



Office of Utah for Rational Sex Offense Laws

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Representative Angela Romero
Utah House of Representatives
350 North State, Suite 350
Salt Lake City, UT 84114
Via email: angelaromero@le.utah.gov

Position Statement on H.B. 89 Use of Polygraph Amendments

Dear Representative Romero,

Utah for Rational Sex Offense Laws (UTRSOL) strongly supports H.B. 89, which prohibits law enforcement from requiring or requesting that victims of sexual assault and other specified offenses submit to polygraph examinations as a condition for investigating their cases or pursuing charges.

Evidence-Based Policy

As an organization that works with licensed therapists, social workers, and mental health professionals, UTRSOL advocates for policies grounded in scientific evidence. Current research demonstrates that polygraph examinations are fundamentally unreliable for assessing truthfulness, particularly when administered to trauma survivors. The physiological responses measured by polygraphs—including nervousness, elevated heart rate, irregular breathing, and increased perspiration—are indistinguishable from the trauma responses commonly experienced by sexual assault victims.

This scientific reality means polygraphs cannot differentiate between deception and trauma-induced stress responses, rendering them inappropriate and potentially harmful tools in sexual assault investigations.

Protecting System Integrity and Public Safety

UTRSOL's mission includes promoting a rational, effective justice system that holds actual offenders accountable. When legitimate cases are dismissed or deprioritized based on flawed polygraph results:

- Real perpetrators escape accountability and remain free to reoffend
- Investigative resources are diverted to unreliable methods
- Public safety is compromised
- Trust in the justice system erodes

Representative case examples from CCJJ commission illustrate this concern: victims who failed polygraphs due to trauma responses saw their cases dismissed, while perpetrators continued offending until caught again through other means. This represents a systemic failure that serves neither victims nor public safety.

This type of failure allows misconceptions about the justice system to proliferate, fuels misdirected anger towards those who offend, and drives community demands for stricter legislation that fails to address the root causes of both crime and injustice. When legitimate cases collapse due to polygraph misuse while actual perpetrators remain free, the public perceives a “soft on crime” problem rather than recognizing the real issue: reliance methods that undermine effective investigation. This misdiagnosis leads to calls for harsher sentencing, expanded surveillance, and increased incarceration—policies that consume resources without improving public safety or preventing reoffending.

Meanwhile, the actual reforms needed—training investigators in trauma-informed interviewing, investing in evidence-based forensic methods, eliminating unreliable screening tools, and addressing the socioeconomic and psychological factors that contribute to criminal behavior—remain neglected. The result is a counterproductive cycle where flawed investigative practices generate both injustice and public fear, which in turn generates politically popular but empirically ineffective “tough on crime” responses that perpetuate the very systemic weaknesses that created the problem.

Professional Consensus

This bill has garnered support from law enforcement agencies, victim service providers, and advocacy organizations who recognize that effective investigation relies on evidence collection, witness interviews, forensic analysis, and other reliable methods—not testing that can actively undermine case integrity.

Conclusion

UTRSOL supports H.B. 89 because a rational, evidence-based justice system that properly investigates and prosecutes sexual offenses serves everyone's interests. By removing procedural barriers that harm victim participation and trust in the justice process, this bill strengthens both victims' rights and public safety outcomes. Sound policy requires that we eliminate practices that lack scientific validity and actively impede the pursuit of justice.

Sincerely

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