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Examination of Sexual Abuse Crimes

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There is a specific type of criminal crimes: sexual abuse crimes. When the victim is raped without any previous encounters, the investigation of the crime is usually started from medical examination of the victim and the investigation takes a certain course hereon depending on whether the rapist (suspect) is known. In this case, police investigators may have at least minimum material evidence.

Criminal investigation becomes very complicated as far as determining whether sexual abuse took place if partners had sexual intercourse(s) im-

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mediately before the investigated event, and e.g. left a public place, went to someone's private apartment to listen to music, watch movies, and consume alcoholic drinks, and the incriminated sexual intercourse followed. Determining whether a minor child was molested is also very complicated when the genitals are not damaged. The investigators usually do not have any material (objective) evidence in such cases. In classic cases, psychologists communicate with the child and try to interpret the child's stories.

When a delayed investigation of suspicion of sexual abuse of a minor girl was initiated in Lithuania, four persons died tragically afterwards and the investigation continued for over two years. This received a broad community and mass media response. The community and even the politicians were divided into two opposite camps. Such public attention made police investigators and prosecutors very careful when making decisions in subsequent investigations regarding sexual abuse.

Below, we discuss the aforementioned event. It is possible that some people, whether intentionally or not, might exploit the incapacity of law enforcement authorities to investigate an event of such nature.

Grandparents A and B turned to law enforcement authorities. They informed that, after the death of their daughter after a grave illness, their son-in-law Z molested his minor daughter D three times at his new wife's home and by a lake. They maintained that their granddaughter D told them about that. As the aforementioned scandal was not over yet, the police and the prosecutor's office very cautiously started investigating a possible case of paedophilia. The police investigators questioned the grandparents A and B and their son-in-law Z; children's specialists examined the minor girl D and communicated with her. They did not succeed in obtaining evidence confirming or denying the statement of the grandparents. Police investigators turned to us asking whether we would polygraph examine the suspect Z. Having familiarized ourselves with the material gathered by the investigators more thoroughly, we agreed to perform the tests. We only requested to obtain consent to be examined by a polygraph from the suspect Z and the grandparents A and B.

We have used only Event Knowledge Test (EKT, Saldžiūnas & Kovalenka 2008a; 2008b; 2008c; 2009a; 2009b; 2009c; 2010; 2012a; 2012b) for many years of performing polygraph tests. In EKT tests, questions and groups of alternative answers (Saldžiūnas, & Kovalenka 2012b) are drawn up with regard to the versions.

We started from the following versions. **The first version (suggested by the grandparents A and B):** their son-in-law Z demonstrated his genitals to his minor daughter or perhaps went further at least three times at his home and near the lake. **The second version (upheld by the suspect Z):** he has never molested his minor daughter D. While analyzing the material gathered by police investigators, we found that an additional version should be investigated as well. **The additional version (the version of the examiners and the police investigators):** the grandparents A and B invented the charges against Z aiming to take their granddaughter away from their son-in-law.

Table 1. Generalized data for polygraph examination in a potential paedophilia case.

1. Have you ever done something for which you had to be punished by the police?				
		Examinee B (grandparent)	Examinee A (grandparent)	Examinee Z (son-in-law)
0.	for counterfeiting money	no	no	no
1.	for smuggling	no	no	no
2.	for robbery	no	no	no
3.	for hooliganism	no	no	no
4.	for fraud	no	no	no
5.	for illegal distribution of alcohol	no	no	no
6.	for embezzlement	NO	no	no

2. Have you ever done something for which you had to be tried?				
0.	for shoplifting	no	no	no
1.	for theft from cars	no	no	no
2.	for possessing drugs	no	no	no
3.	for a car accident	no	no	no
4.	for larceny	no	no	no
5.	for possessing a gun	no	no	no

3. How many times, according to your granddaughter D, did your ex-son-in-law Z sexually coerce her (a question for the examinees A and B)?/ How many times did you sexually coerce your daughter D (a question for the examinee Z)?				
0.	more than 20 times	no	no	no
1.	more than 15 times	no	no	no
2.	more than 10 times	no	no	no
3.	three times	3 TIMES	YES	no
4.	once	3 TIMES	no	no
5.	not a single time	3 TIMES	no	no
6.	you do not know how many times she was sexually coerced	3 TIMES		no
7.	only three times	3 TIMES	I DON'T KNOW EXACTLY	no

4. How or in what way, according to your granddaughter D, did your son-in-law Z sexually coerce her? / In what way did you sexually coerce D?				
0.	showed pornographic films to her	no	no	no
1.	licked D's body	no	no	no
2.	thrust his penis to D's lips	YES	YES	no
3.	Z masturbated his penis in front of D	I don't know	I don't know	no
4.	Z thrust his penis between D's legs	no	I don't know	no
5.	Z masturbated his penis with D's hand	YES, NO	I don't know	no
6.	Z bathed naked D in the bath	no	I don't know	no
7.	Z showed his naked body to D	yes	yes	no
8.	Z actually did not do anything wrong to D	NO	NO	no
9.	Z actually did not rape D	YES	RAPED	no

5. When, according to your granddaughter D, did your ex-son-in-law Z sexually coerce her? / When did you sexually coerce your daughter D?

0.	in April, 2008	no		no
1.	in May, 2008	no		no
2.	in June, 2008	no		no
3.	in July, 2008	YES		no
4.	in August, 2008	no		no
5.	D was molested at another time	no		no
6.	last year	no		no
7.	someone invented that D was molested	YES		maybe

Note: Examinee A didn't know when her ex-son-in-law Z sexually coerced the daughter D.

6. Where, according to your granddaughter D, did your ex-son-in-law Z sexually coerce her? / Where did you sexually coerce your daughter D?

0.	D was raped in the forest	no	no	no
1.	D was raped in the car	no	no	no
2.	D was raped in son-in-law's home	YES	YES	no
3.	D was raped abroad	no	no	no
4.	D was raped by the lake	YES	YES	no
5.	D was raped in your home	no	no	no
6.	D was raped at some other place as well	IN THE NEW WIFE'S HOME	I don't know	no
7.	D was not raped by the ex-son-in-law at all	RAPED	RAPED	no
8.	rape of D was invented	NO	NO	no
9.	D really told about the place where she was raped by Z	YES	YES	no

7. From whom did you first find out that your ex-son-in-law Z sex abused granddaughter D? (question for the examinees A and B)				
0.	you first found out from the police officers	no	no	
1.	you first found out from your daughter	no	no	
2.	you found out from your neighbours	no	no	
3.	you found out from your granddaughter	no	YES	
4.	you found out from the press	no	no	
5.	you found out from your ex-son-in-law	no	no	
6.	your granddaughter D did not tell about her rape at all	TOLD	TOLD	
7.	your husband A / wife B invented that D was raped	NO	NO	
8.	you found out from your granddaughter	artefacts	YES	

8. How, in your opinion, a person who slanders innocent people and blames people of a fictitious crime, should be treated? (question for the examinees A and B)				
0.	rebuke strongly because of slander	YES	yes	
1.	leave such a person alone	NO	no	
2.	sentence such a person for slander	yes	YES	
3.	do not be angry at such a person for the calumny	NO	NO	
4.	imprison such a person for slander	YES	YES	
5.	make such a person's act public via the press and to the neighbours	yes	YES	

8a. What, in your opinion, should be done to you when the results of the polygraph examination are known? (question for the examinee Z)				
0.	rebuke strongly			no
1.	leave you alone			yes
2.	make your act public via the press and to the neighbours			no
3.	notify the employers			no
4.	imprison you			no
5.	end the police investigation			yes

We included the results of the polygraph examination in Table 1. A total of eight questions with alternative answers (Saldžiūnas & Kovalenka, 2008a; 2008b; 2008c; 2009a; 2009b; 2009c; 2010; 2012a; 2012b) were prepared. Examinees' answers were entered into columns 3, 4, and 5. The questions N1 and N2 are of adaptive nature (Saldžiūnas & Kovalenka, 2008a; 2008b; 2008c; 2009a; 2009b; 2009c; 2010; 2012a; 2012b), they are not Demonstration Tests (DT) (Konieczny, 2009; Krapohl, 2010). The main difference between them and the DT is that these questions are not aimed at proving the high reliability of polygraph examination to the examinee. The examinees becomes used to the examination procedure during the first two questions. Using polygraph charts, examiners judge the psychophysiologic condition of the examinee. A response was registered only after the examinee's B answer "NO" to the answer N6 of the question N1. This response is not very important to the conclusions of the examination, but will be discussed later. The examinees' answers, after which symptomatic responses (Konieczny, 2009) were recorded, are marked in bold capital letters in Table 1: they may be **NO, YES, 3 TIMES, I DON'T KNOW EXACTLY**, etc. The questions from N3 to N7 were drawn up in accordance with the versions. The question N5 was not presented to the examinee A during the polygraph examination. Having read the question N5 he told the examiner that he did not know when his granddaughter D had been raped. The question N7 was not presented to the examinee Z during the polygraph examination, as it was designed for checking the third version and the examinee could only guess how or where from the accusations against him originated. As we did not succeed in creating more questions with regard to the versions, we additionally included symptomatic-control questions N8 and N8a. The question N8 – for the examinees A and B, and N8a – for the examinee Z.

We would like to remind that, in accordance with EKT (Saldžiūnas & Kovalenka, 2008a; 2008b; 2008c; 2009a; 2009b; 2009c; 2010; 2012a; 2012b), if a response is recorded after any answer (**NO, YES, 3 TIMES, I DON'T KNOW EXACTLY**, etc.) of the examinee, this may mean that the examinee is not honest when answering or that the statement expressed by the examinee is not true.

The following were observed and determined during the polygraph examination:

Grandmother B presumably consumed strong sedatives before the examination. She admitted having taken medications for heart diseases, but denied having consumed any other medications before the examination. Such an as-

sumption is suggested by very large tonic electrodermal activity (250-500kΩ) (Saldžiūnas & Kovalenka, 2013; Varlamov & Varlamov, 2007)

Grandmother B tried imposing psychological suggestions on the examiner. She sometimes also chose “not to hear” answer options read by the examiner during the examination;

Although the adaptive questions N1 and N2 are not very important to the conclusions (assumptions) directly, the examinee’s B response after the answer N6 of the question N1 may turn attention to her past, which is not completely innocent.

An additional conclusion (assumption) that examinees A and B are afraid of police investigation and of polygraph examination may be made on the grounds of their responses after the answers to the question N8. It may be considered (assumption) that examinee Z is almost confident of the results of the polygraph examination based on his responses to the answers to the question N8a.

Before the examination, the examinee A tried to persuade an examiner to work out conclusions of the examination that would be favourable to him.

When analysing the questions N3-7 from Table 1, and taking into account the recorded responses and evaluating the examinee’s behavioural tactics before and after the polygraph examination which we described above, the following conclusions (assumptions) may be made:

The version that the son-in-law Z sexually exploited his daughter D does not prove to be true. This decision is confirmed by the statistical majority of responses. Some of the examinee’s B answers may seem strange (after the answer N3 of the question N7 and the answer N7 of the question N5). This could have happened, as commented later, because the examinee B applied countermeasures during the examination (tried “not to hear” the answer options read by the examiner during the examination).

It seems that the majority of responses confirm the son-in-law’s Z version that he did not abuse his daughter D sexually.

The version that one (or both) of the grandparents created false accusations to the son-in-law is possible as well with regard to the recorded responses.

A conclusion, whose content was roughly presented above, was included in the file and, as the prosecutor’s office was cautious after the scandals that

took place in the Republic of Lithuania, investigation of the evidence on this crime was handed over to the court. One of the examinees was questioned before the court. The court of first instance acknowledged that Z did not abuse sexually his daughter D. As A and B explained that the whole case was an account by their minor granddaughter D, the court could not prove that the accusations were invented. The police and the prosecutor's office believe that the court ruling will not be accepted and an appeal to a court of higher instance will be made. In our capacity of examiners, we were very glad we could help an innocent person defend himself before the court.

We wish to emphasize that testing (examination) of both victims and suspects is important when investigating cases related to sexual crimes. We had six similar investigations in our practice. Three suspects were sentenced by the court after the conclusions of three examinations. The prosecutor's office terminated the cases after the other three examinations. In one case, only the victim agreed to be polygraphed, while the suspect did not. The victim's version was proved to be true during the examination.

We apply the principle described above when investigating crimes with several suspects, also if they present contradicting versions. They usually maintain that the crime was not committed by them but other perpetrators. In such cases, the suspects provide plenty of detail which is not hard to examine during the polygraph examination. Such investigations are not difficult and their conclusions are highly intelligible in the court.

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