

APA MAGAZINE

The Magazine for the Polygraph Professional

July/August 2014
Volume 47,4

*The APA Annual Seminar in Seattle, Washington
September 7 - 12, 2014*



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Deadlines

This issue closed on July 7, 2014.

Deadline for September/October, 2014
issue
is September 19, 2014.

Submission of Articles

The *APA Magazine* is published by the American Polygraph Association. The mere publication of an article, news item, or notice in this Magazine does not constitute an endorsement by the American Polygraph Association. Advertising and Editorial address is APA Editor, P.O. Box 10411, Fort Jackson, SC 29207, USA. Subscription address is: APA, P.O. Box 8037, Chattanooga, TN 37414-0037. The *APA Magazine* is published six times per year and is available in electronic format only. Address and e-mail changes/updates should be sent to: APA, P.O. Box 8037, Chattanooga, TN 37414-0037, or manager@polygraph.org. E-mail notification is sent to subscribers when the latest publication is available. The APA webmaster is not responsible for issues not received because of improper address information. Submission of polygraph-related articles should be sent to: Don Krapohl, P.O. Box 10411, Fort Jackson, SC 29207 or Editor@polygraph.org.

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ACADEMIC SCHEDULE 2014

LATINAMERICAN POLYGRAPH INSTITUTE

PROFESSIONAL COURSE IN FORENSIC PSYCOPHYSIOLOGY - POLYGRAPH

NAME OF THE COURSE	DATES	SCHEDULE	DURATION (IN HOURS)	MODALITY
DAYTIME 1 - BOGOTA	February 10th to May 24th	Monday to Saturday 7:00 to 13:30	560	On-Site
DAYTIME 2 - BOGOTA	May 26th to August 30th	Monday to Saturday 7:00 to 13:30	560	On-Site
DAYTIME 3 - BOGOTA	September 15th to December 20th	Monday to Saturday 7:00 to 13:30	560	On-Site
NIGHTTIME 1 - BOGOTA	April 21st to August 18th	Monday to Friday 17:30 to 22:00 (Saturday 7:00 to 13:30)	560	On-Site
NIGHTTIME 2 - BOGOTA	August 11th to December 6th	Monday to Friday 17:30 to 22:00 (Saturday 7:00 to 13:30)	560	On-Site

GRADUATE COURSES

NAME OF THE COURSE - CERTIFIED BY ICAE	DATES	SCHEDULE	DURATION (IN HOURS)	MODALITY
GRADUATE COURSE IN PERSONNEL SELECTION - CERTIFIED BY ICAE AND ICAE (INTERNATIONAL CERTIFICATION) - CERTIFIED BY ICAE	Friday and Saturday (once a the month)	Friday and Saturday - 7:00 to 11:00	100	On-Site / Virtual
GRADUATE COURSE IN PERSONNEL SELECTION - CERTIFIED BY ICAE	March 22nd to April 14th	Monday to Friday 18:00 to 21:30, Saturday 7:00 to 13:30	60	On Site / Virtual
GRADUATE COURSE IN PERSONNEL SELECTION - CERTIFIED BY ICAE	May 18th to June 14th	Monday to Friday 18:00 to 21:30, Saturday 7:00 to 13:30	60	On Site / Virtual
GRADUATE COURSE IN PERSONNEL SELECTION - CERTIFIED BY ICAE	June 28th to August 2nd	Thursday and Friday 18:00 to 21:30, Saturday 7:00 to 13:30	60	On Site / Virtual
GRADUATE COURSE IN PERSONNEL SELECTION - CERTIFIED BY ICAE	September 22nd to October 18th	Monday to Friday 18:00 to 21:30, Saturday 7:00 to 13:30	60	On Site / Virtual

SEMINARS

NAME OF THE COURSE	DATES	SCHEDULE	DURATION (IN HOURS)	MODALITY
SEMINAR OF LIE DETECTION	March 14th	Friday, 8:30 to 16:30	8	On Site / Virtual
INTERNATIONAL SEMINAR FOR POLYGRAPH EXPERTS	May 23th and 24th	Thursday and Friday, 8:30 to 16:30	16	On Site
SEMINAR OF SECURITY IN PERSONNEL SELECTION PROCESSES	June 21st	Friday, 8:30 to 16:30	8	On Site
SEMINAR REGARDING HOW TO PREVENT DELINQUENCY INSIDE THE ORGANIZATIONS	September 20th	Friday, 8:30 to 16:30	8	On Site
XVIII ANNUAL SEMINAR OF THE LATIN AMERICAN POLYGRAPH ASSOCIATION - CANCUN MEXICO	November 5th to 8th	Wednesday to Saturday, 8:30 to 16:30	32	On Site

OTHER COURSES

NAME OF THE COURSE	DATES	SCHEDULE	DURATION (IN HOURS)
TRAINING IN COUNTERMEASURES DETECTION	April 14th to 18th	Monday to Friday 18:00 to 21:30, Saturday 7:00 to 13:30	On Site / Virtual
PCSOI ADVANCED COURSE (CERTIFIED BY THE APA)	October 8th to 8th	Monday to Friday 8:00 to 16:00, Saturday 8:00 to 16:00	On Site
ENGLISH COURSES FOR POLYGRAPH EXAMINERS	Dates to be confirmed by the Academic Unit	According opening	On Site

WORKSHOPS

NAME	DATES	SCHEDULE	DURATION (IN HOURS)	MODALITY
WORKSHOP OF FORENSIC PSYCHOLOGY AND POLYGRAPHY	November 26th to 29th	8:00 to 16:00	32	On Site

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Editor's Corner

It's that time of year again, time to choose your APA leadership. Elections will be held electronically July 14th - 20th. If you have an email address registered with the APA website or the APA National Office, you will receive an email that directs you to the voting website, along with your user id and passcode. The statements from the candidates have been posted in the Members section of the APA website (polygraph.org) and are republished in this issue of the *APA Magazine*. Read the statements carefully, and make your choice. Or, you will be able to offer a write-in candidate in the electronic balloting.

If you have any problems with voting, you can contact me at editor@polygraph.org.

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In Memoriam

Conrado G. Dumlao

The APA regrets to inform you of the passing of Conrado G. Dumlao. Mr. Dumlao was a member of the APA from February 24, 1968 until his passing on February 2, 2014.

Employment

Representatives of the National Security Agency will be present at our upcoming 2014 seminar in Las Vegas. If you are considering a new career move, please remember to bring your resume. Either way, visit their recruitment table and introduce yourself. Throughout the week, they will be conducting operational interviews of interested members.

The NSA has also recently updated a Job Opportunity Posting on the NSA webpage – that can be accessed at:

www.nsa.gov

VOTE

Daniel Mangan

APA PRESIDENT ELECT



Because Integrity Matters

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Visit the APA Website for more news and up-to-date announcements:

www.polygraph.org

Candidate Statements for the 2014 Election of APA Board Officers

Elections will be held electronically this year from July 14 through July 20. There are six open offices: President Elect, Vice President Government, Vice President Law Enforcement, Vice President Private, Director 2, and Director 4. Seven qualified APA members have notified the APA National Office of their candidacy for these offices. Each candidate was invited to submit a statement of up to 500 words for publication. Below are the statements organized by office, listed in alphabetical order by last name.

Candidates for President-Elect (2)



Walt Goodson

My name is Walt Goodson and it has been an honor to serve as your Vice President, Law Enforcement. I now ask for your support as President-Elect.

As President, I am committed to the APA and furthering the acceptance of this valuable public safety tool in the scientific community. I will work to improve the image of the APA, its professionalism and quality of customer service. Additionally, I am focused on operating efficiency and fostering growth. In doing so, we will attract and retain members who adhere to our high standards, and continue to offer world class seminars and education.

My experience to achieve these commitments: As a Captain with the Texas DPS, I manage numerous personnel and have reorganized many programs including our polygraph unit. I have polygraph experience as an examiner, quality assurance supervisor, instructor,

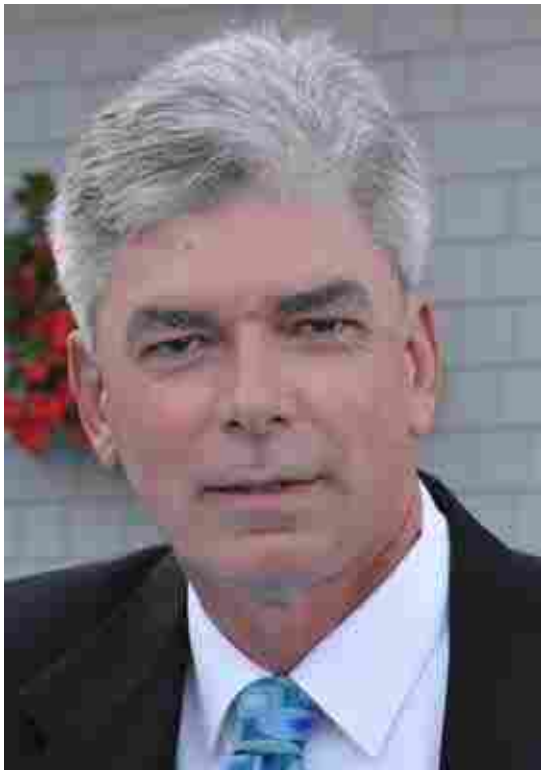
and a Texas DPS Polygraph School Director. I have served as Past-President and as a Director of TALEPI. In addition, I served on many APA committees including Chair of the Ethics and Grievance Committee for three years. As Chair, I have gained great insight into the polygraph profession.

Attending 10 consecutive seminars, as well as my tenure as a board member, has given me keen insight into the inefficiencies that limits the APA's potential. I am specifically focused for improvement of the following:

1. Update the APA website. The website is our first impression of polygraph across the world. I will ensure it is functional, user friendly, and projects a competent image.
2. Offer online registration, applications and renewals. This year, 725 members failed to pay their renewal fees due in part to inadequate and inconvenient renewal processes which are also time consuming for our members and staff. Online options will increase revenue and membership.
3. Provide an APA online store. This offers convenience for members, increases visibility by selling branded merchandise, and provides an opportunity for revenue.
4. Streamline the grievance process. Annually, APA receives over 100 complaints which require the physical attention and response of the Board. Automating portions of this process will afford for a more effective and timely resolution to complaints, while also educating the membership.
5. Improvement of the National Office. This is an ongoing effort for the APA board and my commitment as an experienced board member is needed to ensure that the inefficient practices that currently consume our office staff, limiting customer service, is reviewed and revamped.
6. Review seminars for continued improvement. Our seminars are held in world class locations and should also have equal caliber instructors and activities. This can be accomplished without raising fees.

7. Develop APA committee guidelines. Standing committees accomplish the work of the APA and written guidelines are needed to provide role clarification, detailed instructions that will elevate results.
8. Represent the APA in a professional and ethical manner.

Please support me as President-Elect with your vote. Thank you for your dedication to the APA with your participation in the election process. I hope to see you in Seattle.



Daniel Mangan

The polygraph profession has been largely ignoring a three-front crisis of ethics. Those three fronts are: victimization of innocent parties via false results; a puzzling lack of reality-based research on the effects of countermeasures; and, potentially harmful discrimination within the APA membership.

Since becoming a polygraph examiner and APA member in 2004, I have witnessed a steady drifting away from key principles that are claimed in the APA's mission statement.

The APA's mission statement says in part, "... establish the highest standards of moral, ethical, and professional conduct in the polygraph field." Further, the first of four distinct goals that appear under the APA's stated mission is "Serving the cause of truth with integrity, objectivity and fairness to all persons."

It seems to me that the APA has lost sight of those prime objectives.

To address that deficiency, I am running for president-elect on the following three-point platform:

1. A bill of rights for polygraph test subjects, similar in spirit to the checks and balances of EPPA, designed to elevate informed consent to a suitably professional level and help avoid potential harms, some of which are irreparable
2. An ongoing countermeasure challenge series, integral to APA seminars, designed to illustrate polygraph's real-world accuracy and explore variations in examiner competence
3. Equality for all APA member examiners, primarily as it regards access to educational materials presented at APA events currently restricted to select groups, eliminating the de facto caste society within the APA and ending the disadvantage suffered by underprivileged examiners

Further, no discussion of ethics and the APA would be complete without a grim reminder that poor decisions based on commercial motivations are a setup for self-inflicted wounds that reflect badly on the entire polygraph profession. When accounts of such shenanigans reach the syndicated press, and trickle down to polygraph's detractors, the industry suffers. What is even more troubling, though, is the basis of the underling judgment that led to those bad decisions. Whatever the misguided rationale was – be it greed, entitlement, or simply a cavalier “It's just business as usual” attitude – such thinking has no place in the American Polygraph Association.

Sadly, polygraph is all too often simply about money. While there will always be opportunists in our field, the APA should continually lead by example. That starts with living up to the APA mission statement. Clearly, gaining respect from the scientific and legal communities will require more than merely dazzling those entities with our own statistics.

Righting the wrongs that plague the American Polygraph Association will require – in the truest collective sense – courage, perseverance, and a strong stomach. But first, we must be honest with ourselves.

Pogo – the central character of the famous comic strip known for its inward-looking political satire – effectively summarized the APA’s plight when he observed, “We have met the enemy and he is us.”

It’s time to change that. Our future depends on it.

Learn more about me, and my platform, by visiting www.polygraphman.com.

Candidate for Vice-President Government (1)



Darryl Starks

TO: The General Membership of the American Polygraph Association

In consideration of the distinguished elected position Vice President-Government, within the American Polygraph Association (APA), please accept my campaign statement of interest. With more than 30 years of combined service with the federal government, plus a diversified portfolio which includes military, special agent and adjunct instructor experience, my knowledge and expertise brings well-roundedness to APA membership. With great pride and humility I’m requesting your support and vote, with the hope you will confirm me as your Vice President-Government. From 1983 to 1989, I proudly served in the US Army as a Military Policeman and later as a Special Agent with Army CID, where I was first introduced to the investigative utility of Polygraph. I began my career as a Special Agent with The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in 1990 and graduated from The Department of Defense Polygraph Institute (now NCCA) in 1998. Since 2004, I’ve served as a Supervisory Special Agent-Quality Control Team Leader with ATF’s Polygraph Branch.

My experiences in this capacity: administering polygraph examinations related to specific issue criminal investigations, counterintelligence, pre-employment screening and foreign vetting. Furthermore, I serve as ATF's Adjunct Instructor to The NCCA for new examiner basic training.

Academically, I hold a Bachelor of Science Degree in Criminal Justice Administration from Park University, Parkville, Missouri; and a Master of Arts Degree in Forensic Psychology from Argosy University, Washington, DC. A member in good standing with the American Polygraph Association since 1998, I've attended annual training conferences since that year. Additionally, at the APA Conference (Arlington, VA), and The Federal Inter-Agency Seminar and state association seminars, I have served as a presenter respectively.

If I am confirmed as your Vice President-Government, a sample of specific focus areas I hope to address pending review of government and affiliated member priorities:

- 1 - Continue to advance the cause for research based standardization of polygraph profession.
- 2 - Offer more APA Continuing Education courses throughout the year.
- 3 - Develop and create on-line payment capabilities for dues, seminars, etc.
- 4 - Advance the strategic plan of the APA.
- 5 - Increase the APA membership.

Together as dedicated members of the APA, we can make a great organization more efficient and effective. I hope you will agree that my comprehensive background offers knowledge, skills and aptitude, which can support our overall mission and elevate membership. I value highly your review of my submission and hope to secure your support and vote. Thank you for providing me this opportunity as I am eager to pursue the exciting potential of Vice President-Government.

Candidate for Vice-President Law Enforcement (1)



Daniel Violette

I, Daniel Violette, submit myself as a candidate for the office of APA Vice President- Law Enforcement. I am retired from the United States Air Force and currently employed as a police officer in the City of Westbrook, Maine. I have been a sworn law enforcement officer in the State of Maine for more than eleven years. I am currently working as a detective, assigned to the Criminal Investigations Division where I investigate all types of major crimes on a daily basis. I am a licensed and practicing polygraph examiner who routinely uses the polygraph as a tool to further my investigative efforts.

I received my basic polygraph training from Elmer Criswell and his staff at the Northeast Counterdrug Training Center on Ft. Indiantown Gap in Annville, PA in 2007. I then completed my internship under the watchful eye of my polygraph mentor, Barry Cushman. I was issued my first polygraph license by the Commissioner of the Department of Public Safety in the State of Maine in 2008 and I have been a licensed and practicing polygraph examiner continuously since that time. I have also been a member of the APA since 2008. The Westbrook Police Department did not have a polygraph program until I was issued my first polygraph license. With the help of other experienced and licensed polygraph examiners in the local area, I built the Westbrook Police Department's polygraph program from the ground up.

I do not have a personal agenda for the office I am seeking and I do not plan to try to implement change just for the sake of making change. I plan to work hard to try to understand the results of research that is being done, and to try to keep pace with the advancements in technology as changes occur. I hope to bring a new face and a

practitioner's perspective to the table so that we, as a group, may determine how to best utilize the information available to shape our policies and practices for the future of polygraph. If elected, I would consider it an honor to serve as the APA Vice President-Law Enforcement. I would appreciate your support and I respectfully ask for your vote in the upcoming election.

Candidate for Vice-President Private (1)

J. Patrick O'Burke

I am seeking the office of APA Vice President - Private sector in the upcoming election, and I am asking you for your vote. First, I would first like to thank you for the opportunity to work for you over the past year on the Board. There is a big learning curve in this position and I truly appreciate your trust in me. I would like to talk about what I have accomplished with the time you have entrusted me with so far.

By the time you read this, I am confident that you will have the ability to make secure payments on line with the APA. This was a difficult struggle, but clearly needed for our membership in transacting business. I am also hopeful that we will have on line registration in time for you to register for the Seattle conference. I hope that you also noticed the new feature to search for and find a PCSOT accredited examiner in any given locale.

Even with these improvements, the APA website is in continued need of an update in order to make this the APA business portal for the future. I have chaired a special committee to clearly define the APA website needs that I should lead to a complete makeover of the website in the near future. With your support, I will be able to get a professional and intuitive website that supports our membership with enhanced features and presents a polished and accurate image for the polygraph profession.

I have served under Walt Goodson as the Chair of the Grievance Committee. This is a sensitive and important position that must interact with the public when there are questions

about how polygraph is conducted. Maintaining high standards for professional conduct and polygraph administration is the glue that holds us together as a profession.

I know that this is my candidate statement, however I feel compelled to ask you to also support Walt Goodson as President Elect. I have known Walt for a number of years prior to my retiring from the Texas Department of Public Safety. I have been able to observe his professional and methodical approach to handling the grievance process. Walt is a true gentleman and further we share common ideas and approaches on improving the business operations of the APA.

My plans for you in the next year are to continue to develop professional business processes that streamline APA operations, to introduce a new and professional website for the APA that supports your needs, and to continue to represent your individual needs as a polygraph examiner. I will also strive to provide more continuing education that is supported by the APA. I sincerely ask each of you for your vote and support. Thank you and I will see you in Seattle.

Candidate for Director 2 (1)



Donnie Dutton

Members of the APA: I would like to ask for your support in electing me as Director 2. Over 28 years ago I joined the APA and during those years I have had the honor and privilege to serve as Director, VP Government, President, and ultimately Chairman of the Board. I have served on many committees in those years, chairing many of them.

In the late 90's I was asked to form a committee to look at Post Conviction Sex Offender Testing and how those examinations were being done. This

was a very controversial committee at the time, with divergent opinions among the committee and the Association. After tremendous effort on the part of all, and taking the best ideas from our best thinkers, I presented the APA Board with the 10 standards they approved. These standards became the foundation for additional standards in later years and today PCSOT testing, along with the APA's Model Policy for PCSOT, have been a success to communities around the US. The APA is recognized for having taken the lead. I am very proud for my part, and of those who worked with me in setting aside personal agendas and doing what was best for all. I have always strived to first do right things, then do things right. I believe PCSOT today is a testimony of this guiding principle.

One of the pending big initiatives is the updating of the APA website. I support this project, and appreciate the input I received from many of you. The website represents our public face, but it can do so much more. We envision it providing a platform for communication among our members, to help clients find the right expert, to disseminate information to our diverse and widely dispersed membership, to streamlining administrative tasks including paying of dues and seminar fees, for what it can do for public relations, and more. As most of us know, standing up new websites can be costly in time and money. I promise to ensure the APA gets value for what it invests.

Since leaving the Board, more recently I have volunteered behind the scenes with the education and training committee. The task before us was difficult at times, but the end product is a step in the right direction for establishing guidelines that our schools can work from. Even with this, I also feel that we need to relook at some of the things that we are enforcing and see if we can streamline them further. We should always keep an eye toward continuous improvement. If elected I would like to carry on with that effort.

Based on past Board experience I can say with all confidence that change doesn't come easy. For the decisions I have made in the past I have always voted in the best interest of not only the APA but the profession; I will continue making those decisions if elected.

I ask that you please consider voting for me for the Director 2 position.

Candidate for Director 4 (1)



Barry Cushman

Thank you all for the ability to have served the association and you, its members. This year, I am seeking the office of director (4). The changes that have occurred and the issues that have arisen over the past few years are great. Much has been accomplished thanks to the men and women who have volunteered to serve not only on the board of directors, but also on the many committees that make this organization function as it does. As president, I was able to accomplish my primary goal of completing the new accreditation standards (again, thanks to the work of many others). However, as I mentioned to some of you personally, I did not

feel I was capable of really leading and running the organization until after I completed my term as president.

I firmly believe that some of the issues we are facing today (as an organization and board) require knowledge of their history along with a continuity in leadership. That belief, along with my desire to best assist those following immediately behind me (now that I better understand the pitfalls and opportunities) has persuaded me to run and to ask for your vote of support so that I may continue to offer mine.

Should I be elected, I would like to explore the opportunity for the APA to better communicate with its members throughout the world. Currently, we recognize a number of divisional member associations, and many of them are in various countries around the globe. That system provides an avenue for some level of two-way communication among all members – even those who do not speak English. As long as the associations granted divisional membership are run democratically (and changes may be needed

in our bylaws to ensure that is the case), then each could elect or appoint a divisional communications contact person to represent the divisional association.

Since the APA magazine is electronic, postage associated with additional information is not an issue. Additionally, we have ample space on the website for such information. I think it would be a great benefit if members in different parts of the world could update the rest of the membership about their needs, desires, successes, failures, etc. When the association, through the board or the membership as a whole, makes any significant changes, that information could quickly be disseminated to the contact persons for redistribution (in the local language) in relatively short time by use of email and the web. Once we create a means to provide for the flow of relevant information, we can tear down the geographic barriers that are currently in the way.

Of course, if elected, I will continue to make myself available to serve in whatever reasonable fashion the association and its members need. Please do not hesitate to contact me if I can ever be of assistance (as a board member or otherwise). Thank you for your past support, and I ask you to continue by casting your vote for me as director.

2014 APA Election Schedule

- * **July 14 – 20: Electronic elections.**
- * **July 22: Posting of results of the APA elections.**
- * **August 1: Email notification to members of a runoff, if necessary.**
- * **August 4 – August 10: Runoff elections if necessary.**
- * **August 11: Notification to winners. Posting of final election results**
- * **September 11: Swearing in of officers at the Annual Banquet.**

For additional information contact George Baranowski at directorbaranowski@polygraph.org

Announcement

APA Editor-in-Chief Position

The APA is now seeking competitive candidates for the position of APA Editor-in-Chief to assume responsibilities in 2015. All aspirants should express their interest by submitting a self-nomination packet to the APA National Office by August 1st. The packet should include a description of qualifications. The APA Board of Directors will review all packets received by the deadline, and make a selection at their regularly scheduled meeting in September.

Candidates should be aware that:

1. A competitive selectee will have a demonstrated familiarity with the content of past APA publications.
2. The position will include a modest stipend.
3. Past editors reported a commitment of about 400 – 500 hours per year to complete all responsibilities.
4. The current Editor will work with the selectee to ensure a seamless transition.

The APA Editor-in-Chief has the Constitutional responsibility for the production and delivery of APA publications, including four annual issues of *Polygraph*, six of the *APA Magazine*, and others as approved by the APA Board. The following is a summary of the responsibilities attendant to this position:

The quarterly journal *Polygraph*

1. Gather or accept articles for publication in the journal, with an adequate mix of topics of interest and useful for our readers.
2. Coordinate the peer-review process, using associate editors or others.
3. Notify authors of the acceptance or rejection for each article.
4. Edit each accepted article, with appropriate correspondence and communications to make necessary changes in text, tables, organization and references.
5. Provide reference materials to authors and others who need it for professional purposes.
6. Assemble each collection of articles for publication as an issue, with running titles, sequence, and customary editorial marks.

7. Proof the final draft from the Managing Editor.
8. Ensure consistent editorial standards are enforced.
9. Communicate with the printer to ensure timely delivery of the journal.
10. Approve new advertisements, including public service ads, for suitability, text, and layout.
11. Coordinate with the National Office and advertisers to ensure paid advertisements are current.
12. Arrange for release of copyright for quotations, and reprinted articles.
13. Arrange for translations as needed.

Bi-monthly *APA Magazine*

1. Solicit, gather or accept articles for publication in the APA Magazine, with an adequate mix of topics of interest.
2. Edit each article to assure brevity and continuity of style.
3. Prepare sections for each issue on training sites and dates, activities of officers of the APA and their committees, announcements of APA training events and the annual seminar, publish professional announcements, and list applicants for membership.
4. Publish proposed constitutional changes far enough in advance to meet the requirements for notice.

Operating Description

1. Attend all meetings of the Board of Directors.
2. Select the printer for all publications.
3. Prepare books, monographs, and pamphlets for the APA as directed.
4. Provide research material in support of the APA amicus briefs, legislative hearings, testimony, policy statements, and public relations. Do the same for affiliated state and regional associations.
5. Appoint Associate Editors and a Managing Editor, with approval of the APA Board. Maintain experts in a variety of topics to review articles in their fields.
6. With the Managing Editor, established closing dates for the magazine and journal.
7. Answer general correspondence sent to the APA, or if appropriate, forward to the National Office or APA officers for a response.
8. Establish fees of periodical subscriptions, back issue sales, books and pamphlets.
9. Other duties at the direction of the APA Board.

POLYGRAPHIST PROFESSIONAL LIABILITY INSURANCE



**The truth of the matter is, administering a
polygraph exam without insurance is reckless.**

Professional and Personal Injury Liability

Optional Coverages Available:

Interviewing

Written Testing

Private Investigation

Background Checks

Law Enforcement Polygraphs

General Liability (available in most states)

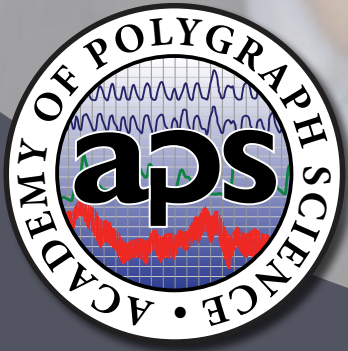
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THE ACADEMY OF POLYGRAPH SCIENCE

Contact Us For More Information and Registration!

SIMPLIFYING POLYGRAPH

For Law Enforcement, Government and Private Examiners

2014 Training Schedule

Basic Examiner’s Course

- Fort Myers, Florida: Jan. 6 - Mar. 14, 2014

Post Conviction

Sexual Offender Training Course

- Fort Myers, Florida: March 17-21, 2014

Basic Examiner’s Course

- Fort Myers, Florida: Apr. 7 - Jun. 13, 2014

Basic Examiner’s Course

- Fort Myers, Florida: Jul. 14 - Sept. 19, 2014

Post Conviction

Sexual Offender Training Course

- Fort Myers, Florida: Sept. 22-26, 2014

Basic Examiner’s Course

- Fort Myers, Florida: Oct. 6 - Dec. 16, 2014

For registration, tuition and general questions, contact Instructor Ben Blalock

TEL: (630) 258-9030

E-mail: Ben@apsPolygraphSchool.com

FAX: (630) 860-9775

Academy of Polygraph Science

8695 College Parkway, Suite 2160
Fort Myers, Florida 33919

www.apsPolygraphSchool.com



A Notice From the Awards Committee

It is time for members to submit recommendations for the APA awards. As a general reminder, and specific information for new members, there are six (6) awards presented annually by the General Chair at the banquet of our annual seminar. For a description of the awards and a listing of past award recipients, visit the APA website:

<http://www.polygraph.org/section/about-us/apa-awards>

Please send any nominations for APA annual awards to
APA National Office, PO Box 8037, Chattanooga TN 37414-0037
manager@polygraph.org

Deadline is 1 August, 2014

Advanced. Powerful. Easy to Use.



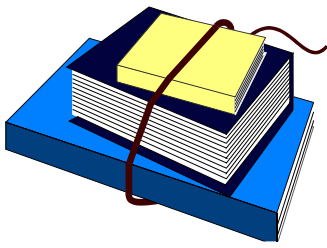
The *CPSpro* combines the unparalleled accuracy of Stoelting's polygraph hardware with our all-new state-of-the-art Fusion software. Designed from the ground up, *CPSpro* Fusion is loaded with innovative and powerful new features which will provide you with all the tools necessary to efficiently and reliably conduct, score, and report polygraph examinations.

When your reputation is on the line, and the truth is the only thing that matters, you can be confident that the *CPSpro* provides you with the tools to make the right call. Let *CPSpro* put science on your side...



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with your smart
phone to go directly
to our website





Polygraph Examiner Training Schedule

Academy for Scientific Investigative Training

Basic Examiner Course

September 15 - November 7 (Philadelphia)

Advanced Polygraph Course

July 28 - 29 (Philadelphia)

Basic PCSOT

November 10 - 14 (Philadelphia)

Advanced PCSOT

July 30 - 31 (Philadelphia)

Forensic Assessment Interview and Interrogation Seminar

November 10 - 14 (Philadelphia)

Academy of Polygraph Science

Basic Examiner Course (Fort Myers)

July 14 - September 19, 2014

October 6 - December 16, 2014

PCSOT Course (Fort Myers)

September 22 - 26, 2014

American International Institute of Polygraph

Basic Examiner Course

August 25 - October 31 (Georgia)

September 22 - November 28 (South Africa)

Backster School of Lie Detection

Basic Examiner Course

June 2 - August 8, 2014 (Denver, CO)

Marston Polygraph Academy

(all listed courses taught in San Bernardino, CA)

Basic Polygraph Instruction (400 hours)

July 7, 2014 to September 12, 2014

October 6, 2014 to December 12, 2014

PCSOT Basic Course (40 hours)

September 15, 2014 to September 19, 2014

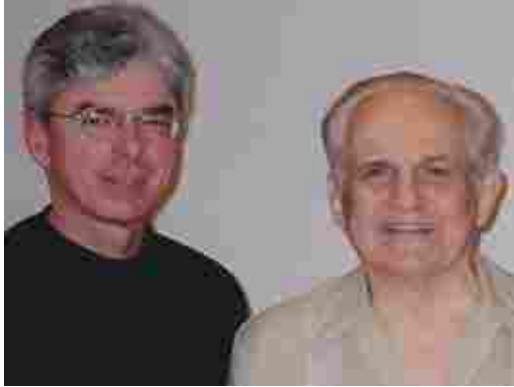
Attention School Directors

If you would like to see your school's course dates listed here, simply send your upcoming course schedule to editor@polygraph.org.

VOTE

Daniel Mangan

APA PRESIDENT ELECT



Backster Values Renewed

©2014 DANIEL MANGAN A PAID POLITICAL ADVERTISEMENT

What is the APA Publication Manager?

It's an online resource that allows members to search for and download articles from the journal *Polygraph*.

You can access Publication Manager by logging in to the website, selecting "APA Publications" from Members Links, and clicking on "Publication Manager."

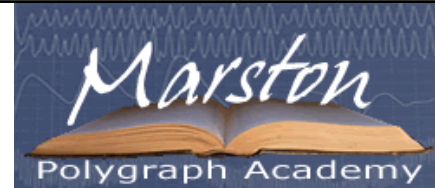
Journal articles from 2009-2012 are currently available, with more articles being added soon.

Check it out!

Quotables

"There's a difference between interest and commitment. When you're interested in doing something, you do it only when it's convenient. When you're committed to something, you accept no excuses - only results."

— *Kenneth H. Blanchard*
author of
The One Minute Manager



"Training Today's Examiners for Tomorrow's Challenges"

Accredited by the American Polygraph Association
Recognized by the American Association of Police Polygraphists
Recognized by the National Polygraph Association
Approved by the California Bureau of Private Postsecondary Education

Cynthia L. Saenz, AA

Ms. Saenz retired as a Master Sergeant from the United States Air Force where she served as Chief of Information Management, Headquarters 4th Air Force Crisis Action Team. She has been a member of the American Polygraph Association and the California Association of Polygraph Examiners since 2005 and is the owner of Omega Polygraph where she conducts polygraph examinations for public agencies and PCSOT components of the containment model. She is a retired California peace officer.

Thomas M. Kelly, MA

Mr. Kelly has more than thirty years experience in law enforcement. At the time of his retirement, he was the lead polygraph examiner for the Los Angeles field division of the United States Drug Enforcement Administration. He has conducted polygraph examinations worldwide.

Michael B. Lynch, MPA

Mr. Lynch has been a polygraph examiner since 1974. He has taught in under graduate and graduate programs at state universities. He is a Past-President of the California Association of Polygraph Examiners and has published in polygraph journals and publications.

Basic Polygraph Instruction

April 7, 2014 to June 13, 2014
San Bernardino, California

Basic Polygraph Instruction

July 7, 2014 to September 12, 2014
San Bernardino, California

Basic Polygraph Instruction

October 6, 2014 to December 12, 2014
San Bernardino, California

Basic Polygraph Instruction

January 5, 2015 to March 13, 2015
San Bernardino, California

Post-Conviction Sex Offender Basic Class

March 17, 2014 to March 21, 2014
San Bernardino, California

Post-Conviction Sex Offender Basic Class

June 16, 2014 to June 20, 2014
San Bernardino, California

Post-Conviction Sex Offender Basic Class

September 15, 2014 to September 19, 2014
San Bernardino, California

Post-Conviction Sex Offender Basic Class

March 16, 2015 to March 20, 2015
San Bernardino, California

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www.marstonpolygraphacademy.com / mail@marstonpolygraphacademy.com

TUESDAY NIGHT SEPTEMBER 9, 2014



**SEATTLE MARINERS
VS
HOUSTON ASTROS**

TICKETS \$8

GAME TIME 7:10pm

**TICKETS ARE LIMITED AND MUST BE PURCHASED IN ADVANCE*
TRANSPORTATION TO THE STADIUM IS ON YOUR OWN
(approx. 2.5 miles from hotel)**

CONTACT THE APA NATIONAL OFFICE TO GET YOUR TICKETS TODAY!!

***TICKETS WILL NOT BE AVAILABLE AT REGISTRATION**

ADVANCED RESERVATION REQUIRED

AMERICAN POLYGRAPH ASSOCIATION

SHERATON SEATTLE HOTEL, 1400 6TH AVENUE, SEATTLE WA 98101

(All room reservations must be made individually through the Hotel's reservation department)

888-627-7056 – In house 206-447-5547

APA FED ID # 52-1035722

Plan now to attend the APA 49h Annual Seminar/Workshop, **SEPTEMBER 7-12, 2014**

Room rate: \$152.00, SINGLE/DOUBLE occupancy, plus taxes (currently 15.6% tax, PLUS \$2.00 TIA) SELF PARKING ONE BLOCK AWAY.

All reservations must be guaranteed by a major credit card or advance deposit in the amount of one night's lodging. Reservations not guaranteed will be automatically cancelled at the cut-off date.

CUTOFF DATE for hotel reservations is **08/15/14** or until **APA's room allotment is fulfilled. Number of rooms is limited.** Individual departure dates will be reconfirmed upon check-in. (72 HOUR CANCELLATION)

Acting Seminar Chair: Lisa Jacocks – 800/272-8037, 423/892-3992 FAX: 423/894-5435
Seminar Program Chair: Michael C. Gougler-512-466-0471

Registration Hours – Sunday, 9/7/14 (10:00 am-6:00 pm)
On-Site–Monday, 9/8/14 (8:00 am -12:00 Noon)
Seminar Sessions–Monday-Friday, 9/7/14 – 9/12/14

Complete the form below, attach check, VISA, MC or AE information payable to the APA and mail to:
APA National Office, PO Box 8037, Chattanooga, TN 37414-0037
Or FAX to: 423/894-5435
to arrive no later than 08/20/14 for applicable Discount. Payment information and registration received after 08/20/14 will be charged the on-site fee.

APA Cancellations Refund Policy:

Cancellations received in writing prior to **08/20/14** will receive a full refund. Persons canceling after **08/20/14** will not receive a refund but will be provided with the handout material.

CONTINUING EDUCATION IS VITAL TO YOUR SUCCESS AND SHOULD BE A LIFELONG PURSUIT

Tax Deductions:

All expenses of continuing education (including registration fees, travel, meals and lodging) taken to maintain and improve professional skills are tax deductible subject to the limitations set forth in the Internal Revenue Code.

(The registration fee includes professional instruction, seminar materials, AM and PM Refreshment Breaks, Sunday Reception, Thursday night Banquet)

TUESDAY NIGHT EVENT

SEATTLE MARINERS
VS.
HOUSTON ASTROS

TICKETS \$8, GAME TIME 7:10

TICKETS ARE LIMITED, MUST BE ORDERED IN ADVANCE

TICKETS WILL NOT BE AVAILABLE AT REGISTRATION

#TICKETS _____ @ \$8 = TOTAL _____

SAFECO STADIUM IS 2.5 MILES FROM THE HOTEL
(TRANSPORTATION IS ON YOUR OWN)

NAME _____

BUSINESS PHONE _____

ADDRESS _____

E-MAIL _____

CITY/STATE _____

ZIP _____

NAME OF GUEST(S) _____

CHILDREN/AGES _____

NAME BADGE (CALLED BY) _____

GUEST (CALLED BY) _____

PRE PAID BY AUGUST 20, 2014

\$350 – Member/Applicant _____
\$350 – NPEA Members _____
\$475 – Member/Appl W/Guest _____
\$125 – Additional Guest _____
\$500 – Non-Member _____
\$625 – Non-Member W/Guest _____

FEE RECEIVED AFTER AUGUST 20, 2014

\$400 – Member/Applicant _____
\$400 – NPEA Members _____
\$525 – Member/Appl W/Guest _____
\$175 – Additional Guest _____
\$550 – Non-Member _____
\$675 – Non-Member W/Guest _____

ADDITIONAL \$50.00 FOR WALK-INS

*GUEST FEE includes APA SPONSORED EVENTS: Reception, Guest Breakfast and Banquet.

***YOUR NAMETAG IS YOUR ADMISSION TICKET TO ALL EVENTS AND ACTIVITIES. PLEASE WEAR IT AT ALL TIMES DURING THE CONFERENCE.**

DATE OF ARRIVAL _____

DATE OF DEPARTURE _____

VISA () MC () AE () _____ (CW2) _____ EXP: _____

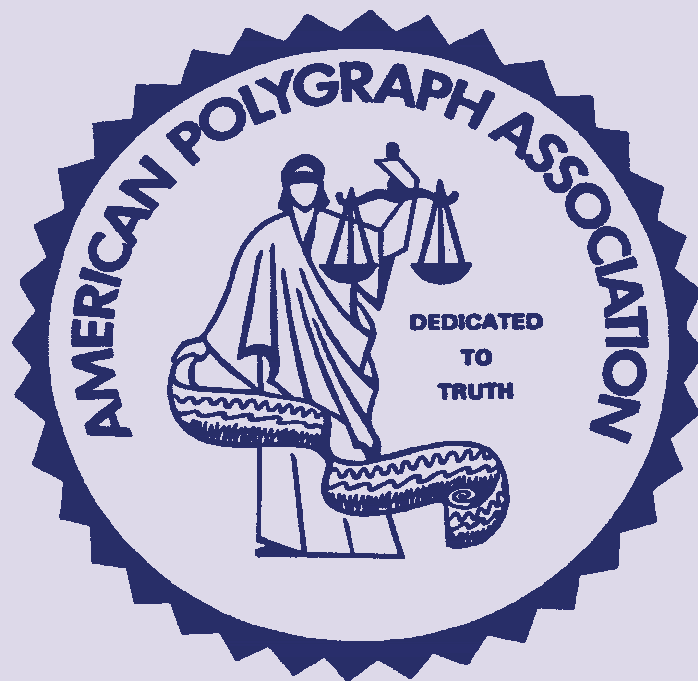
(CVV2 is a 3 digit number found on the back of your VISA or MC card or a 4 digit number on the front of the AE). 1014

SIGNATURE _____

2014

American Polygraph Association

49th Annual Seminar/Workshop
September 7- 12, 2014
Sheraton Seattle Hotel



MICHAEL C. GOUGLER
PROGRAM CHAIR
2014

ACT WITH INTEGRITY



WELCOME

Group Meetings, Breakfasts and Luncheons

SUNDAY, Sep. 7, 2014	1:00 pm - 5:00 pm	School Director's Meeting
MONDAY, Sep 8, 2014	10:00 am – 11:30 am 12:00 noon – 1:15 pm	Spouse/Guest Brunch Past Presidents' Luncheon

(Open to those in the described groups – check at registration for locations.)

Seminar & Workshop Schedule

SUNDAY, September 7, 2014

Pre Seminar Workshop - CLASSROOM A (Español)

1:00 – 3:00 pm

A PRACTICAL APPROACH TO TEST
QUESTION CONSTRUCTION

STEVE DUNCAN
GEORGIA STATE PATROL

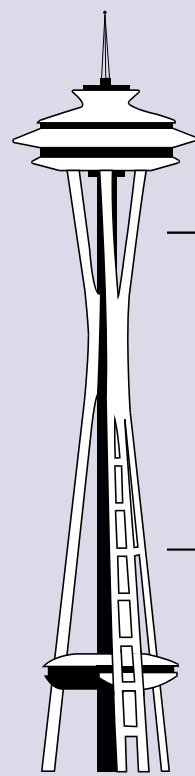
3:00 – 5:00 pm

“THAT’S NOT WHAT I SAID”
POLYGRAPH RECORDING AND
DOCUMENTATION

STEVE DUNCAN
GEORGIA STATE PATROL

SUNDAY EVENING EVENT

**APA WELCOME RECEPTION
6:30 – 8:30 PM**



MONDAY September 8, 2014

7:30 AM – 8:00 AM Break Sponsored by

CLASSROOM A (Español)

OPENING CEREMONIES

Call to Order	-	Charles E. Slupski, President
Master of Ceremonies	-	Michael C. Gougler, Director, 2014 Seminar Program Chair
The National Anthem	-	Clayton Powell, Seattle PD
Presentation of Colors	-	Seattle Police Dept
Pledge of Allegiance	-	Barry Cushman, Chairman, BOD
Taps	-	Richard Pasciuto
Welcome from	-	Steve Norton, President NWPA
Invocation	-	Barry Cushman, Chairman, BOD
Welcome Seattle, Washington	-	Chief John Batiste, Washington State Patrol

9:00 – 9:15 Break Sponsored by

9:15 – 12:00 EXTENDED POLYGRAPH TESTING – CHARLES E. SLUPSKI, APA PRESIDENT

12:00 – 1:00 Lunch (On Your Own)

1:00 – 3:00

ETHICS

MILTON O. “SKIP” WEBB
APA PAST PRESIDENT

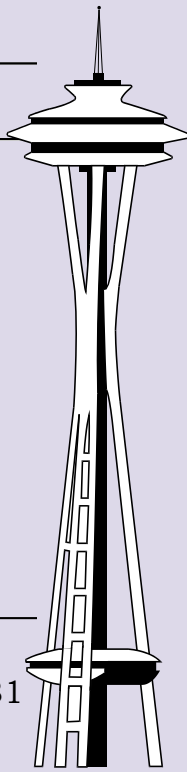
2:45 – 3:00 Break Sponsored by

3:00 – 5:00

ETHICS CONTINUED

GORDON L. VAUGHAN, ESQ.
APA GENERAL COUNSEL

RAYMOND I. NELSON
APA PRESIDENT ELECT



TUESDAY, September 9, 2014

7:30 AM – 8:00 AM Break Sponsored by:

CLASSROOM A (Español)	CLASSROOM B	CLASSROOM C
8:00 – 12:00 ENHANCING PRETEST INTERVIEW EVALUATION PATRICK O'BURKE APA DIRECTOR	8:00 – 10:00 STIPULATED POLYGRAPHS GORDON L. VAUGHAN, ESQ. APA GENERAL COUNSEL	8:00 – 12:00 CRIMINAL SEXUAL BEHAVIOR: PATTERNS AND TYPOLOGIES DOUGLAS A. ORR SPOKANE POLICE DEPARTMENT
	10:00 – 12:00 DIRECTED LIE SCREENING TEST PAM SHAW APA DIRECTOR	PCSOT

9:45 – 10:00 Break Sponsored by:

12:00 – 1:00 Lunch (On Your Own)

APA ANNUAL BUSINESS MEETING
1:00 – 2:30
CLASSROOM A

2:30 -2:45 Break Sponsored by:

2:30 – 4:00
POLYGRAPH INSTRUMENTS WORKSHOP

CLASSROOM A	CLASSROOM B	CLASSROOM C	CLASSROOM D
LIMESTONE TECHNOLOGY Jamie Brown	LAFAYETTE INSTRUMENT Chris Fausett	STOELTING COMPANY Guillermo “Gil” Witte	AXCITON SYSTEMS Bruce White

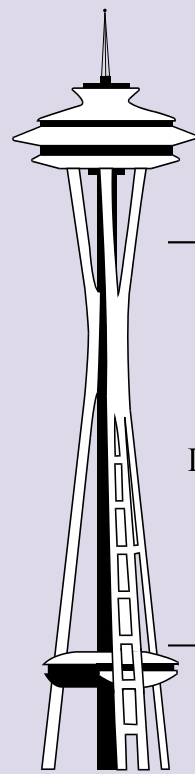
**TUESDAY EVENING EVENT
SEATTLE MARINERS VS. HOUSTON ASTROS**

TICKETS \$8

DEADLINE TO ORDER TICKETS IS August 22 Tickets WILL NOT be available at registration

GAME TIME 7:10 PM

Transportation on your own



WEDNESDAY, September 10, 2014

7:30 AM – 8:00 AM Break Sponsored by:

CLASSROOM A (Español)	CLASSROOM B	CLASSROOM C
<p>8:00 – 12:00</p> <p>SETTING COMPARISONS</p> <p>CHAD RUSSELL TREASURER</p>	<p>8:00 – 12:00</p> <p>PCSOT: TARGET SELECTION & QUESTION FORMULATION</p> <p>CHIP MORGAN</p> <p align="right">PCSOT</p>	8:00 – 9:00 STOELTING INSTRUMENTS
		9:00 – 10:00 LAFAYETTE INSTRUMENTS
		10:00 – 11:00 AXCITON
		11:00 – 12:00 LIMESTONE

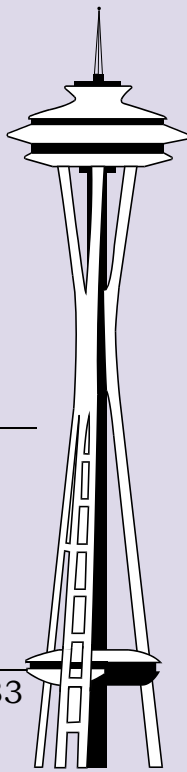
9:45 – 10:00 Break – Sponsored by

12:00 – 1:00 Lunch (On Your Own)

<p>1:00 – 5:00</p> <p>MANAGING COUNTERMEASURES</p> <p>WALT GOODSON VP LAW ENFORCEMENT</p>	<p>1:00 – 5:00</p> <p>CASE STUDY- THE INCREDIBLE USE OF FORENSIC HYPNOSIS AND POLYGRAPH</p> <p>GEORGE BARANOWSKI APA DIRECTOR</p>	1:00 – 2:00 NAS UPDATE BARRY CUSHMAN APA CHAIRMAN BOD
		<p>2:00 – 4:00</p> <p>APA AD HOC COMMITTEE ON THE FUTURE OF POLYGRAPHY</p> <p>FRANK HORVATH, PhD APA PAST PRESIDENT</p> <p>ROBERT PETERS APA PAST VP GOVERNMENT</p>

3:00 – 3:15 Break – Sponsored by

<p>(CON'T)</p> <p>MANAGING COUNTERMEASURES</p> <p>WALT GOODSON VP LAW ENFORCEMENT</p>	<p>(CON'T)</p> <p>CASE STUDY- THE INCREDIBLE USE OF FORENSIC HYPNOSIS AND POLYGRAPH</p> <p>GEORGE BARANOWSKI APA DIRECTOR</p>	<p>STANLEY SLOWIK JIM WYGANT</p> <p>NON-US MEMBERS DOMINIQUE NGOO - ASIA MANUAL NOVOA - SOUTH LATIN AMERICA POLONA SELIC - EUROPE</p>
		<p>4:00 – 5:00</p> <p>ASTM INTERNATIONAL COMMITTEE E52 ON FORENSIC PSYCHOPHYSIOLOGY</p> <p>JOE KOURY</p>



THURSDAY, September 11, 2014

7:30 AM – 8:00 AM Break Sponsored by:

CLASSROOM A (Español)	CLASSROOM B	CLASSROOM C
<p>8:00 – 12:00</p> <p>INTERVIEW & INTERROGATION – IS IT ART OR IS IT SCIENCE?</p> <p>DONNIE W. DUTTON VP GOVERNMENT</p>	<p>8:00 – 12:00</p> <p>PCSOT</p> <p>RAYMOND I. NELSON PRESIDENT ELECT</p> <p align="right">PCSOT</p>	<p>8:00 – 10:00</p> <p>QUALITY ASSURANCE/QUALITY CONTROL</p> <p>MILTON O. “SKIP” WEBB APA PAST PRESIDENT</p>
		<p>10:00 – 12:00</p> <p>APPLIED PHYSIOLOGY</p> <p>JOEL REICHERTER UNIVERSITY POLYGRAPH</p>

9:45 – 10:00 Break – Sponsored by:

12:00 – 1:00 Lunch (On Your Own)

<p>1:00 – 3:00</p> <p>SCAN IN GENESIS</p> <p>AVINOAM SAPIR LSI LABORATORY FOR SCIENTIFIC INTERROGATION</p>	<p>1:00 – 5:00</p> <p>PCSOT OFFENDER TYPOLOGIES AND TREATMENT ISSUES</p> <p>KETH HICKS. PhD</p> <p align="right">PCSOT</p>	<p>1:00 – 3:00</p> <p>EFFECTS OF EXAMINER PERSONALITY, TRAINING AND EXPERIENCE ON ACCURACY OF DETECTION OF DECEPTION</p> <p>V. CHOLAN MINDEF SCHOOL DIRECTOR</p>
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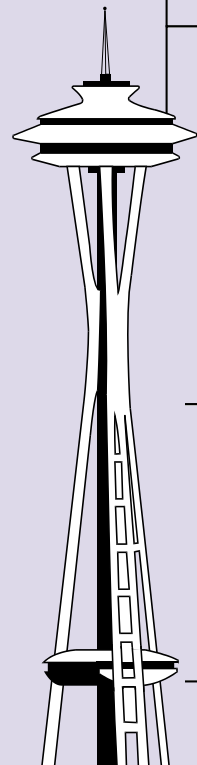
2:45 – 3:00 Break – Sponsored by:

<p>3:00 – 5:00</p> <p>EVIDENCE BASED PRACTICE AND THE MGQT</p> <p>RAYMOND I. NELSON APA PRESIDENT ELECT</p>	<p>(CON'T)</p> <p>PCSOT OFFENDER TYPOLOGIES AND TREATMENT ISSUES</p> <p>KETH HICKS. PhD</p> <p align="right">PCSOT</p>	<p>3:00 – 5:00</p> <p>LEARNING MORE ABOUT WHY POLYGRAPH WORKS</p> <p>BILL BROWN FBI RETIRED</p>
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6:30 pm BANQUET

KEYNOTE SPEAKER

**CONGRESSMAN TED POE
TEXAS**



FRIDAY, September 12, 2014

7:30 AM – 8:00 AM Break Sponsored by:

CLASSROOM A (Español)	CLASSROOM B	CLASSROOM C
<p>8:00 – 3:00</p> <p>THE NEW PRE TEST INTERVIEW</p> <p>LT. DENNIS WESTERMAN SGT. MATT MULL TEXAS DPS</p> <p>TEXAS DEPT OF LICENSING & REGULATION APPROVED</p>	<p>8:00 -10:00</p> <p>PCSOT SUPERVISION AND THE CONTAINMENT MODEL</p> <p>KETH HICKS, PhD</p> <p align="right">PCSOT</p>	

9:45 – 10:00 Break – Sponsored by:

<p>(CON'T)</p> <p>THE NEW PRE TEST INTERVIEW</p> <p>LT. DENNIS WESTERMAN SGT. MATT MULL TEXAS DPS</p> <p>TEXAS DEPT OF LICENSING & REGULATION APPROVED</p>	<p>10:00 – 12:00</p> <p>SAS PATTERN SEAT ACTIVITY SENSOR</p> <p>ESSAM ELDIN PRIMARY INSTRUCTOR ASIT</p>	
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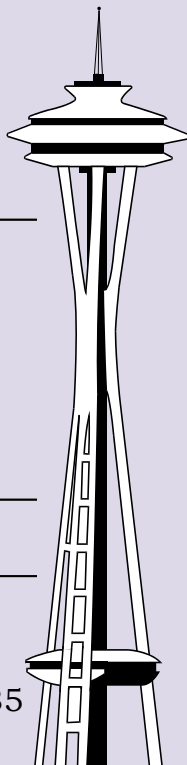
12:00 – 1:00 Lunch (On Your Own)

<p>(CON'T)</p> <p>THE NEW PRE TEST INTERVIEW</p> <p>LT. DENNIS WESTERMAN SGT. MATT MULL TEXAS DPS</p> <p>TEXAS DEPT OF LICENSING & REGULATION APPROVED</p>	<p>1:00 – 3:00</p> <p>TECHNICAL POLYGRAPH QUESTIONS</p> <p>BARRY CUSHMAN APA CHAIRMAN BOD</p>	
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3:00
(upon conclusion of presentation in classroom A)

CLOSING REMARKS
RAYMOND I. NELSON
APA PRESIDENT

PCSOT – QUALIFIES FOR PCSOT CONTINUING EDUCATION



Board of Directors' Reports

Walt Goodson
Vice President, Law Enforcement

“That’s been one of my mantras - focus and simplicity. Simple can be harder than complex: You have to work hard to get your thinking clean to make it simple. But it’s worth it in the end because once you get there, you can move mountains.”

– Steve Jobs.

In previous writings I have discussed my assumption that we have a tendency to complicate things just to keep ourselves interested in what we do. Later in this magazine you will find an article questioning the necessity of breathing discussions in the pretest interview. Over the past several years, my department has learned much from such discussions and our observations have made us question many of the things we say and do in the pretest interview. The article suggests keeping things short and simple may be more effective than some of our pretest rants. Sounds simple right; but we examiners love to talk and keeping one from

doing so may be more difficult than understanding Bob Dylan reading Finnegans Wake in a wind tunnel. To prove I’m no exception to the difficult nature of this task; the article began with a theme of “less is more” and then I rambled for 3000 words on how to do so. The drafting of the document was not as nearly laborious as reducing it by two-thirds. I hope you find it interesting.

As for APA business, a problem I will be urging the board to solve as we move forward is membership renewals. This year, 715 members did not renew their membership. In addition to failing to retain these valued members, the APA potentially lost over \$100K in revenue from their annual membership dues. If you believe more members equates to more examiners following high professional standards, then you will agree we need to address this problem. As of this writing, we have 2017 US and 676 International members. This is almost exactly the same as our membership numbers from this time in 2013. I have some thoughts how

to remedy this issue such as better electronic communication with our members and options to set up automatic renewals, but I'm sure you have additional ideas and I would love to hear them. Please reach out to me and let me know your thoughts on how to correct this issue.

On a final note, for three years I have served as chair of the Ethics and Grievance Committee and this assignment has been tiring, but rewarding. This year, VP-Private Patrick O'Burke has made the task even more gratifying and much less taxing. He has brought energy and sound judgment to the committee and I want to offer a sincere thank you to him. So far for 2014, we have had fewer complaint investigations than we have had in many years. Although we have received numerous complaints, only three had merit to warrant committee investigation. (The majority of incoming complaints involve non-members and/or issues that don't violate our by-laws or standards.) This is positive news that the overwhelming majority of our members are acting ethically and following professional standards. However, in some cases you just can't make a client happy and

those individuals let the Committee know all about it. The best advice I can share on how to minimize your risk of receiving complaints from such clients is to always follow professional business standards, return phone calls and keep in mind that well above ninety percent (90%) of the complaints we receive originate from fidelity and PCSOT exams. Of course sometimes a little luck is helpful too!

Thanks for everything you do to protect the public.

George Baranowski
Director

Well here we are, just months away from the seminar in Seattle, Washington, and from the looks of the speaker line up and the topics that will be presented, it again will be a significant opportunity to obtain this ever changing scientific, legal, psychophysiological and psychological information so essential to the performance of our profession. We continue to hear year after year about how technology is constantly improving. The interesting thing about changes in our profession is it doesn't take too long to learn these

innovative concepts or philosophies and you almost hear yourself saying, “I never thought of this before in this way,” or “This makes a lot of sense.” It gets to the point that these new techniques end up being “Your techniques.” You seem to change with the flow. In fact, after a short time, it doesn’t even look or feel like a new or improved “whatever.” It now becomes the way you conduct your examinations. Paula and I recently bought a new car. It has a back-up camera. It was a new innovation for about three weeks. Currently, it’s like I’ve always had this feature. I depend on it and now feel it would be hard to do without it. My point is that innovations and changes “*in the way we rumble*” becomes second hand and to a point of becoming essential. For example, and I’ll confess, I personally had trouble accepting the Federal Version of the 3 position scoring system as opposed to the 7 position scoring system when it was first proposed, because frankly, there was no independent research to show its credibility and secondly, I guess I just didn’t believe in its value, it seemed too simple. I even personally talked to Cleve Backster about this, and he didn’t pull any punches in saying that he did suggest this to the federal staff at the time, but added that he never meant

that to be an accepted scoring format. However when the ESS technique came around with its even simpler concept of scoring, that was backed by research, a whole new light bulb lit up for me. Also, when the concept of the “Directed Lie Comparison Question” concept was unveiled, and upon using it I realized that this innovation became even more valuable to the way I now conduct examinations. It has without a doubt become my preferred testing format for each examination I run today.

No one can deny that our profession is greatly indebted to the talents, knowledge and ability to those individuals in our field such as Raymond Nelson, Mark Handler, Don Krapohl, Barry Cushman, Marty Oelrich, and there are many others. But the point is that it is the American Polygraph Association that is the vehicle that presents these innovations to us. This essential information is given to us in National Seminars such as the one coming up in a few months in Seattle. It comes to us in APA Journals and the APA Magazine as well as the APA Website. We have these wonderful opportunities that expand our knowledge in the way we perform

our jobs, our careers, our profession, and yes, to some, our vocation. They are just waiting for us to take advantage of them and to appreciate their value. It's sad to hear that there are still examiners today that are conducting polygraph examinations with the only amount of knowledge they possess coming from what they have learned in their basic polygraph course (which might have been thirty years ago.) They prefer no continuing education in their field and might even argue that none of that is necessary. Some continue to profess that they don't need any more training or any further knowledge of this science, because what they learned in their basic school (and from their own alleged years of testing experience) that they declare that they know everything there is to know in this profession. To me, that's absurd.

In taking from my own experience, there have been so many innovations to polygraph since my initial training in the 80's that many examiners today would believe no one knew anything about polygraph then, even though it was thought to be "State of the Art" knowledge, techniques and instrumentation back then. Put another way, would you go to a doctor

whose only medical training consisted solely of what he learned in his or her initial medical school with no continuing education or training?

Enjoy a wonderful summer and I hope to see all of you in Seattle.

Mike Gougler
Director

It is less than 3 months until the seminar in Seattle, Washington. We are working with members of the Northwest Polygraph Association (NWPA) to ensure that this year's event will be a memorable one. The APA is extending the APA membership rate to all members of the NWPA who are in good standing with the Association. Don Clendennen is coordinating the effort with the NWPA.

We are attempting to finalize the arrangements for our banquet speaker. Congressman Ted Poe of Texas who is an avid supporter of polygraph is the potential guest. He is a very entertaining speaker and is well respected in the law enforcement community.

We have confirmed the Tuesday night event, "A night at the ballpark." The

Seattle Mariners will host the Houston Astros in an evening contest. We hope you will plan on attending the game. The ballpark is only a mile from the hotel.

We will have an outstanding program that will emphasize “Act with Integrity,” the theme of this year’s conference.

Special thanks to Steve Duncan who is handling the technology issues for the classrooms.

Please get your nominations in for the annual APA awards. Skip Webb is leading the awards committee this year and he will coordinate the process with Donnie Dutton as the general chair.

We will have interpreter services in classroom A throughout the seminar. Thanks to Chris Fausett for again providing the interpreters for the APA seminar. Lafayette Instruments has continued to be one of our most generous supporters. Ray Nelson is again handling the coordination of translators.

Thanks to Complete Equity Markets and Melanie Javens for once again providing support to the Association.

The Sheraton Seattle is the fabulous venue right in the heart of downtown near Pike Place Market! The room rate is government rate until our allotment is sold out. Rooms are limited so please book early.

An updated schedule of classes and events is posted on the website for your review. I look forward to seeing you in Seattle!

Jamie McCloughan
Director

I often get asked the question, “Do you think that polygraph should be admitted as evidence in court?” My first answer is simply yes and no. This answer often results in a funny facial expression on the person who asked the question followed by the response, of some sort, “What do you mean?” I take these opportunities to educate the person.

I first point out to them that a polygraph is an instrument and, although a properly functioning instrument can successfully measure many physiological functions, not every test used with the polygraph

instrument is necessarily the same. We know from, among other things, the APA meta-analysis that some tests produce very high sensitivity, specificity, positive predictive values and negative predictive values with low false positive and false negative errors. However, other tests perform less optimally in some of those areas. Although conducting examinations utilizing the polygraph has been done for almost a century and utilizing some form of comparison question format or concealed information format has proven to be robust, regardless of minor variances, there are still differences that our consumers don't truly understand to this day.

So what is the answer?

My short answer would be that we should use the best tests available to us and stick to the methods of conducting them that were used during the research that validated them. However, I do believe the answer is much more complicated than that.

In speaking with psychologists regarding how they deliver standardized tests to human subjects, most I have

spoken with agree that there are a number of variables one must control for during a successful conductance of a psychological battery. For instance, sometimes the interaction that the test administrator has with the subject can have an effect on the outcome of the test (i.e. inconclusive results). As polygraph examiners, I am sure we have all had a firsthand anecdotal experience with this. You know, those days where you weren't feeling at the top of your game and seemingly went through the motions in an attempt to properly conduct the examination but ended up with an inconclusive. A dissertation could probably be written on the number of potential variables we may deal with during each examination and that could potentially result in an inconclusive outcome.

Does this mean that this or any of the other potential variables, even if present, will affect the outcome of an examination? I would say we just don't truly know. As examiners, we must remain diligent during each and every examination to help ensure that we are the most consistent and accurate in our pursuit of the truth, so as to help prevent inconclusive results whenever possible.



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Polygraphist Liability Exposure

Robert A. Badgley, Esq.¹

Like virtually all other professionals, polygraphists face liability claim exposure, even when they have committed no negligent act or omission. The following discussion summarizes some of the claims and lawsuits that have been made against polygraphists in recent years. This article also discusses in broad outline a few steps, including insurance, a polygraphist can undertake to protect against liability exposure.

Claim Types²

Rape Allegations. In a lawsuit pending in a New England state, the Claimant alleges that she was raped while working at a ski resort. She filed suit against the resort and other parties in 2004. In that lawsuit, the parties agreed that Claimant and the alleged rapist would each undergo a polygraph examination, and the results thereof would be admissible into evidence. The Polygraphist examined both individuals, and concluded that Claimant's responses were deceptive and the alleged rapist's responses were not. Claimant then filed suit in 2009 against the Polygraphist, a local police officer, and others. As respects the Defendant Polygraphist, Claimant alleged that his polygraph examination was improperly administered, that the Polygraphist conspired with the police, and that the Polygraphist physically intimidated and harassed her. She sought economic

damages, emotional distress damages, and punitive damages.

The Polygraphist filed a motion to dismiss the lawsuit based on the statute of limitations, arguing that Claimant knew of her alleged claims against the Polygraphist more than three years prior to filing her lawsuit and hence her suit should be time-barred. The trial court ordered a deposition of Claimant for the limited purpose of testing the statute of limitations issue. In May 2011, the court granted the Polygraphist's motion to dismiss on the basis of the statute of limitations, finding that Claimant knew of her alleged complaints about the Polygraphist and his exam several years earlier and therefore she should have filed her suit against him earlier.

Claimant appealed the dismissal. In July 2012, the state supreme court affirmed the dismissal of the emotional distress

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² Although some of the information regarding specific claims discussed herein is in the public record, the author will not use real party names, as a courtesy to those polygraphists who are insured with the author's client insurers.

claim, but remanded the case back to the trial court for further proceedings on the economic damages claim. In August 2013, the trial court issued a decision which dismissed the Claimant's remaining claim (for economic damages). The court concluded its opinion with the statement: "It is time now for this litigation to end."

Undeterred by this judicial admonition, however, Claimant has filed in the trial court a series of motions alleging newly discovered evidence of fraud by the defendants. To date, more than \$110,000 has been paid by the Polygraphist's professional liability insurers to defend against this lawsuit.

Fish Stories. There have been several lawsuits filed in recent years by the purported winners of fishing tournaments against polygraphists who were engaged to verify the fair play of the tournament participants. As may be expected, the fact pattern is essentially the same in all such cases. The tournament winners (often a team of two fishermen) must sit for a polygraph examination in accordance with tournament rules. Their answers indicate deceptive or inconclusive, and the tournament sponsor disqualifies them. They then sue the polygraphist

(and perhaps the tournament sponsor as well) for an allegedly wrongful examination.

In one such case, Claimants filed suit in a southeastern state court, naming as defendants the tournament organizers and the Polygraphist. Claimants alleged theories of slander and negligence, and sought compensatory and punitive damages. Motions for summary judgment were filed and fully briefed, but languished with the trial court for several years. In January 2008, the court granted the Polygraphist's motion and dismissed the lawsuit. The court based its ruling on the fact that Claimants had signed a waiver form as a condition of entering the tournament, and the waiver form specifically released the Defendant Polygraphist from liability. Claimants did not appeal the dismissal.

This lawsuit, though properly dismissed on the merits, languished for nine years and cost the Polygraphist's liability insurers approximately \$27,000 to defend.

More Fish Stories. Another pair of fishermen filed suit, again in a southeastern state court, in 2007. The tournament rules, signed by Claimants,

state: “To participate you must not have been disqualified for failure to pass or inconclusive results on any polygraph test administered.” The paragraph entitled “Polygraph Examination” stated as follows:

As a contestant in the March of Dimes Bass Tournament, I do hereby contractually agree to a polygraph examination by a polygraph operator selected solely by the tournament officials, and I do further contractually agree that the result of said polygraph examination will be the final decision as to whether I as a contestant will be eliminated as a recipient of any prize or award as a result of my participation in said tournament. I do agree that said polygraph operator’s decision will be accepted by me without further appeal. In the event of no polygraph examination, I do agree that the tournament director’s decision will be accepted by me without further appeal.

Just above the signature lines on the tournament form was the following release language, signed by both Claimants on the morning of the tournament:

Our signatures release all sponsors, officials, organizations, host city or individuals from any and all liability in any form for any occurrence whatsoever resulting from our participation in this event.

Claimants won the tournament. Pursuant to tournament rules noted above, the Polygraphist hired for the tournament gave each Claimant a polygraph examination. Each Claimant showed deception in response to a question about whether they had caught each of the five subject bass on Lake West Point that day. Because of the test results, the tournament officials denied the prize to Claimants.

Claimants alleged that, as a result of the flawed examination performed by the Polygraphist, they had to forfeit the prize money and trophy, and have been banned from future fishing tournaments. Claimants sought damages for the loss of the tournament winnings and the lost income they would have gained from winning other tournaments.

The Polygraphist filed a motion for summary judgment, arguing principally that: (1) he owed no legal duty to Claimants; (2) Claimants signed a waiver

and release; and (3) there was no causation between the Polygraphist's conduct and any claimed damages, since it was solely the tournament's decision whether to disqualify Claimants. In response, Claimants argued, among other things, that the release they signed did not extend to the Polygraphist, but only to the tournament sponsor and tournament officials.

While the motion for summary judgment was pending, the parties reached a settlement agreement whereby the lawsuit was dismissed without the payment of any money by the Defendant Polygraphist. The parties had agreed to certain verbiage in a stipulated dismissal order which was perceived to have the effect of helping the Claimants to gain entry into future fishing tournaments.

More than \$32,000 in legal fees and costs was incurred by the Polygraphist's insurers to defend against this litigation.

Discrimination Claim. In a southwestern state, the Claimant was a police officer who testified in support of his colleague's employment discrimination claim against the police department. The Claimant underwent a polygraph examination, which yielded a finding that Claimant's responses were deceptive.

In November 2011, Claimant filed suit against the police department and the Polygraphist, alleging that he was the victim of retaliation as a result of supporting his colleague's discrimination claim. Claimant alleged that the Polygraphist's exam was faulty and resulted in defamation against him.

The Defendant Polygraphist moved to dismiss the lawsuit on the basis that Claimant had signed a waiver and release prior to undergoing the examination. In January 2013, the trial court granted the Polygraphist's motion and dismissed him from the lawsuit. Claimant has filed a motion to reconsider the dismissal.

To date, more than \$24,000 has been paid by the Polygraphist's professional liability insurers to defend against this claim.

No Waiver, No Deal. In a southern state, a lawsuit was filed in 2005 by a convicted sex offender. As a condition of his parole, Claimant was required to undergo occasional polygraph examinations. He failed one such examination, and then was rescheduled to take a second exam administered by the Defendant Polygraphist. Claimant appeared for the exam but refused to sign a hold-harmless agreement in favor of the Defendant.

The Polygraphist thereupon declined to administer the exam. The co-defendant prosecutors sought to revoke Claimant's parole, in part because of Claimant's refusal to undergo a polygraph exam.

In his lawsuit, Claimant alleged that the Defendant Polygraphist had wrongfully refused to administer the exam, and conspired with the co-defendants to deprive Claimant of his liberty and his constitutional right of access to the courts. Claimant sought compensatory and punitive damages.

In September 2006, the federal district court granted all defendants' motion for summary judgment and dismissed the lawsuit. As respects the Defendant Polygraphist, the court concluded that there was no evidence to support Claimant's claims. The undisputed evidence showed that the Polygraphist had required all of his examinees to sign a hold-harmless agreement. Claimant appealed the dismissal order to the U.S. Court of Appeals for the Fifth Circuit. In January 2009, the Court of Appeals affirmed the district court's dismissal of the lawsuit.

Although this lawsuit against the Defendant Polygraphist was largely

frivolous, the legal fees paid by the Polygraphist's insurers to defend the suit reached almost \$50,000.

Hearing Impairment. In September 2013, Claimant filed a lawsuit in the federal court of a Midwestern state against a Polygraphist and several other defendants. Claimant was in prison and is now civilly detained in a correctional facility under a state sexual offenders statute.

In his lawsuit, Claimant alleges that the Polygraphist took examinations of him in 2009, 2011, and 2012, and on each occasion had failed to take into account Claimant's alleged hearing impairment. Without the benefit of accommodations such as a sign language expert, Claimant alleges, he could not fully understand the questions put to him by the Polygraphist. Claimant alleges that the Polygraphist and other defendants have deprived him of his constitutional rights.

The lawsuit remains in its early stages.

Alleged Conflict of Interest. A lawsuit was filed in 2007 in a western state court against various defendants in connection with an underlying intra-familial dispute. The court in the underlying case had ordered that Claimant submit to a

polygraph exam. Claimant filed suit on her own behalf and as guardian of her daughter. She alleged that the father had sexually abused the daughter.

Claimant alleged in her complaint that the Defendant Polygraphist performed the polygraph examination on her improperly. She also alleged that the Polygraphist had conducted an exam of the father several months earlier, and that this constituted a conflict of interest. Claimant sought compensatory damages in an unspecified amount.

The trial court dismissed the lawsuit against the Polygraphist on grounds of absolute immunity. The court held that, because the Polygraphist had been hired pursuant to a court order in order to assist the court in the underlying dispute, the Polygraphist was immune from liability. The trial court acknowledged that immunity for polygraphists was an issue of first impression in that state.

Claimant appealed the trial court's dismissal Order. In October 2009, the state supreme court affirmed the dismissal of the Polygraphist on grounds of court-appointed immunity. The legal fees incurred by the Polygraphist's insurers to defend this lawsuit exceeded \$72,000.

Employee Theft and the EPPA. Twin lawsuits were filed in late 2003 in a southwestern state court against a Polygraphist who was engaged in connection with the investigation of stolen machinery from a workplace. The suits were later removed to federal court, and then consolidated into a single suit.

Both Claimants were accused of stealing a compressor machine from their employer. The local prosecutor commenced a criminal investigation, and the Polygraphist was retained to conduct polygraph examinations of the two Claimants and two other employees. The Polygraphist concluded that Claimants' answers were deceptive, and these results were reported to the prosecutor. No criminal charges ultimately were levied against Claimants, but they were terminated from their employment.

By way of further background, Claimants had been employed by a power company that provided electricity to residential customers. A portable air compressor was stolen from the company during a weekend in April 2003. The company conducted an internal investigation and asked the Polygraphist to test several employees who were suspected of the theft. The Polygraphist told the

company that the terms of the Federal Employee Polygraph Protection Act (EPPA) prevented him from conducting polygraph examinations on behalf of an employer. The Polygraphist advised the company that he could conduct polygraph exams in criminal matters only when retained by law enforcement officials.

The company then turned the matter over to the local sheriff and prosecutor for further investigation. The prosecutor contacted the Polygraphist and asked him to conduct polygraph examinations of Claimants and several other company employees. The Polygraphist confirmed that the examinations were being conducted as part of an ongoing criminal investigation, and agreed to participate only after he was assured of the government's involvement.

The polygraph examinations were conducted and the Polygraphist concluded that Claimants' answers were deceptive. Claimants' employment was terminated by the company in August 2003 based upon the results of the polygraph exams and witness statements obtained by the sheriff as part of the criminal investigation.

The Polygraphist believed that his fees would be paid by the district attorney's office at the time the polygraph examinations were

taken. He learned later, though, that the district attorney had asked the company to pay his fees due to a shortage of funds. The Polygraphist refused to provide the results of the examinations directly to the company, and communicated the results only to the prosecutor. The Polygraphist told the company that the results of the examinations were not to be used for employment decisions.

The Polygraphist's defense was assisted by an expert witness, who opined that the examination questions were proper and the Polygraphist's analysis of the results was accurate. The expert also opined that the Polygraphist's handling of the matter was proper under the EPPA inasmuch as he did not conduct the examinations until he was retained by law enforcement officials as part of the criminal investigation. The expert also opined that the district attorney's representation that the examinations would be taken as part of a criminal investigation were sufficient to overcome any theory that the Polygraphist acted improperly.

The Polygraphist filed a motion for summary judgment after significant discovery was taken in the lawsuit. The motion relied on the expert testimony that there was no negligence on the

part of the Polygraphist in taking the examinations. The motion also relied on the deposition testimony of fact witnesses showing that the Polygraphist refused to administer the polygraphs until he received assurances that they were to be taken as part of an ongoing governmental criminal investigation.

In January 2005, the trial court granted the motion for summary judgment and dismissed the lawsuit against the Polygraphist. The court concluded that there was no evidence that the Polygraphist exercised any control over the company's actions, nor any evidence that the Polygraphist knew that the prosecutor was merely sponsoring the polygraph exams at the behest of the employer.

Claimants' suit against the employer company was not dismissed, however, and in March 2005 Claimants received a jury verdict against the employer. In May 2005, Claimants filed an appeal of the order dismissing the suit against the Polygraphist. The principal issue on appeal was whether the Polygraphist could be considered an "employer" for purposes of liability under the EPPA. A polygraphist may be deemed an employer for EPPA purposes if he acts

"directly or indirectly in the interest of an employer in relation to an employee or prospective employee." The primary focus of a court in this context is whether the polygraphist "went beyond the role of an independent entity, to execute control as a matter of economic reality over the employer's compliance with the EPPA."

In August 2006, the U.S. Court of Appeals for the Tenth Circuit came down with its decision, affirming the district court's order dismissing the lawsuit. The Court of Appeals held that the Assured was not an "employer" under the EPPA and hence could not be sued.

The defense fees and costs paid by the Polygraphist's insurers to defend this lawsuit exceeded \$102,000.

Sex Offender Tests. Claimant in a western state was convicted of various sex-related offenses, and he agreed to submit to period testing with a state Sex Offender management Board. In a lawsuit he filed in August 2013, Claimant alleges that the Defendant Polygraphist wrongfully administered the various polygraph exams. On one occasion, Claimant alleges, the Polygraphist applied a "creamy substance" to his

hands in order to elicit a deceptive response. As a result of the improper examinations, it is alleged, Claimant has lost various inmate privileges. He seeks various damages for the alleged violation of his constitutional rights.

A motion to dismiss this lawsuit is pending.

Protective Measures

As should be clear from the foregoing examples, a polygraphist may be sued even if he has committed no error or omission. The lawsuits are usually defended successfully, but the legal fees and costs to defend the claim can be significant. Polygraphists must, therefore, consider various measures to protect their assets in the event a lawsuit (whether groundless or meritorious) is filed against him.

One step a polygraphist may consider is to insist on a hold-harmless agreement, pursuant to which the would-be examinee must release the polygraphist from liability. The fishing tournament claims noted above are vivid examples of the importance of such a waiver form. In the event a polygraphist is performing tests in conjunction with a

contest, he should ensure that the waiver form specifically releases the polygraphist from liability. He may also consider securing some type of hold-harmless and indemnification agreement from the tournament sponsor itself. There may, of course, be instances where economic reality dictates that a waiver form cannot be secured. Moreover, not all waiver forms are legally enforceable (and the circumstances under which such agreements may be unenforceable are beyond the scope of this article).

One other protective measure a polygraphist may consider is liability insurance tailored to the polygraphist profession. Such coverage (often known as “errors and omissions” or “E&O” coverage) is available through certain underwriting syndicates at Lloyd’s of London. This Polygraphist E&O insurance provides coverage for indemnity and defense costs for claims or lawsuits against polygraphists arising from their rendering of professional polygraph services. This coverage is subject to various exclusions, some of which are claims based on the malfunction of a polygraph machine and claims for bodily injury. A polygraphist purchasing such E&O coverage is advised to read the policy provisions carefully.

Does “*Everything*” We Say in the Pre-test Interview Matter?

Walt Goodson

Less is more!

This motto has served me well in many aspects of my life and especially as a student of the polygraph. The following article challenges the seemingly over-complicated nature of polygraph and specifically addresses whether pre-test breathing instructions are necessary. Simplifying or altogether eliminating these instructions may save time and improve chart data quality.

Basic polygraph instruction is pretty universal in insisting that the pre-test interview is “everything” and thus critical to administering a valid exam. If adequate time is not devoted to explaining how the instrument and its components work and what they measure, our exams could

result in error. Advanced polygraph training builds upon this assumption, adding additional layers of explanations that are deemed necessary during the pre-test interview, such as countermeasure discussions, theme development, and in-test instructions. The end result is an elaborate ritual that is tiring for both the examinee and examiner alike.

My department’s polygraph unit has continually adapted to published validation studies and, in the absence of such studies, has experimented with different methods to improve exam reliability and validity. We have always held that data quality is the key to such improvement and have thus evaluated adjustments to countless variables to improve our data, such as cuff placement,

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room temperature, exam chairs, etc. In 2009, we moved from probable lie to directed lie techniques, such as the Directed Lie Screening Technique and Utah ZCT, because they lacked many of the technical questions and explanations required by other techniques and seemed less confusing to examinees. More importantly, they created cleaner, more consistent data that were easier to numerically score and made it easier to detect subtle anomalies not associated with genuine physiological responses. The level of improvement was so drastic, our quality assurance (QA) supervisors started to expect and even demand higher-quality chart data.

In 2013, our polygraph unit discovered that we had produced three false-negative exams, one of which led to a trooper-trainee being walked out of the training academy in handcuffs for his previous involvement in a burglary. We felt that such criminal activity should always be discovered during the pre-employment polygraph exam; however, this subject had successfully faked his exam and slipped past both the examiner and QA. Since our unit prides itself in ferreting out countermeasures, we initiated a thorough evaluation of these false-negative exams and quickly identified that all three had “messy chart data,” which was particularly noticeable in the

Could the explanations and instructions regarding breathing in the pre-test have a conscious and/or unconscious effect that altered the examinee's normal breathing patterns?



pneumograph tracings. Such messy data included bradyapnea (slow breathing of less than 12 breath cycles per minute), deep breaths, and misplaced answer distortions that were inconsistent with true physiological responses to the stimuli.

Our QA supervisors subsequently identified several examiners in our unit who had higher instances of messy pneumograph data as well as higher rates of attempted countermeasures. When QA supervisors observed these examiners' exams, live or recorded, they discerned no differences in communication skill or experience between this group and other examiners who collected better data. Instead, the primary difference was that the examiners with the messier chart data had longer pre-test interviews, which included detailed explanations regarding respiratory patterns and more specific instructions regarding how the examinee should breathe.

As a result of these observations, QA formulated a question: Could the explanations and instructions regarding breathing in the pre-test have a conscious and/or unconscious effect that altered the examinee's normal breathing patterns? In June 2013, we put this question to

the test by selecting six of our examiners who were known to provide pre-test breathing instructions. When QA supervisors reviewed these examiners' chart data, they noticed that the data appeared inferior when compared to other examiners in our polygraph unit. Three of the six polygraph examiners in our test group were then instructed to conduct their pre-tests without uttering the word "breathing" or discussing how to breathe. When QA supervisors then compared the charts from the two sub-groups, they noticed significant improvement in the group that had stopped providing breathing instructions.

Although we felt confident in these observations, we wanted a more empirical basis to support changing the way we taught pre-test interviewing in the Texas DPS Polygraph School. Toward this end, we designed a second experiment involving a random selection of 20 charts from three examiners within a time frame of three months before and after these examiners were told to stop providing breathing instructions. We then selected 13 examiners of varying polygraph experience to evaluate the data. The review examiners were unaware of who had administered the exams,

when the exams had been conducted, or what the purpose of the experiment was. The examiners were simply asked to answer two questions for each set of charts: First, did the tracings meet our definition of messy pneumograph data; and second, did the examinee try to fake the exam.

A review of the 1,560 answers revealed that the exams given with breathing instructions were rated as having messy pneumograph data 56% of the time. However, after the examiners eliminated the breathing instructions, their exams were assessed as having messy pneumograph data only 46% of the time, an improvement of 10%. The answers to the second question followed a similar trend: Exams with breathing instructions were thought to demonstrate evidence of faking 33% of the time, while the exams without these instructions were thought to have evidence of faking only 23% of the time, for an improvement of 10%.

It appears from these observations that removing breathing explanations and instructions from the pre-test interview does no harm to data quality and may actually serve to improve it. These observations are consistent with our

prior informal study as well as a significant amount of anecdotal observation. The reasons for the improvement are uncertain to me, but one might argue that the more time an examiner spends discussing specific issues during the pre-test interview, the more salient these issues become to an examinee. In other words, extensive breathing explanations and instructions during the pre-test may reinforce an examinee's inclination to control his or her breathing to hide a nervous appearance, regardless of whether he or she intends to be truthful or deceptive.

The pre-test interview has been a trial-and-error process for my department for many years, due in part to an absence of published research validating many of its intricacies. Our recent experience suggests that breathing instructions, countermeasure statements, and even explanations on how the polygraph works may have unintended consequences. My hope is that researchers will individually test these variables to empirically determine the necessity of these explanations and instructions. In the meantime, examiners should give careful thought to what elements they incorporate into their own pre-test rituals. After all, improving reliability and accuracy is everything.

The Chapman Study

by Jim Wygant

A flurry of press releases, purportedly originating from the National Association of Computer Voice Stress Analysts (NACVSA), has recently promoted a “new” study showing 96 per cent validity for voice stress analysis. Sometimes referred to as the “Chapman Study,” it is described by NACVSA in one of their press releases as:

The 18-year field study was conducted by Professor James L. Chapman, the world’s foremost authority on the application of Voice Stress Analysis technologies. The peer-reviewed study, titled “Long-Term Field Evaluation of Voice Stress Analysis In a North American Criminal Justice Setting” was ground-breaking in that it validated the tremendous decades-long success of the CVSA in the criminal justice system.

The study was published in a journal identified as “*Criminalistics and Court Expertise*.” Although it is claimed by NACVSA to be a once-a-year, peer reviewed scientific journal, no trace of a publication by that name can be found on the Internet, although copies of the article itself are available.

James L. Chapman died in 2011 at the age of 69 after spending many years using and advocating voice stress analysis. His study, published in 2012, is offered as a counter to abundant research papers published in recognized peer reviewed journals, repeatedly showing results at chance levels, as good as flipping a coin, when used to assess deception. Chapman’s study is sometimes misrepresented as being drawn from thousands of cases over nearly two decades. In reality, Chapman’s selection process from his cases would probably

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not be acceptable to most known peer reviewed journals.

As Chapman explained in his report, “The original group of total case subjects (n > 3,000) tested over an 18-year period was culled for those that could be retrospectively studied, such that they met the following requirements: a confession had been a potential outcome (i.e., a crime had been committed in which the individual was implicated); there was no involvement with non-criminal statement veracity testing; no employment clearance was involved; the case was not used as a confirmation of witness testimony; and controlled testing had occurred (i.e., responses could be verified by the VSA [voice stress analysis] process by means of structured re-questioning). Following the excluded group, the cases that remained were (n=2,109).” Chapman then numbered those cases and conducted a random sampling using the numbers alone as a means of selecting files. He wrote, “From this final set of cases (n=236), there were (n=329) possible confession outcomes.” There is some confusion regarding his counts, since it appears that some “cases” must have included more than one examination. Chapman excluded from his count of “possible confession outcomes” any confessions to something other than the issue being tested.

To add to the confusion about how many examinations and how many people he included in his study, he reported that the number of people was 279, ranging in age from 5 to 74, and 84 per cent male. Of that total number of people tested, 259 were suspects and 20 were alleged victims.

The testing procedure did not follow any formal routine. He described the test process as “initial VSA questions asked (9-31 questions, yes/no answers)”, which was followed by “retest, as required, using reformulated questions for those issues where stress was observed until no stress was observed or stress could not be eliminated.” There were only two possible conclusions to a test: “no stress indicated” meant that he had “cleared subject”, while “stress indicated” led to “post-exam interview of subject to determine reason for stress.” The lack of a rigid, repetitive test format, as is customary in most validity studies, is again contrary to usual practices.

Chapman concluded, “In each of the cases reviewed here (n=236), inclusive of (n=329) confession possibilities, stress was indicated in 92 per cent of the examinations (n=303), leaving 8 per cent of the exams with a no-stress result (n=26). Confessions were obtained from 89 per cent of the interviewees

(n=292), leaving an overall 11 per cent no-confession rate (n=37). Most notably, among all interviews conducted, where stress was indicated, 96.4 per cent resulted in suspects making self-incriminating confessions.”

Within the small number of no-stress results (26), apparently 19 of those came from one case in which 20 people were examined for the same theft. One was reported as stress and then confessed, which would verify the no-stress results of the other 19.

If a polygraph examiner wrote a report claiming to establish the validity of his work based upon his review of his own work, no one would believe him. Polygraph validity studies that rely upon test results verified by confession are typically reviewed in a double-blind fashion: the review being done by a different examiner than the one who conducted the test, who also does not know what the original examiner decided. In other words, the charts themselves are reviewed, not just the conclusions of the original examiner.

It seems odd that 89 per cent of all of those included in Chapman’s study made “self-incriminating confessions,” since that figure far exceeds that norm in criminal investigations. It is well known

that the standard for what constitutes a “confession” varies among interrogators, who have a stake in establishing their expertise and might include partial admissions or even non-denials that help bolster their confession rates. Because nearly no one in this study was reported as truthful, the selection process and the determination of the accuracy of individual tests is questionable. Ultimately, ground truth was not established for these cases. Legitimate studies of VSA validity published in reputable scientific journals have been done by disinterested third parties, such as academic institutions and the federal government, which have no stake in establishing or refuting the validity of VSA. Chapman’s report of 96 per cent accuracy is based entirely on his analysis of a small portion of his own work, in which he presumably maintained an interest in establishing himself as an expert. No study exists, published in any conventional scientific journal, that supports Chapman’s conclusion or even comes close to the results he reported.

The results of this “study” are frequently misquoted. We have heard claims that this was a study of several thousand cases, which is untrue. We have also heard the oft repeated claim that it proves 96 per cent accuracy, which can not reasonably be concluded from the methods used.

Repeated “press releases” from NACVSA have identified Chapman as the world’s foremost authority on voice stress analysis and have emphasized 96 per cent accuracy. Any claims by NACVSA are suspect, since it appears to be an arm of the National Institute of Truth Verification (NITV), the primary marketer of voice stress analysis devices

in the United States. NACVSA requires that members buy classes from NITV to maintain membership. If the American Polygraph Association required that members buy classes from any equipment manufacturer to maintain membership, there might be some suspicion of collusion between the marketer and the Association.

THE POLYGRAPH QUESTION

Countermeasure question

Who is responsible for the following quotation regarding respiratory suppression?

“In studying the influence of intellectual and emotional states upon the respiratory movements, the writer, in a series of experiments, found in general that concentration of thought, as in mathematical calculations or in reading, lessens the respiratory movements considerably.”

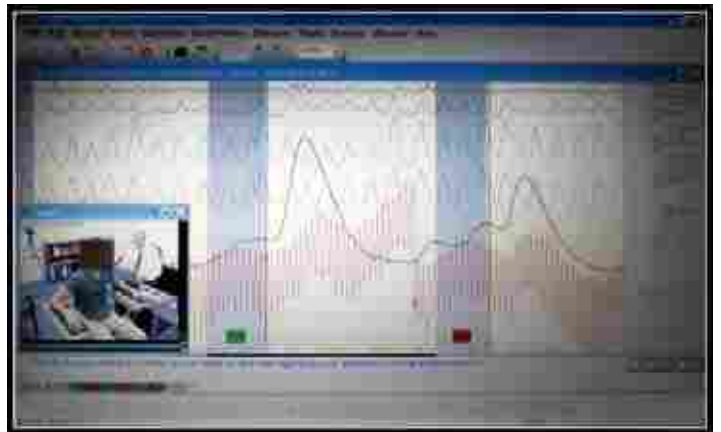
- A. Howard Timm, 1982
- B. Cleve Backster, 1958
- C. John Reid, 1945
- D. John Larsen, 1925
- E. Vittorio Benussi, 1914
- F. Arthur MacDonald, 1905

answer on page 70

VOTE

Daniel Mangan

APA PRESIDENT ELECT



Screen capture of a Matte Quadri-Track ZCT. Subject is masked to protect his identity.

Dedicated to Truth

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Take 3: What does the polygraph measure?

(in 250 words or less)

Raymond Nelson



The polygraph instrument records data from sensors that monitor autonomic and physical activity, including respiration, cardiovascular, electrodermal, and somatic activity, in response to test stimulus questions. Although lies *per se* cannot be measured in the same way as a physical substance, several measurable physiological responses have been shown to be statistically correlated with differences in the strength of response to different test stimuli as a function of the criterion state of deception and truth-telling. Numerical scores are assigned to these responses either through objective linear metrics, through non-parametric methods such as rank ordering, or through a procedural rubric. Numerical scores are combined together in structural models that have been shown to optimize the

discrimination and classification of deceptive and truthful persons with accuracy that exceeds the capabilities of any single measurement or response symptom. Recorded physiological data can then be partitioned according to either the individual question source or the type of test stimuli, and the level of statistical significance can be calculated using either normative or ipsative methods. A categorical result, indicating either deception or truth-telling, is supported when the confidence level or probability of error associated with the test result is equal to or exceeds a required level of precision or maximum tolerance for error. This can also be accomplished by comparing a numerical test score to a required cut-score. For convenience, the polygraph test is often referred to simplistically as a lie-detector test.



Hopefully Helpful

Theme Development

by Walter H. Greene

Introduction by Dale Austin

Introduction

In this edition of Walt Greene's *Hopefully Helpful*, we will discuss Themes. Themes are ideas or stories examiners propose during interrogation. They offer *justifications* for what our subject has done. They are used to encourage truthfulness by reducing the fear associated with making admissions to criminal acts (specific issue exams) or potentially disqualifying conduct (screening exams).

About the author: Walter Greene is a retired federal polygraph examiner. The opinions and comments expressed in this article do not necessarily reflect those of the U.S. Government or the American Polygraph Association.

Some advance consideration always has to be given to theme development in situations which may require interrogation. If we know in advance that an interrogation will probably be necessary—especially if we know the topic—it makes our job much easier. However, even if we don't know in advance that we will have to interrogate, we need to consider the basic approaches to theme development. Following are some questions from the Reid Technique that can be helpful in this endeavor:

Who can be blamed?

What can you say to blame the victim?

What (human) needs can be blamed?

What influences can be blamed (drugs, alcohol, emotional stress, physical environment, etc.)?

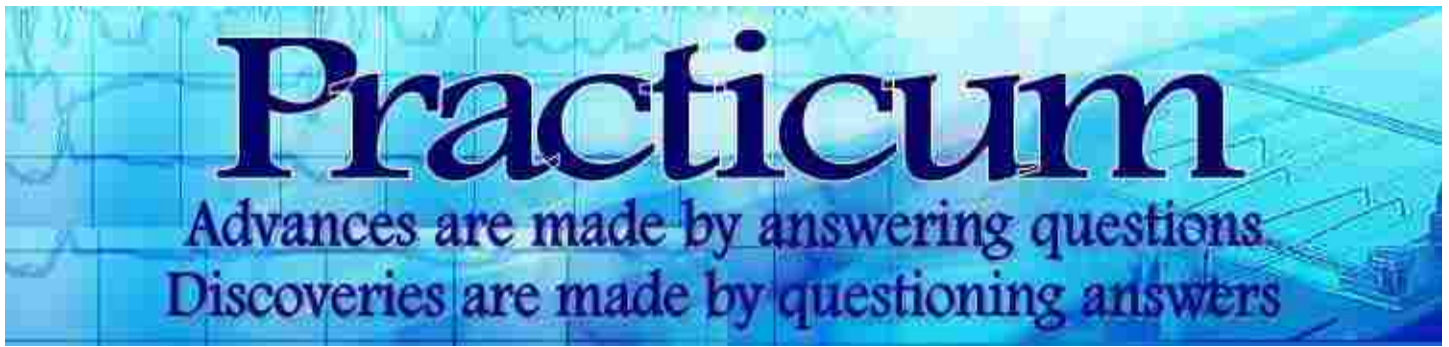
What can be said to morally (vs. legally) minimize the subject's act?

What real stories can support your themes (yours or someone else's)?

What desirable characteristics can you say about the subject?

We all know that themes may have to be repeated several times before they have their desired effect. But we should also consider that “third person” themes are usually the most desirable for a number of reasons. One of those reasons is that “third person” themes do not immediately involve the subject to the point that they seem accusatory. Another reason is that it is very easy to move from one theme to another by relating them to various “third persons,” instead of repeatedly linking them to our subject's behavior.

The best source of theme material is our own co-workers. By monitoring other examiners, we can pick up a variety of themes that we may never have considered. Whenever we have the opportunity, we should monitor, monitor, monitor, then monitor again. I don't think we will ever fail to pick up something new. Keep in mind, however, that what we hear is not necessarily proper simply because it's new.



Was King Solomon a PDD examiner?

Tuvya T. Amsel

Based on the assumption that deception affects humans physiologically and behaviorally, detection of deception is based on the cornerstone concept that whenever humans lie they leak numerous verbal and non-verbal clues that are visible and thus detectable. While the popular belief is that those clues are a result of lying *per se* it is assumed that those clues are actually the result of the feelings intervened and accompanied with the lie such as: fear of exposure, fear of

punishment or consequences, fear of losing face, motivation to convince and the like. Although attributed to the divine power of Almighty rather than psychophysiological responses, the notion of detection of deception goes way back in human history. The first known recorded event of a criminal act followed by a denial intervened with a verbal deception clue can be found in the book of Genesis in where God is questioning Cain (after killing his brother Abel) asking him: “*Where is your brother*

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Abel?” to which Cain replies a deceptive answer, “I don’t know” followed by, “Am I my brother’s keeper?”ⁱ

Not surprisingly King Solomon, who was the King of the Israelites from 970 to 931 BC and who was described as the “smartest of all humans,” was probably aware of the facts surrounding lying and its deception, so when:

“Then came there two women, that were harlots, unto the king, and stood before. And the one woman said: “Oh, my lord, I and this woman dwell in one house; and I was delivered of a child with her in the house. And it came to pass the third day after I was delivered, that this woman was delivered also; and we were together; there was no stranger with us in the house, save we two in the house. And this woman’s child died in the night; because she overlay it. And she arose at midnight, and took my son from beside me, while thy handmaid slept, and laid it in her bosom, and laid her dead child in my bosom. And when I rose in the morning to give my child suck, behold, it was dead; but when I had looked well at it in the

morning, behold, it was not my son, whom I did bear” And the other woman said: “Nay; but the living is my son, and the dead is thy son.”ⁱⁱ

Facing two contradicting testimonies without either side having any supporting evidence King Solomon decided to break the tie by manipulating the parties into responding in a manner that will enable him to distinguish and identify who is the truth teller and who isn’t. He proposed: *“Fetch me a sword ... divide the living child in two, and give half to the*



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ⁱ Genesis, 4:9

ⁱⁱ Kings I, 3:16-22

*one and half to the other.*ⁱⁱⁱ

Now the two plaintiff women are being faced with a dilemma wherein they have to choose which solution (i.e. cutting the baby in half which, needless to say, will kill him, or letting him stay alive and by so losing him) is less threatening for them (a dilemma is defined as a problem offering at least two unacceptable solutions or possibilities but wherein the least unacceptable is chosen). Three thousand years later and after the secrecy ban has been lifted, it is time to reveal what went through those two womens' minds when they heard King Solomon's proposal to cut the baby in half: The innocent and truthful woman (i.e. the real mother who, according to the trial protocol, her "*heart yearned upon her son*"^{iv}) faced two unacceptable alternatives: "*If I will agree to the King's proposal and he will cut the baby in half, the baby will die. My constant lifelong sorrow and yearning followed by the death of the baby will be negligible in compare to the guilt I will*

agonize for agreeing to kill my baby. On the other hand by giving the baby to the other woman the baby will go on living thus elimination all these frightening feelings, yet I won't see him anymore." And so for her the least unacceptable solution of this dilemma made her choose and say: "*Oh, my lord, give her the living child, and in no wise slay it.*"^v

On the other end, her adversary faced two alternatives as well but they were completely of a different nature. In addition of being guilty and deceptive she possessed a long rap sheet and a history of prior arrests due to her professional practice and so what went through her mind hearing the King's proposal was: "*By reversing my initial statement and admitting of accidentally killing my own baby and taking the other I may save the baby's life but then the King will indict me with*^{vi} *section 298 of the Penal Code (Manslaughtering my son), Section 367, 369 & 373 of the Penal Code (Kidnapping the baby), Section 237 & 239 of the Penal*

ⁱⁱⁱ Kings I, 3:24

^{iv} Kings I, 3:26

^v Ibid, Kings I, 3:26

^{vi} Israeli Penal law 1977

code (Perjury), Section 242 & 244 of the Penal Code (Tampering with evidence) and God knows what else, all together if I am lucky I will end up spending the next 20 to 25 years in a correctional facility so I'd rather stick to my initial statement that the baby is mine on the expense of killing the baby.” And so for her the least unacceptable solution to the dilemma forced her to choose and say: “It shall be neither mine nor thine; divide it.”^{vii}

King Solomon’s proposal relied on the hypothesis that the proposal will force each woman to take a different direction. The King assumed that the real mother will probably rather lose the baby than let him die while the other one rather let him die than pay for her deeds. Two opposite decisions, which enabled King Solomon to identify the truth teller and detect the deceptive. Following this line of thinking, if the proposal is being analyzed using the Probable-Lie Comparison Question Technique concept and perspective, then King Solomon’s proposal can be labeled as a comparison question adjacent to the relevant question: “Did you give birth to this child?” and by doing so

King Solomon actually created a Zone of Comparison. For the real mother the relevant question bears no treat and/or consequences simply because she is truthful in her answer to the RQ. For her the threat of killing the baby lies in the comparison / proposal question. So when she analyzes the proposal in her mind her only concern is the comparison / proposal question and as a result her answer reveals that her attention was focused and shifted toward the comparison / proposal question. This is not the case with the other woman, the deceptive one. Knowing that she is lying to the relevant question when analyzing the proposal she is more concerned with the punishment and consequences inflicted upon her than killing someone else’s baby and by doing so she focuses her attention to the relevant question rather than to the comparison / proposal question.

King Solomon’s manipulative proposal was defined by one biblical commentator as “Psychological Set” by another as “Differential Salience” and a by a third as “Relevant Issue Gravity (RIG)”. Regardless of the semantics they all agreed

^{vii} Ibid, Kings I, 3:26

^{viii} Ecclesiastes, 1:4

that the proposal relied on the hypothesis that each woman was concerned and threatened by different things, one by a lifelong guilt (CQ) and the other by a lifelong jail time (RQ) which resulted in focusing their attention to different solutions. As the women in the biblical example, so is an examinee that undergoes a polygraph test utilizing the CQT. The examinee is being asked a CQ adjacent to a RQ and s/he has to choose which one of those neighboring questions constitutes the greatest threat to her/his immediate well-being: the CQ or the RQ. In return the decision will produce a greater psychophysiological response to the greater threatening question either the CQ or the RQ. And as King Solomon in the biblical example, so is the polygraph examiner who is metaphorically waving a dual hook bait in front of the examinee wherein one hook carries the RQ and the other the CQ and all is left to the examiner to do is to observe which one of the baits, either the RQ or the CQ, is being preferred by the examinee.

While one polygraph historian named John Reid as being the comparison

question pioneer, others attributed it either to Cesare Lombroso or to Father Summers or to Captain Clarence Lee. Yet it seems that the answer to this debate is being resolved by King Solomon himself as being quoted saying: “*A generation goes, and a generation comes, but the earth remains forever*”^{viii} ...*What has been is what will be, and what has been done is what will be done, and there is nothing new under the sun.*”^{ix}

Post Scriptum

“*Then the king answered and said: ‘Give her the living child, and in no wise slay it: she is the mother thereof.’*”^x Correct decision i.e. a “Verified Truth” and a “Verified Guilt”, but can the outcome be attributed to King Solomon’s wisdom or to Lady Luck? The King’s proposal was a manipulation grounded on a speculation as of how a truthful versus a deceptive person will respond. As logical as it is, it is still a speculation. Then, based on that speculation, the King presumed who passed and who failed his test, which in a nutshell is nothing more than a “guessing game.” Profound wisdom or just pure luck?

^{ix} Ecclesiastes, 1:9

^x Kings I, 3:27



Differential Saliience

by

Michael Lynch

Responsibility

“It was concluded that the extent of psychological detection of deception reaction is a function of the extent of fear of consequences . . . in proportion to the extent of motivation . . . that exists within the subject while being tested. Fear of detection . . . is an additional factor existing . . .that amplifies . . . psychophysiological reactions.”¹

¹ Amsel, Tuvya T. “Fear of Consequences and Motivation as Influencing Factors In the Psychophysiological Detection of Deception”, *Polygraph*, Volume 26, Number 4, 1997, p. 255.

About the author: Michael Lynch is a Primary Instructor with Marston Polygraph Academy. He can be reached at mlynch@lawyerspolygraph.com. The opinions and comments expressed in this article do not necessarily reflect those of Marston Polygraph Academy or the American Polygraph Association.

Examiner: “I just concluded a Utah Zone Comparison specific issue polygraph examination. No matter how I scored the charts, the result was always the same (+1 -1 0) – ‘Inconclusive’. Because of the case facts, I probed on post-test interview and thirty minutes later I had a full confession. Where did polygraph go wrong?”

Quality Control: “What was the target issue of the examination?”

Examiner: “Murder; the examinee is accused of shooting his mother.”

Quality Control: “What did you learn about the examinee during pre-test interview?”

Examiner: “He is a twenty-six year old un-employed college graduate living at home with his mother who was supporting him. He appears to be highly intelligent. There is no history of mental illness in his background.”

Quality Control: “What were your relevant questions?”

Examiner: ‘R1 ‘Did you kill your mother?’

R2 ‘Last Wednesday, did you kill your mother?’

R3 ‘Are you responsible for your mother’s death?’”

Quality Control: “Some people live in a culture that seeks to place responsibility for human behavior on all things other than the individual whose behavior ran contrary to societal values. These people are frequently our examinees. It is best not to ask relevant questions for which there are no apparent consequences. The relevant questions in this test do not address the specific behavior that caused the death and therefore may be rationalized by the examinee as having no consequence. ‘I did not shoot my mother, the gun did. I am not responsible for shooting my mother, she brought it on herself;’ – are rationalizations to escape responsibility for behavior contrary to societal values; in this case murder.”

Examiner: “How do I fix it?”

Quality Control: “In the future, address the underlying causative behavior; in this case:

“R1 ‘Did you fire the shot that entered your mother’s body?’

R2 ‘Last Wednesday, did you shoot your mother?’

R3 ‘Are you the person who fired the bullet that entered your mother’s body?’

In this case, the probable motive for murder was financial support. If your examinee killed his mother because she threatened to cut off his money supply, killing her could solve his financial needs through inheritance or theft. He had more to gain than to lose and a forgiving culture told him either he was not responsible for his behavior because ‘the gun did it’ or because ‘she pushed him into it.’” Either way, your examinee ‘passed’ your examination because he was ‘not concerned his deception would be detected and adverse consequences would follow’.

Fear of Consequences – The prevailing explanation for the psychophysiological mechanisms underlying arousal during deception. The theory holds examinees respond physiologically to test questions to which they are lying out of concern their deception will be detected and adverse consequences will follow. The greater the fear, the greater the response. This theory explains most, if not all aspects of polygraph examination. An exception may be those instances where the polygraph test continues to be effective even when there are no adverse consequences to lying.

THE POLYGRAPH QUESTION

Answer

Arthur MacDonald, in *Man and Abnormal Man* (1905), page 174. Government Printing Office, Washington, D.C.

Understanding the Shortcomings of the Directed Lie Comparison (DLC) Questions in Post-Conviction Sexual Offender Testing (PCSOT)

Robert G. Lundell¹

In the APA's Executive Summary of validated test formats presented to the membership in Austin Texas, 2011, 17 made the list. They were spread out among Evidentiary Examinations, Paired Testing and Investigative Testing. I believe additional formats have been added to the list in the last three years. While the majority of formats use the Probable Lie Comparison questions (PLC), the Directed Lie Comparison (DLC) technique is also permitted. Research has shown that Correct Decision (CD) rates are not significantly different based on the choice of Comparison Question test type.

The APA's Model Policy for Sexual Offender Testing lists a 'Primary Goal' of:

Increasing public safety by adding incremental validity to risk assessment, risk management and treatment planning decisions made by professionals who provide supervision and sex offender specific treatment to convicted sex offenders in community settings.

Testing also causes increased disclosures of problem behaviors and the deterrence of problem behaviors by increasing the likelihood that

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The views expressed in this article are those of the author and do not necessarily represent the opinions of the American Polygraph Association.

engaging in such behavior will come to the attention of supervision and treatment professionals. The examination process can detect the involvement in or abstinence from such problem behaviors which could escalate the threat to the community or potential victims.

With these important goals in mind we must clearly understand our roles as examiners in providing services to Parole/Probation Officer and Treatment Providers as outlined in the Model Policy. While being able to reach consistently reliable conclusions concerning the examinee's truthfulness or deception to relevant test questions, we also must be extremely skilled at interviewing the examinee in both a comprehensive pre-test and post-test environment. An examination which produces a NSR or NDI result is great, but what else should that examination report be telling us about that examinee? The general truthfulness of information the examinee provides during the pre-test interview is unknown when using Directed Lie Comparison (DLC) questions. That test has no broad based questions to even indirectly inquire about the examinee's honesty to issues outside the scope of the relevant issues. There is no need or reason to conduct a post-test interview on an examinee who

is NDI on this kind of a test, since the lie responses to the DLC questions were apparently working as required. Test is over, send him on his way.

Using the DLC test is a one dimensional approach to PCSOT where the only purpose is to support a test outcome concerning truthfulness to relevant issues. While that is an admirable goal, it does not fulfill our responsibilities as outlined in the Program Goals of the Model Policy listed above. In obtaining information about violations of all kinds and at risk behaviors outside the scope of the relevant test issues, DLC tests are ineffective in a structured pre-test and have no benefit at all in a post-test to obtain additional information. Obviously, for the SR or DI examinee, the relationship between the lie responses to the directed lies and the larger responses to the relevant issues is valuable in trying to get the examinee to make admissions. Most sex offenders are not re-offending or engaging in prohibited contact with minors and will 'pass' such relevant issues that are of major concerns. But, they are often engaging in precursor behaviors which left unidentified and unchecked could lead to more serious violations. That is also our job, to conduct an examination which is most often able to gain such admissions by the use of a very

structured pre and post-test interview where appropriate comparison questions are employed. Our recommendations, which have been part of our testing process for 30 years and the basis of our instruction to APA members in the 40 Hour PCSOT course as well as Advanced Course work, is to use “Inclusive (non-exclusive) Comparison questions on a ‘Zone’ type approved format.

The use of such comparison questions and examples of them will be discussed in a bit, but it is important to identify and set straight some of the arguments of using Probable Lie Comparison questions (PLC) in PCSOT. Those who have supported the use of DLC test in PCSOT have mistakenly labeled the PLC test as one which our ‘detractors’ claim we use trickery or manipulation in order to “set” such comparison questions. In fairness, they have said that such activity has occurred in all kinds of testing, not just PCSOT, where the PLC is used. While there may be some truth in their claims that some examiners want to make the examinee either lie or at least be uncertain about his answer to a PLC, often times by using language that tends to shut the person down, PLC, using a time of reference which is the same as all relevant questions (inclusive), does not employ such tactics in PCSOT. In fact,

we never try to stop the examinee from offering information about his behavior as it relates to any of the test questions, and certainly not the PLC questions. APA PCSOT Policy allows examiners to choose whichever comparison question technique they want, whether it be Exclusive (time-barred), Inclusive (no time bar) or DLC.

Some of the proponents of the DLC have offered the following concerns about using PLC:

DLC is less manipulative and not personally intrusive or confrontational. It is also less adversarial in nature. Surprisingly, it is touted as being a good choice for those examiners who may lack the competence to properly establish a PLC. The promoters of the DLC have rightly noted the effectiveness of this technique in employment screening tests and other types of tests where there is no need to conduct post-test interviews on examinees that appear to be truthful to relevant issues. They also suggest the simplicity of the test allows for more of them to be conducted in a given amount of time. Exploratory testing in PCSOT is not the same as a screening test for employment purposes.

In PCSOT, Probable Lie Comparison questions, of the inclusive type, do not have any of the problems or concerns listed above. In fact to the contrary, they are conversational in nature, very easy to develop and provide sufficient saliency to attract the focus of the examinee that is being truthful to relevant issues. They are not questions which are “set” which tends to suggest a trap of some kind and we’re not trying to make the examinee lie by saying “no” to them. There is no disguising these questions and they certainly have importance, particularly in the mind of the NSR or NDI examinee. Their use not only assures a reliable and valid test result, but unlike the DLC, will increase the likelihood the examinee will disclose problem behavior, both in the pre and post-test interviews as noted later in the section about “Enhancing Pre and Post Test Interviews.”

The DLC may have a place in PCSOT. If preferred over PLC it can be used effectively when testing someone who is in denial of his offense of record. (Specific Issue Crime Testing) It can also be used when conducting sexual history disclosure examinations or when doing a follow-up compliance test using the “successive hurdles approach.” However, since the overwhelming majority of PCSOT involves the *exploration* of behavior from

one frame of reference (start point) to the test date, the PLC (Inclusive) is far and away the recommended method for Maintenance/Monitoring (Compliance) testing.

The following are some examples of PLC (Inclusive) used in PCSOT and the Model Policy suggests those questions deal with “*honesty and integrity and not be likely to illicit a greater physiological response than deception to a relevant question on that same test.*” This definition could apply to all forms of PLC questions, not just PCSOT. Also, most PLC questions may include the qualifier of “Besides what we’ve talked about” (BWWT@) or something similar. That qualifier, to include the time of reference, can be at the beginning of the question, in the middle or at the end. Obviously, the content and area of concern (frame of reference) is clearly different between the relevant questions and PLC questions, but the time of reference is the same.

Note: Examiners should always follow the accepted standards of practice in developing relevant and comparison questions. Relevant issues (as much as possible) should be single in issue, narrow in scope and where the answer will be the absolute truth or a lie. Comparison questions are best if they are NOT an

absolute lie but rather create a level of significant uncertainty or contemplation. It's pretty obvious however, that when an examinee is lying to a relevant question he is most often also lying on one or more of these inclusive comparison questions. Such lies seldom exhibit competing responses with the relevant issue since they do not possess the threat of detection (saliency) which is overwhelmingly apparent in the responses to the relevant question. When it appears that competing responses may be occurring, the order of the questions can be slightly changed on subsequent charts.

Example: (since your last test—SLT)

4C: *Have you falsified any information on your weekly treatment logs SLT?*

R5: SLT, have you touched the sexual organs of anyone under 18?

C6: *Since June 4th, have violated any rules of supervision you haven't told me?*

R7: Have you used any illegal drug SLT?

C8: *BWWT@, have you given any other false information to your PO or treatment provider SLT?*

(many variations of these PLC questions exist and are appropriate for PCSOT)

In the evaluation of test data, if the examinee is showing No Significant Response (NSR) to the relevant questions and in the opinion of the examiner is being 'truthful' in his answer to each, it is because there is a lack of response to those questions, and there are responses occurring on the PLC questions. After all, that is the basis on which we offer opinions. PCSOT Model policy suggests that we in fact review test results with the examinee and discuss responses to any test questions. Obviously, if he is SR or DI we will be attempting to obtain admissions as to what specific information he withheld on purpose. If he is NSR or NDI we should discuss the responses to the PLC questions. Herein tests the skills of the PCSOT examiner and perhaps a less competent examiner will fall short and will need to revert back to DLC. Obviously, the responses on a PLC question(s) were significantly greater than what was happening on relevant questions. Even if those responses appear to replicate what we might see on a lie to a relevant issue, we cannot say the examinee has lied to the question since that opinion is reserved for relevant questions only. After all, these questions are designed to produce some reaction in the mind of the NDI person. The balancing act in all PLC questions is to not overpower the question so it competes with a lie to the

relevant issues. PLC questions are best if they create uncertainty or contemplation in the mind of the truthful examinee, but their very nature in PCSOT could produce responses on an NDI test that will rightly cause the examiner to inquire about that response. Equal importance is placed on all test questions during the pre-test interview and the examinee is repeatedly told to be sure to discuss any uncertainty he may have with any question. When the test begins, the “playing field” is completely neutral and at the test’s conclusion the examiner will focus on those issue(s) with the greatest threat and saliency. It is not uncommon for an examinee to volunteer some additional, and often important, information just before the testing is done or between charts concerning a PLC question. Sometimes the post-test inquiry concerning responses to a PLC question will produce significant disclosures about conduct the examinee did not truthfully report in the pre-test interview. Often times the examinee will explain he was just trying to remember everything we had discussed earlier and was not 100% sure concerning his answer. I believe every ‘truthful’ examinee should take part in a post-test where responses to PLC questions are then reviewed. This is not accusatory in nature, nor is it an interrogation, but rather an effort to “*help me understand what you were thinking*

about or what else you need to tell me.” In addition to possibly obtaining more valuable information about behavior, the examinee is also being prepared for his next test which is similarly structured. He may be told we will re-word that particular PLC question on the next test to avoid similar responses. It also may require going in a different direction in developing relevant issues next time.

Obviously there are many issues of importance concerning examinee behavior and since we can’t ask a test with that many relevant questions, we need to employ a method of testing that increases the likelihood we will get information to assist in the assessment and management of the offender in the community. Examiners we’ve trained over the years have continued to use the PLC (inclusive) testing format and I’m not aware of any who have abandoned it. All have said that to use the Directed Lie Comparison would produce a valid result in exploratory maintenance/monitoring testing but “*would leave an awful lot (information) on the table.*” Some examiners might suggest that these kinds of PLC (inclusive) questions are really relevant questions with lesser importance or secondary in nature. They are neither since they are broad based and do not deal specifically with any form of behavior or

activity. They may also fear that such a question might produce an overpowering response if the examinee has committed some kind of horrendous crime. Of course that could happen on any test using PLC format, and is why we are always watching for those kinds of anomalies. As with any test which produces a NSR or NDI result, it is because the comparison questions, of whatever type, are showing responses and the relevant questions do not. A true-false question on the APA's final examination for PCSOT asks the following: "In the mind of the truthful examinee, the comparison questions have become relevant." The answer of course is "true." How you treat those responses to PLC (Inclusive) responses is critical to the overall success of your work. You have probably figured this out already, but the method of testing I've been describing may end up taking a little bit longer than what you may have been accustomed. And, if you believe you can jam more tests into a day, you can certainly use the DLC method, but remember—no matter which you choose the APA Model Policy limits the number of PCSOT tests you can do in a day. So you might as well do it in a way that produces the most benefit for the consumers of our services. We have all heard the phrase that polygraph is a combination of "art and science." All examiners are familiar with and have

learned the science. The *art* of applying that science to the all phases of PCSOT testing is the real challenge.

I haven't mentioned Exclusive (time-barred) Comparison questions for a reason. Except for the first time testing someone in PCSOT, they are not appropriate for repeat testing. How many times can you ask someone if "Before the age of 18 did you lie to a person who trusted you," or "Prior to 2002, did you do something you were ashamed of?"

Probation and Parole Officers, as well as therapists use various risk assessment tools such as the *Static 99*, *Stable and the Acute*, to evaluate offenders and assign scores based on dangerousness and propensity to act out or re-offend. In programs where we have been providing services over the years, the information we are able to obtain through this form of testing helps them reach better decisions in managing offender risk. Advanced PCSOT Courses should be teaching examiners how to employ this form of testing to enhance offender risk assessments. It should also be the basis for much of the instruction for those attending the 40 Hour Basic PCSOT Course. This is all inclusive in the research for Best Evidence and Best Practices models for sex offender management.

Information to Enhance the Pre- and In-Test Interview

Robert G. Lundell¹



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The following discussion between examiner and examinee will increase disclosures of problem behavior and produce better tests results due to enhancing the effect of differential saliency.

Release of Information Form: Reinforce confidentiality; “it’s nobody else’s business what we talk about.”

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The views expressed in this article are those of the author and do not necessarily represent the opinions of the American Polygraph Association.

You will be given every opportunity to discuss with me the things you know are important.

I will review all of the standard conditions of probation and treatment; most will probably not apply to you, but some will, and you will need to be honest with me about each of them.

When we are all done discussing your activity during the time frame for this test, I will have two “stacks” of behavior; one stack (maybe large) of things you haven’t done and another one (probably small) of things you have done or may apply to you in some way. I will normally test you on those activities you claim you haven’t done. That way it will be very easy for you to pass the test. So, if something applies to you, whether you’ve told your PO or treatment provider, just be honest and tell me so we can talk about it and get it off your mind (no longer a secret). I’m not going to test you on things you’ve done—just what you claim you haven’t done.

Give ‘gun’ example: and “how sure are you that you haven’t handled a firearm?

100%?”

Once we are done with this review, which will take awhile, then I can put together the simple “yes or “no” questions for your test. Since I don’t know what kind of things you are going to tell me, I don’t know what the test questions will be until we are all done with the review. We will then prepare all test questions together, that way if you think of something else you can tell me before the test and I can change the question if I need to, or even toss it out and put something else in. There lots of things I can test you on today and I want you to be completely certain that your answer to each question is 100% truthful. This is a very easy test to pass, but it is just as easy to fail.

So, before you get into “that” chair and get hooked up to the polygraph, you will know every question on the test since we made them up together and reviewed them. It is against the law for me to ask you any other question during the test (like in the movies) other than the ones we prepared and you assured me you were answering truthfully.

By signing this release you are agreeing to several things; you understand the information we talk about is only given to the persons/programs listed above;

you will follow the instructions I give you on how to “take” the test, and perhaps most important, you agree to be completely honest about everything we talk about. You can’t pick and choose what you will be truthful to. This is not a lie-detector test, unless you decide to purposely lie to any of the questions, then that is exactly what it will end up being. This is really a ‘truth verification test’ which is a much better outcome for you and will make your PO and treatment provider happy. Remember, the first thing they look at on my report is the last page which indicates if the person “passed or “failed”. When, not “if” you pass this test they are less likely to impose a severe penalty if you were honest and told me about it before the test. Of course if you’ve robbed a bank that’s a different story----but as long as you told me about it before the test, you would still pass the test.

Remember, you can pass this test no matter what you’ve done, as long as you tell me the truth about it. Again—I’m not going to test you on what you’ve done—just what you haven’t done. When you “pass” this test today, the next one we do will be from this day forward---a clean slate, but only if you tell the truth before you take this test.

If you lie you will fail the test. That will bring everything to a standstill. You will eventually have to get honest anyway; you will be in trouble with your PO and treatment provider and get sanctioned for lying. Most of the time the lie is a bigger deal than the behavior was. In most all cases you will probably be required to pay again and take a re-test.

Unlike any other test you have ever taken, you will know the results of this one before you even take it. I’m the only one in the dark right now, but in a little while I will know what you know. So, if you promise to be truthful with me today, go ahead and sign the form. If you feel for any reason you just can’t be honest today, don’t sign the form; you can wait in the lobby and I will contact your PO.

End of First Chart:

OK—how did you feel when you answered each question?

Did anything important come to your mind on any of the questions we need to talk about? If something did, we can ‘fix’ it before we do the next chart. I think you sat pretty still as I asked you

to do—the computer did not show any twitches or movement which is good. No, I don't know how you're doing on the test, since the data is stored in the computer and I will print it out and evaluate it when we are all done.

But, you know how you're doing don't you? As long as you know you are being completely honest to each question, you will pass the test.

OK, let's get ready to do the second examination chart. Since you are telling the truth (I hope) this second time through will actually be a little easier. You know how it feels to sit there and answer each question; you are used to hearing my voice and you are aware of how it feels to be totally honest when you answer "yes" or "no".

On that first chart the questions were asked in the same order we prepared them and rehearsed them earlier. On this chart the computer will mix up the order in which the questions will be asked so I will be asking them in a different order. Same questions---same truthful answers. If you are simply sitting there waiting to tell the truth, you don't care what order they're in--do you? Of course if you are waiting

to lie, that will be very obvious when it happens. OK, let's get started again.

OK, that chart should have "felt" easier than the first. It is always easier to tell the truth over and over again since your body gets more and more comfortable each time. Truthful people often say they can feel their stress level go down when they know they are being honest. Now, for the person who is not being honest it just starts off bad and gets worse, every time. So, before we finish this up, is there anything else you may have thought about we need to discuss? We can still "fix" a question if you "remembered" something during the test.

OK then, this third chart should be the best one for you. So sit quietly, pay close attention and listen carefully, telling the truth one more time. When we finish this chart I will check the data to make sure you didn't flinch or move, which could require additional testing.

OK, we are all done with the test. I will have you wait in the lobby for me. I will print out all your test data and do the evaluation. It will take 20-30 minutes to complete and then I will come get you and we will review the results.

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