

## TEXAS CIVIL COMMITMENT OFFICE



### POLICY AND PROCEDURE

**NUMBER:** 3.14  
**EFFECTIVE:** 07/20/2022  
**SUPERCEDES:** 09/23/2019

**SUBJECT:** CLINICAL POLYGRAPHS

**PURPOSE:** To establish the procedure and requirements for a clinical polygraph.

### PROCEDURES:

#### I. Polygraph Examiner Credentials

- A. Be recognized by and follow the guidelines of the Joint Polygraph Committee on Offender Testing (JPCOT); and
- B. Follow the guidelines of the American Polygraph Association (APA) Post-Conviction Sex Offender Testing (PCSOT) standards.

#### II. Referral Process for Texas Civil Commitment Center Clients

- A. Monthly, each Texas Civil Commitment Center (TCCC) Case Manager shall send a list of the clients on their caseload requiring a polygraph to the designated community Case Manager. The designated community Case Manager compiles each TCCC Case Manager's list of clients and submits it to the TCCO Case Analyst by the tenth (10<sup>th</sup>) calendar day of the month.
- B. The Case Analyst shall submit the list of polygraphs for the following month to the TCCC Facility Administrator or designee by the twentieth (20<sup>th</sup>) calendar day of the month.
- C. The TCCC Facility Administrator or designee shall provide a list of the dates on which polygraphs will take place at the TCCC and the clients scheduled for each date. The polygraphs shall be scheduled so as not to interfere with the clients' required treatment activities.

- D. The TCCC Facility Administrator or designee shall forward the list of clients with scheduled dates to the Case Analyst, who will forward the lists to the TCCO Unit Supervisor and Director of Case Management Services (DCM), for distribution to the Case Managers.
- E. The Treatment Team shall jointly agree on the topics and the scope of the questions that will be covered on the polygraph.
- F. The assigned Case Manager shall submit a written rationale for each of the topics to be covered to the Unit Supervisor for review and approval. The rationale shall include the client's name, IQ, treatment provider's name, Case Manager's name, topics to be covered, and rationale for each topic.
- G. The Case Manager shall complete the Polygraph Agreement (TCCO-45-16), discuss the reason, purpose, and topics with the client and obtain the client's signature prior to each polygraph. The client may refuse to take a polygraph or refuse to answer questions on a polygraph examination.
- H. The Case Manager shall provide the following document(s) to the polygraph examiner within five (5) working days of the scheduled polygraph:
  - 1. The signed TCCO-45-16 specifying the reason for the polygraph and the topics to be covered;
  - 2. The rationale document;
  - 3. The most recent polygraph report;
  - 4. Offense report(s), victim statement(s), and the Offense Summary Worksheet(s) for instant offense polygraphs; and
  - 5. The Sexual History Questionnaire and/or any additional sexual history treatment assignment for sex history polygraphs.

### **III. Referral Process for Community-Based Clients**

- A. The Case Manager shall notify the Case Analyst via email when a client is in need of a polygraph examination. The Case Manager shall provide the following information to the Case Analyst when requesting a polygraph.
  - 1. Client name;
  - 2. Service area;
  - 3. Type of polygraph being requested;
  - 4. Reason for requested polygraph;
  - 5. Date of last polygraph;
  - 6. Type of last polygraph; and
  - 7. Name of last polygraph examiner.
- B. Upon receipt of the request, the Case Analyst shall provide the Case Manager with the assigned polygraph examiner's name and contact information within two (2) working days.

- C. The Case Manager shall contact the polygraph examiner who is required to schedule the examination within thirty (30) calendar days of the referral. If the examination cannot be scheduled within thirty (30) calendar days, the Case Manager shall notify the Case Analyst via email within two (2) working days.
- D. The Treatment Team shall jointly agree on the type of polygraph as well as the topics and the scope of the questions that will be covered on the polygraph.
- E. The Case Manager shall complete the Polygraph Agreement (TCCO-45-16), discuss the reason, purpose, and topics with the client and obtain the client's signature prior to each polygraph. The client may refuse to take a polygraph or refuse to answer questions on a polygraph examination.
- F. The Case Manager shall provide the following document(s) to the polygraph examiner within five (5) working days of requesting the polygraph:
  - 1. Copy of the client's Final Judgment and Order of Commitment and any modifications;
  - 2. The signed TCCO-45-16 specifying the reason for the polygraph and the topics to be covered;
  - 3. Offense report(s), victim statement(s), and the Offense Summary Worksheet(s) for instant offense polygraphs; and
  - 4. The Sexual History Questionnaire and/or any additional sexual history treatment assignment for sex history polygraphs.

### **III. Types of Polygraph Examinations**

Clients shall submit to the following types of polygraph examinations:

- A. Instant Offense – covers the offenses for which the client is under civil commitment. An instant offense polygraph examination shall be scheduled using the following criteria:
  - 1. When a client is in denial of a sex offense(s).
  - 2. If the client denies the sex offense(s) and has more than two (2) sexual offense victims, the Treatment Team shall identify two (2) offenses regarding which the client shall be polygraphed. The Treatment Team shall identify the most recent and/or the most severe offenses and the polygraph shall be scheduled based on that identification. Polygraphs on additional sex offenses can be done at the discretion of the Executive Director.
  - 3. When a client admits to the sex offense(s), he or she may be required to submit to an instant offense polygraph as determined by the Treatment Team. This determination is to be made on a case-by-case basis and the Case Manager shall document the reason for the polygraph in the case management automated system.
- B. Sexual History – covers the client's lifetime, not including the sexual offenses for

which he or she is under civil commitment.

- C. Maintenance – covers the timeframe from release to the present or from the last polygraph to the present to determine compliance with treatment or supervision.
- D. Monitoring – covers the timeframe from release to the present or from the last polygraph to the present to determine if a new sex offense has been committed.

#### **IV. Re-Examinations**

- A. The Case Manager shall obtain approval from the Texas Civil Commitment Office (TCCO) management prior to scheduling a re-examination polygraph when an examination's results indicate deception on an instant offense or monitoring polygraph.
- B. A sexual history re-examination may be scheduled only after the client has made additional disclosures.
- C. Excluding annual maintenance exams, the Case Manager shall obtain approval from the TCCO management prior to scheduling a maintenance polygraph re-examination when an examination's results indicate deception.

#### **V. Polygraph Report**

- A. For community-based clients, the Case Manager shall obtain a copy of the polygraph report from the polygraph examiner within fifteen (15) calendar days of testing. If the report has not been received within fifteen (15) calendar days of testing, the Case Manager shall contact the polygraph examiner to request the report.
- B. For clients at the TCCC, the polygraph report is received by the DCM and TCCC administration via email from the TCCC polygraph vendor no later than ten (10) business days after testing. Upon receipt, the DCM shall provide the reports via email to the Deputy Director, Unit Supervisor, Case Analyst, and Case Managers. The Case Analyst shall follow up with the TCCC administration if all reports have not been received by the tenth (10th) day following testing.
- C. The Case Manager shall scan the report into the case management automated system within two (2) working days of receipt and update the Sanctions and Notes screens. The Case Manager shall discuss the report with the Treatment Provider. Case Managers at the TCCC shall report any security concerns to the TCCC Security Chief.
- D. The Case Manager shall staff any polygraph indicating deception or in which pre-test or post-test admissions are made with the DCM within two (2) working days of receipt of the polygraph report.

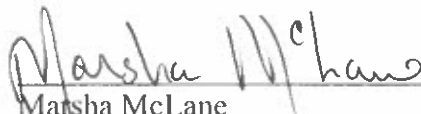
- E. The Case Manager shall discuss the polygraph report with the client at the next visit.

## **VI. Polygraph Frequency**

- A. A client's initial maintenance polygraph shall be scheduled six (6) months after the client's arrival at the TCCC.
- B. A client shall be scheduled for a maintenance polygraph at least one (1) time per year or as directed by TCCO management. If the Treatment Team determines a client should have a maintenance polygraph earlier than one (1) calendar year due to identifiable behavior, the Case Manager shall staff the request with TCCO management for approval.
- C. The Case Manager shall refer to *Policy 3.11 Biennial Review* regarding required polygraphs prior to their scheduled biennial examination.
- D. A polygraph examiner shall not conduct more than three (3) polygraphs of the same type (e.g., maintenance examination) on a client in a twelve (12) month timeframe.

## **VII. Medically/Physically/Mentally Unable to Take a Polygraph**

After consultation with the Treatment Provider and/or polygraph examiner, if a client is medically, physically, or mentally unable to take a polygraph, the Case Manager shall document the reason(s) in the case management automated system. Each case shall be re-evaluated every six (6) months to determine if the client's circumstance has changed. If a client's circumstance has changed earlier than six (6) months, the Case Manager shall request a polygraph as soon as the client is able to submit to the examination.

  
Marsha McLane  
Executive Director

### **Associated Forms**

Polygraph Agreement TCCO-45-16

## Texas Civil Commitment Office

### Polygraph Agreement

Clients Name: \_\_\_\_\_ SID# \_\_\_\_\_

Polygraphs are a part of my treatment plan. I understand and agree to the following:

1. I understand that I will be taking one of the following polygraphs:
  - ☐ **Instant Offense** – Covers the sex offense(s) of conviction.
  - ☐ **Sexual History** – Covers your sexual autobiography and victim list but does not include any post-conviction acts or the instant offense.
  - ☐ **Maintenance** – Covers compliance with conditions of civil commitment.
  - ☐ **Monitoring** – Covers any illegal sex act(s) since release or from the last polygraph.
2. I understand that my case manager has set the appointment for a polygraph. I agree to be on time for my appointment on the following date & time: 25 Aug 2018
3. I agree to take the polygraph from a polygraph examiner approved by TCCO:

Name: [Click here to enter text.](#)

Address: [Click here to enter text.](#)

Phone Number: [Click here to enter text.](#)

4. I understand I have the right to refuse to take a polygraph or to answer incriminating questions during the polygraph examination.
5. I understand that my polygraph questions will cover the following topics:

1) [Click here to enter text.](#)

2)

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Case Manager Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Case Manager Printed Name