph to detect prior sexual activity among suspects arrested for the possession of child pornography:

- (1) Do men who download child pornography constrain their sexual activity involving children to online acts?
- (2) Does the tactical polygraph technique increase the number of admissions of child sexual abuse beyond the initial interviews conducted by investigators?
- (3) Do tactical polygraph admissions provide sufficient information to identify victims?

Method

To address the question of whether online offenders have ever sexually abused a child, as well as to assess the utility of the tactical polygraph technique, we compiled secondary data, not originally collected for research purposes, from polygraph examiners employed by the Federal Bureau of Investigation, the United States Secret Service, and the United States Postal Inspection Service. Each of the five Special Agents who collected the data was a certified polygraph examiner assigned to the polygraph division within their agency. Each has extensive experience in the field (collectively the five agents have more than 80 years of law enforcement experience and 39 years working as polygraph examiners).

The interview process for each agency consisted of three distinct phases: an initial interview, a pre-test interview, and a post-test interview. Initial interviews were conducted by law enforcement personnel and primarily addressed suspects’ possession and distribution of child pornography and any current or historical hands-on victimisation of children. After the initial interview, each suspect was offered a polygraph examination pertaining to the hands-on victimisation of children. Contingent upon the individual’s voluntary consent, a pre-test interview was conducted immediately prior to the collection of polygraph charts (i.e., the actual polygraph test) to address suitability for testing, biographical history, and participation in the sexual abuse of minors. The same examiner conducted a post-test interview upon completion of the polygraph test if deception was indicated on questions relating to hands-on abuse.

The data was a convenience sample collected from five participating agents in the three federal law enforcement agencies and included all suspects who agreed to take a polygraph examination regarding their hands-on activity ($n = 135$). None of these individuals (in any of the three samples) previously were arrested for a sexual offence. The crime for which they were being investigated at the time of their polygraph examination was a child pornography offence (i.e., possession, receipt, or distribution of child pornography). No hands-on criminal activity was known to the investigators at the time the polygraph examination was offered.

Some individuals were lost from the sample on the day of the examination as a result of a request to obtain a lawyer ($n = 1$), a refusal to take the test ($n = 2$), exclusion by an examiner due to medical or mental faculty ($n = 3$), or exclusion by an examiner due to suspected use of countermeasures ($n = 2$). For the purpose of this analysis, all suspects who began the polygraph procedures and had no exclusionary conditions are considered; therefore, our final sample consists of 127 individuals.

Polygraph examinations in the current study resulted in one of three determinations: No Deception Indicated, Deception Indicated, and Inconclusive (a determination of "Inconclusive" was made if the charts collected did not clearly reflect deception nor indicate the person was being truthful). There were no consequences for suspects who obtained deception indicated results but did not make subsequent disclosures. In eight cases a determination could not be made because the exam was discontinued after the pre-test interview and no charts were collected. All eight of these individuals admitted they had sexually abused children, and collectively they claimed responsibility for 33 victims. Charts were not collected on two of these individuals due to contraindicating medical conditions, and in the remaining six cases the examiner received sufficient information during the pre-test for the investigation to proceed. It is unknown if these disclosures constitute a comprehensive account of their sexual offence histories, however, and it is possible that participation in subsequent phases of the procedure would have resulted in additional admissions.

The polygraph procedures differed slightly for each agency. Agency 1 ($n = 57$) polygraphed the suspects on the day the search warrant was executed; 83% of offenders agreed to take the polygraph examination when asked. For Agency 2, suspects ($n = 31$) typically underwent polygraph examination three to four days after execution of the search warrant; approximately 60% of these men agreed to a polygraph examination. The suspects in the sample from Agency 3 ($n = 39$) were polygraphed following the execution of the search warrant, typically within one to five days; approximately 70% of offenders agreed. All agencies recorded hands-on disclosures at each of the three phases (i.e., initial interview, pre-test interview, post-test interview). Hands-on offences are defined in this study as penetrative sexual acts, as well as the touching of a child's genitals or breasts above or below his or her clothing for sexual gratification; we did not include acts that involved unintentional contact that caused the offender to become aroused, nor incidents of frottage (the practice of touching or rubbing against the clothed body of a non-consenting person for the purpose of sexual gratification). All identifying information, including demographics, was removed before making the data-set available for analysis.

Results

The study sample was comprised of 127 persons under investigation for the possession, receipt, or distribution of child pornography who agreed to a polygraph examination regarding their hands-on activity. Overall, 73 suspects with no known history of hands-on offending admitted to sexually abusing at least one child; this constituted 57.5% of the sample. Only 4.7% ($n = 6$) of the suspects provided an initial admission to previously undetected hands-on sexual offences prior to their participation in polygraph examination (i.e., during the initial interview phase). During the polygraph examination, an additional 52.8% ($n = 67$) of the study sample provided initial disclosures regarding their sexual abuse of a child: 20.5% ($n = 26$) during the pre-test interview, and 32.3% ($n = 41$) during the post-test interview (see [Table I](#)).

The disclosure rates of previously undetected hands-on crimes were fairly consistent between the three agencies (56.1–61.3%). A chi-square test for differences in disclosure probabilities between the three agencies was performed and showed no significant difference,

Table I. Initial disclosures by suspects before and during tactical polygraph administration

Label	Agency 1 (n = 57)		Agency 2 (n = 31)		Agency 3 (n = 39)		Total (n = 127)	
	Suspects	Victims ^a	Suspects	Victims ^a	Suspects	Victims ^a	Suspects	Victims ^a
Initial interview	2	2	3	6	1	2	6	10
Pre-test interview	9	41	5	15	12	46	26	102
Post-test interview	21	48	11	94	9	28	41	170
Total hands-on	32	91	19	115	22	76	73	282
Minor victims identified by name		56		11		30		97

^aIncludes the victims of 15 offenders who made disclosures at more than one phase.

($\chi^2(2) = .244, p = .89$). Variation existed among the groups regarding the moment when the suspect first disclosed victimisations. In the group polygraphed immediately following warrant execution (Agency 1), 65% of initial disclosures occurred during the post-test procedure, whereas 41% of the group polygraphed one to five days after warrant execution (Agency 3) disclosed their first hands-on victim at that point of the examination.

Study data revealed that disclosures were obtained, and current and historical victims were identified, at each procedural step in the polygraph examination process. Of the 73 individuals who acknowledged undetected sexual criminality, 15 made disclosures at multiple points during the process.

During the initial interview phase, 6 suspects admitted they had abused 10 victims ($M = 1.67, SD = .82$). The pre-test interview phase yielded an additional 102 victims by 29 offenders ($M = 3.52, SD = 3.16$). Examinations requiring post-test interviews resulted in disclosures by 54 suspects relating to an additional 170 victims ($M = 3.15, SD = 6.96$). The total number of victims disclosed by our study population was 282. Examinations subsequently led to the specific identification (i.e., by name) of 97 victims (34% of the total disclosed) who were still minors at the time of polygraph. Among the 57 offenders consenting to a polygraph from Agency 1, 10 admitted they were actively victimising a child.⁴

Polygraph test results differed across the agencies. A chi-square test for differences in the probability of polygraphs resulting in Deception Indicated and No Deception Indicated was performed between the three agencies and a significant difference ($\chi^2(2) = 13.41, p = .001$) existed between at least two of the samples. Despite this fact, disclosure rates did not differentiate among the agencies regardless of the “cooling-off” period (Table II).

A substantial portion of the sample reported no current or historical hands-on activity during the polygraph procedures. Of the 54 individuals who did not admit ever engaging in hands-on sexual abuse, only 17 (31.5%) had results in the category of “No Deception Indicated”. Almost half (26 offenders) of these child pornography possessors concluded their examination with a “Deception Indicated” determination concerning their hands-on activity. These offenders made no admissions during the post-test interview.

Discussion

This descriptive study examines the incidence of sexually abusive offending against minors among men who downloaded child pornography and offers an initial assessment of the tactical polygraph technique. The data collected consists of behaviours disclosed by offenders undergoing polygraph examination; specifically, admissions of contact sexual abuse of children the men said they committed. Some were abusive acts that were never detected;

Table II. *Tactical polygraph outcomes, % (n)*

Label	Agency 1 (n = 57)	Agency 2 (n = 31)	Agency 3 (n = 39)	Total (n = 127)
Deception indicated (DI)	86.0 (49)	51.6 (16)	46.2 (18)	65.4 (83)
No deception indicated (NDI)	5.3 (3)	22.6 (7)	28.2 (11)	16.5 (21)
Inconclusive	5.3 (3)	25.8 (8)	10.3 (4)	11.8 (15)
Pretest only	3.5 (2)	0.0 (0)	15.4 (6)	6.3 (8)

others were acts that were detected but never successfully prosecuted. In every case, the individuals came to the attention of law enforcement as a result of their involvement in adjunctive behaviour (i.e., possession of child pornography). They were confronted and interviewed about their online crimes and were provided an opportunity to reveal other crimes they had committed. In some cases, these disclosures occurred prior to the introduction of the polygraph, when a case agent merely asked them “what else” they had done related to their sexual interest in children. In other cases, the tipping point from guarded silence to open confession had not occurred, and the men were not yet ready to discuss other offline crimes. They agreed to be polygraphed, perhaps with the hope they would “beat the test”, and thus show their innocence. If the polygraph results told a different story, the men were confronted with the knowledge their physiology had “given them away”, at which point many broke down and began to disclose what they had been concealing.

At the time of this writing, the procedure we refer to as tactical polygraph appears to be gaining momentum as an investigative tool. It is growing in popularity for the most pragmatic of reasons: it works. Its efficacy rests only partially in the ability of the polygraph to “lie detect”, because, customarily, police officers on the street know when they are being lied to, detectives are aware that a suspect is fabricating details about an event, therapists realise their patients are withholding information, and probation officers are cognizant of the fact that their supervisees are engaged in secretive behaviour. The true utility of the polygraph, therefore, is not revealing whether someone is lying, but determining what he or she is lying *about*.

There are limitations to the current study that should be addressed by future research endeavours. We did not examine specific polygraph procedures, and an investigation of such methodology may reveal factors that could further enhance the effectiveness of tactical polygraphs. The field would benefit from an empirical investigation into how soon after the execution of the warrant the polygraph should be offered, as well as the most ideal location or environment for conducting these examinations. Ideally, research in this area would involve randomised trials. Also, it may be interesting to examine the correlation between specific criminal behaviours (e.g., the quantity or type of child abuse images collected) and disclosure of hands-on crimes.

A strength of the study involves data composition; specifically, the contribution of data by multiple law enforcement entities in various regions of the country. The partnership allowed us to assess the consistency of data between agencies and support our contention that despite different missions, examiners, and nuances in procedures or training, the utility of tactical polygraphs was apparent across agencies. Thus, the findings described herein appear robust.

This study has important implications to both the criminal justice and research communities. First, it strongly suggests that researchers should avoid placing offenders into groups labelled as “hands-off” based on the absence of such crimes in their criminal histories. Similarly, researchers, treatment providers, and legal officials should refrain from labelling men as “hands-off” offenders based on self-report. The fact is, *criminals lie*, and sex offenders

are particularly inclined to deceive others regarding their undetected acts. The current study supports the extant research that suggests child pornography offenders are sexually attracted to children, and that a large percentage of these individuals have victimised at least one child via an act of hands-on sexual abuse.

Second, the study suggests that rapport may be a necessary but insufficient condition for obtaining the truth from offenders. A strength of the polygraph, however, is it allows the examiner to build and, more importantly, maintain rapport with the examinee throughout the difficult disclosure process. The technique lets the instrument “accuse” the offender of being deceptive, rather than the interviewer. Thus the examiner may continue presenting him- or herself as an impartial third-party—a mediator between the accused and the machine—whose sole function is to resolve the issues at hand. The examiner can remain non-confrontational, an approach that often is most ideal when interviewing sexual offenders.

In the current study, this technique resulted in post-test confessions (initial or additional disclosures) in more than 60% of offenders with polygraph tests indicating deception ($n = 83$). This gives credence to the argument that the instrument, when placed in the hands of a good examiner, can lead to the discovery of undetected criminality.

Third, tactical polygraphs obtain real, measurable results. In this sample, undetected criminal activity involving the sexual assault of a child was found among 73 of 127 (57.5%) offenders who were initially under investigation for possessing child pornography material.

Fourth, the timing of the tactical polygraph matters. Offenders are more likely to attrite from the polygraph process the farther it is offered beyond warrant execution. Although this was not closely recorded in the present data, attrition increased in accordance to each agency’s typical polygraph request and response cycles, so that a higher percentage of suspects refused the polygraph when it was offered later in the process. As illustration, Agency 1 polygraphed individuals on the day the warrant was executed and achieved the highest consent percentage (83%). There are certainly individuals who will refuse to participate in polygraph examination regardless of when it is offered, but the initial data suggests that sooner is better. Agencies would be best served by the creation of procedures that consider this observation alongside their operational constraints.

The fifth finding is the one we found most persuasive: at the conclusion of 127 polygraphs, this technique led to the detailed identification of 97 child victims who were still minors at the time of polygraph. Law enforcement personnel were able to initiate an immediate social response by providing services to these silent survivors. When readers consider the finding that three in five of the offenders in the current study acknowledged abusing at least one victim, and that in some cases the abuse was ongoing at the time the examination was administered, the need to obtain this information, and to obtain it quickly, becomes imperative.

We have come to believe there is significant value in the use of tactical polygraphs in child pornography investigations and that a polygraph examiner should be available whenever a suspect is confronted regarding his or her illegal online sexual activity. In addition to obtaining information for the *prima facie* case, the investigator is in the perfect position to ask the individual if he or she has engaged in other forms of child abuse or exploitation, such as online sexual “chatting” with youth, voyeurism, travelling to meet juveniles for sexual activity, and any sexual touching of a minor. Adherence to appropriate ethical standards is necessary throughout this process. The present technique meets several important needs. First, it contributes to the moral imperative to try, wherever and whenever we can, to acquire information that might rescue a child from current and future abuse. Second, it serves the need for justice—the information obtained can be used to hold an offender accountable for past misconduct. Third, obtaining more frank disclosures provides an opportunity for those

involved in the legal system to get a more complete picture of the offender; such knowledge can assist with decisions relating to detention, treatment, sentencing, and supervision. Fourth, it can bring validation and closure to victims and their families. Fifth, it can be used to meet society's expectations that its law enforcement officers are doing everything in their power to keep citizens safe from harm. In short, from a legal standpoint it is advantageous; from a supervision perspective it is critical; and from an ethical standpoint it is simply the right thing to do.

Notes

1. To reinforce this point, readers of this document may wish to identify the person in their lives with whom they share the greatest rapport, and ask themselves: (1) if this person knows their entire history of sexual acts, and (2) whether this person is fully aware of their current sexual fantasies.
2. Other components can include but are not limited to: case agent interview, forensic preview of digital media, and victim advocate interview of known victims.
3. The authors use the term "child pornography" because it is consistent with US legislation and is most recognisable term in the US. We understand and appreciate the qualitative distinctions highlighted by other terms (e.g., indecent images, child abuse images, child exploitation images) and we do not mean to suggest this term is necessarily better, or more accurate, than those used elsewhere in the world.
4. Agency 1 was the only agency to include data that specified whether the hands-on victims were historic or current.

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