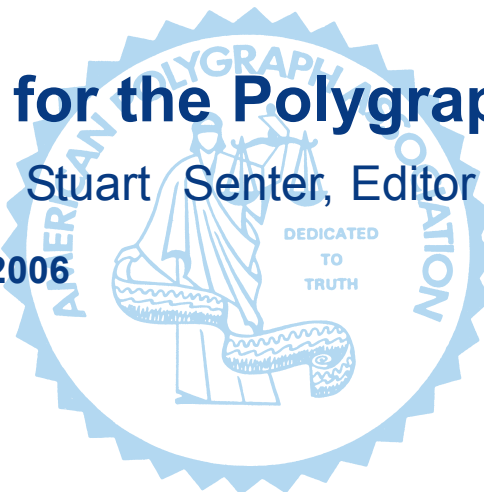


The Magazine for the Polygraph Professional

Stuart Senter, Editor

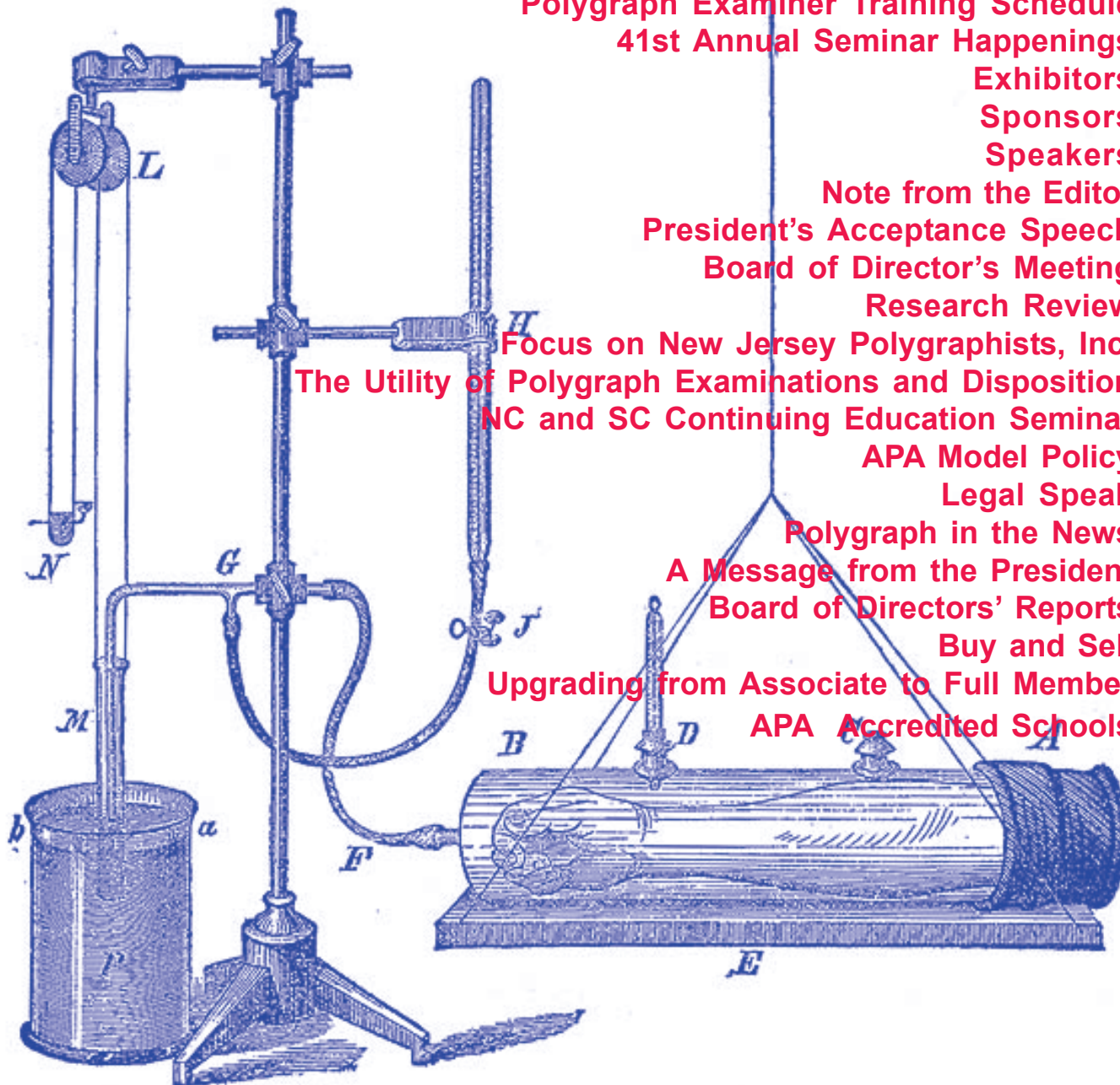
July/August 2006

Volume 39,4



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Contributors

Jim Allen
Robbie Bennett
Barry Bittenmaster
Steve Duncan
Donnie Dutton
Nate Gordon
Michael Gougler
Bob Heard
Don Krapohl
Vickie Murphy
TV O'Malley
Roy Ortiz
Louis Rovner
Dan Sosnowski
Gordon Vaughan
Lawrence "Larry" Wasser
Don Weinstein
Theodore Welch

Deadlines

This issue closed on
July 31, 2006.

Deadline for September/October
is September 25, 2006.

Submission of Articles

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Board of Directors

President

Donald J. Krapohl
PO Box 10411
Ft. Jackson, SC 29207
president@polygraph.org

Vice President – Government

Donnie W. Dutton
P.O. Box 10411
Ft. Jackson, SC 29207
vpgovernment@polygraph.org

Vice President – Private

Nate Gordon
1704 Locust Street
Philadelphia, PA 19103
vpprivate@polygraph.org

Vice President – Law Enforcement

Michael Gougler
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773
vpawenforcement@polygraph.org

Secretary

Vickie T. Murphy
Maryland Institute of Criminal
Justice
8424 Veterans Highway, Suite 3
Millersville, MD 21108-0458
secretary@polygraph.org

Treasurer

Chad Russell
252 Helmsdale Drive
Henderson, NV 89104
treasurer@polygraph.org

Director

Daniel E. Sosnowski
SOS Services
1069 Jamerson Road
Marietta, GA 30066
directorone@polygraph.org

Director

Steve Duncan
Georgia State Patrol
Special Investigations Division
959 E. Confederate Ave, SE
Atlanta, Georgia 30316
directortwo@polygraph.org

Director

Donald A. Weinstein
30 Blackhawk Court
Blythewood, SC 29016-7755
directorthree@polygraph.org

Director

Roy Ortiz
Los Angeles Police Department
150 N. Los Angeles, Rm 431
Los Angeles, CA 90012-3302
directorfour@polygraph.org

Chairman of the Board

Terrence V. (TV) O'Malley
Behavior Testing and Forensics
200 Dick Street, Suite A
Fayetteville, NC 28301
chairman@polygraph.org

Ex Officio Members

National Office Manager

Robbie Bennett
P.O. Box 8037
Chattanooga, TN 37414-0037
manager@polygraph.org

General Counsel

Gordon L. Vaughan, Esq.
Vaughan & DeMuro
111 S. Tejon St., Suite 410
Colorado Springs, CO 80903-2245

Editor-in-Chief

Stuart M. Senter
P.O. Box 10342
Ft. Jackson, SC 29207
editor@polygraph.org

On the Cover

Plethysmograph according to Mosso (Mossos Plethysmograph) 1877
taken from: Biedermann, Rudolf. 1877. Gruppe 18 - Physiologie. (p.
1003, fig. 1)

In Memoriam

William Sentner

William "Buddy" Sentner was killed in the line of duty on June 21, 2006, at the age of 44. Buddy was shot and killed as he worked as part of an Office of the Inspector General/Federal Bureau of Investigation team to carry out arrest warrants on six federal correctional officers in Tallahassee, Florida. When one of these correctional officers who was being arrested opened fire, Buddy returned fire and acted with extraordinary courage.

In 1989, Buddy began serving with the Secret Service, first in its Uniformed Division, then on the Vice Presidential detail, then as a Special Agent in the Secret Service's Phoenix Field Office. Buddy completed his polygraph training at DoDPI on August 7, 1998. His APA membership was approved on February 26, 1999. In 2002 he shifted to the Office of the Inspector General. He is survived by his wife Maria. The link below will take you to a special site dedicated to Buddy.

<http://www.usdoj.gov/oig/special/sentner/memoriam.htm>

Johnny C. Tucker

Johnny Tucker passed away on March 16. He was a full member of the APA from October 4, 1972 to his passing. Mr. Tucker was a graduate of the United States Army Military Police School, completing his initial polygraph training on November 8, 1969. After his retirement from the United States Army Criminal Investigation Division, he worked at Munford Security Services and the Kentucky State Police.

Upcoming Seminars

The California Association of Polygraph Examiners (CAPE) will hold a seminar on October 13-14, 2006, at the Coronado Loews Hotel, Coronado, CA. For additional information contact Bob Heard at capesecretary@aol.com by telephone at 909.387.0343

The **Florida Polygraph Association** will hold their annual meeting on December 8-10, 2006, at Destin, FL. For more information, log on to http://www.floridapolygraph.org/members/seminar_winter_2006/index.shtml or contact Lt. Tammy Binder at 850.617.2308

The New Jersey Polygraphists will hold a seminar on Sept 13-15, 2006, at Freehold Gardens, NJ. For additional information or to make a reservation contact Tom DeBruin at 732.229.5226.

The **Nebraska Polygraph Association** will sponsor the 2006 Tri-State Polygraph Association Meeting. This seminar will take place on September 20-22, at the Mid America Center in Council Bluffs, Iowa. For more information, go to <http://www.polygraph.org/Training/TriPAconference.htm>

Applicants for APA Membership

Albert V. Abolos
John S. Alston
Hector R. Arenas
Jose A. Babb
Porsche Antonette Barnes
Steven Bryon Belk
Marc R. Borgman
Nathan L. Brown
Patricia A. Buchholz
Karen A. Carvajal
Jack K. Clark
Steven A. Clinton
David M. Colson
Michael A. de Cardona
Jeffrey Lynn Dine
Lee D. Dunbar
Shawn M. Edwards
David Edward Ethridge
Kevin Duane Haggard
Ronald M. Higa
George R. Higgs
Daniel R. Hiltz
Kennth Anthony Hosier
Robert Clinton Jennings
Thomas Charles Lahman
Jonathan C. Lange
Kim Chuan Loh
Charles A. Maddocks
Elizabeth A. Mangano
William H. Manley, Jr.
Christopher A. Martinson
Bradley A. McCarthy
Mark J. Medina
Gary Lee Meisen
Julie Ann Mendoza
Stephen Lee Mullin
Mark A. Murphy
David Nieves, Jr.
John M. O'Malley
Jimmy Padgett
Mike M. Pirouzian
Mary F. Reinke
Jorge Rodriguez
Paul T. Sanz
Fidel Moncada-Sanchez
William David Scott
Josette Lise Senecal
Brian J. Shortall
Julio C. Sierra
Michael A. Sigsbee
Nova Gustave Stokes
Trent Colby Theobald
Daniel Torres
Sergio Octavio Gavria Trespalacios
Gary F. Turner
Alexander Volyk
Becky Jean Wanless
Peter Niven Wanless
Michael P. Wolfe
Jeff Philip Wright
Helen Yong
Shelley E. Zink

Alhambra, California
Ellicott City, Maryland
Guatemala City, Guatemala
Alajuela, Costa Rica
Hope Mills, North Carolina
Kannapolis, North Carolina
Mason City, Iowa
Lafayette, Indiana
Lake Havasu City, Arizona
Rockville, Maryland
Henderson, Nevada
Merced, California
Herndon, Virginia
Ashburn, Virginia
Speedway, Indiana
Bel Air, Maryland
Wood Dale, Illinois
Greenfield, Indiana
Greenfield, Indiana
Los Angeles, California
LaPlata, Maryland
Pasadena, Maryland
Decatur, Georgia
Grenada, Mississippi
Lafayette, Indiana
Baltimore, Maryland
Singapore
Blue Ridge, Georgia
Westchester, Maryland
Hurley, New York
Pearl Harbor, Hawaii
APO 09067
Waldorf, Maryland
Linthicum, Maryland
Alexandria, Virginia
Delphi, Indiana
Lima, Ohio
Bensalem, Pennsylvania
Charlotte, North Carolina
Elgin, South Carolina
Glendale, California
Jersey City, New Jersey
Tlalpan, Mexico D.F.
Menifee, California
Managua, Nicaragua
Lebanon, Indiana
Ottawa, Ontario, Canada
Liberty, New York
Miami, Florida
Elkhart, Indiana
Houston, Texas
Speedway, Indiana
Troy, Missouri
Bogota, Colombia
Rockville, Maryland
West Lafayette, Indiana
Bend, Oregon
Bend, Oregon
Los Angeles, California
Vancouver, Canada
Singapore
Pasadena, Maryland

Polygraph Examiner Training Schedule

Academy of Polygraph Science
Basic Polygraph - Largo, FL
September 25 - November 17, 2006

Academy for Scientific Investigative Training
Basic Polygraph
September 11 - November 3, 2006

Advanced
November 27-29

Post Conviction Sexual Offender Certification
November 6 - 10, 2006

Forensic Assessment Interview/Interrogation
Basic
September 25-27, 2006

Advanced
September 28 - 29, 2006

Academy for Scientific Investigative Training
Basic Polygraph - Morrow/Atlanta
September 6 - November 10, 2006
September 6 - October 27, 2006

Basic Polygraph - South Africa
September 25 - November 30, 2006

The Backster School of Lie Detection
September 18 - November 10, 2006

Post Conviction Sex Offender Training
November 13 - 17, 2006

Forty-Seventh Annual Five-Day Polygraph
Examiner Work Conference
December 4 - 8, 2006

International Academy of Polygraph
September 11, 2006

Maryland Institute of Criminal Justice
Basic Polygraph - Millersville, MD
September 18 - November 10, 2006



Bob Heard	Yucaipa, CA	\$100.00
Phillip H. Torrence	Allentown, PA	\$25.00

APA Upgrades to Full Member

Gregory C. Adams
Gregory R. Finley
Melissa J. McKinney
Jerry A. Rowe
Chad W. Russell

Certificate of Advanced Specialized Training

Brit Olsen-Derrico
Vickey J. Panday
John R. Patterson
Theodore G. Welch
Donald L. Williams



Looking for a change in scenery? Check out our up-to-date polygraph examiner job postings on the APA website.

www.polygraph.org



2006 APA Annual Seminar
Sunday, July 16 -
Friday, July 21, 2006
Las Vegas Hilton
Las Vegas, NV

VEGAS, Baby, VEGAS! SEMINAR HAPPENINGS

Exhibitors

**ACADEMY FOR SCIENTIFIC
INVESTIGATIVE TRAINING**
Nathan J. Gordon, President

AXCITON SYSTEMS, INC.
Bruce A. White, President

COMPLETE EQUITY MARKETS
Melanie Javens, Representative

LAFAYETTE INSTRUMENT COMPANY
Christopher L. Fausett, Vice President

LIMESTONE TECHNOLOGIES, INC.
James S. Brown, Director of Sales

PGR
Barbara Wyatt, CEO

STOELTING COMPANY
Mark Cochran

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MARYLAND INSTITUTE OF CRIMINAL JUSTICE

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James A. Matte, President

MICHIGAN ASSOCIATION OF POLYGRAPH EXAMINERS

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OHIO ASSOCIATION OF POLYGRAPH EXAMINERS

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Timothy Stephenson

STOELTING COMPANY

Mark Cochran

VIRGINIA POLYGRAPH ASSOCIATION

William E. Chittenden, President

SPEAKERS

Cleve Backster

School Director, Backster School
of Lie Detection
San Diego, CA

Gordon H. Barland, Ph.D.

Salt Lake City, UT

James W. Bassett

President, The James W. Bassett Company, Inc.
Cincinnati, OH

Daniel H. Baxter

Polygraph Technical Director

Micky L. Boettger

USACID
Fort Leonard Wood, MO

Jamie S. Brown

President, Limestone Technology
Ontario, Canada

Michael H. Capps

Alexandria, VA

Mark A. Cochran

Stoelting Company
Wood Dale, IL

Patrick T. Coffey

ExecuShield, Inc.
Millbrae, CA

Shane Connelly, Ph.D.

The University of Oklahoma
Center For Applied Social Research

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JHE Consultant Group
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APA Vice President – Private

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Vice President, Lafayette Instrument Company
Lafayette, IN

Mayor Oscar R. Goodman

Las Vegas, NV

David M. Gordon

Georgia Bureau of Investigation
Atlanta, GA

Michael C. Gougler

Texas Department of Public Safety
Austin, TX
APA Vice President – Law Enforcement

Robert C. Heard

San Bernardino Sheriff's Department
San Bernardino, CA

Frank Horvath, Ph.D

APA Past President

Aphrodite Jones

Author
Fox News Analyst

Donald J. Krapohl

APA President

Phil E. Ledford

Sexual Predator Treatment Program
Larned, KS

James McCloughan

Michigan State Police
Grayling, MI

Vickie T. Murphy-Carr

Maryland Institute of Criminal Justice
Millersville, MD
APA Secretary

Janice M. Niederhofer

DEA (Polygraph)
San Francisco, CA

SPEAKERS

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Behavioral Testing & Forensics
Fayetteville, NC
APA Chairman of the Board

Douglas A. Orr, Ph.D.

Spokane Police Department
Major Crimes Unit
Spokane, WA

Roy Ortiz

Los Angeles Police Department
Los Angeles, CA
APA Director, 2006 Seminar Program Chair

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SOS Services
Marietta, GA
APA Director

Randi Stephens

Assistant Director
Medlin Treatment Center
Cartersville, GA

Shirley H. Sturm

APA Past President

Gordon L. Vaughan

Attorney at Law
Colorado Springs, CO
APA General Council

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University of South Carolina
Columbia, SC

Lawrence Wasser

Wasser Consulting Services Inc.
Southfield, MI

Milton O. "Skip" Webb, Jr.

Supervisory Special Agent, USA CID
Fort Bragg, NC
APA Past President

Donald A. Weinstein

APA Director and APA Past President

Bruce A. White

President, Axciton Systems, Inc.
Houston, TX

NOTE FROM THE EDITOR

Due to a work conflict, I was unable to attend this year's seminar in Las Vegas. I truly missed seeing and catching up with the 700 (!) of my friends and colleagues that were in attendance. Moreover, I was truly touched, humbled, and honored (is it possible to experience these emotions at once?) to learn that I had received the William L. Bennett and Robbie Bennett Memorial Award. I wanted to briefly express my gratitude for all of the hard work, support, and constructive feedback that we receive pertaining to your publications. These products take a team of dedicated individuals who strive to assemble and report information so that it may be conveyed to you in a useful and professional format. The content of your publications are put forth through the collective efforts of your Board of Directors, your National Office Manager, your column writers, your state associations, your fellow members, and the stream of researchers and legal professionals who strive to advance the body of knowledge and legal precedent in our field. The professional appearance of your publications is the result of the tireless efforts of your Managing Editor who produces a polished product, in the face of a never-ending sequence of fluctuating content and upcoming deadlines. It is with great pride that I see myself as simply the individual who orchestrates this process, and even this is not without persistent consultations and solicitation of opinion.

Here's my point- it is with great pleasure that I share this award with all of you. The William L. Bennett and Robbie Bennett Memorial Award represents the recognition of excellence, presented as a token of appreciation by the APA for unrelenting efforts and display of ability in the interest of the APA. Truly, my efforts would be for naught without your collective contributions. Please accept my heartfelt thanks and sincere congratulations for all of your hard work and dedication to the APA.

Stuart M. Senter
APA Editor-in-Chief





PRESIDENT'S ACCEPTANCE SPEECH

Good evening, ladies and gentlemen of the polygraph profession:

It is with no small pleasure that I address you for the first time as President of this association. I am very proud of what has just occurred, but for reasons that may not be obvious to everyone. My pride is less of a personal sense, but rather a pride for something quite extraordinary, something quite revealing and gratifying, that bears pointing out here.

As most members are aware, my campaign was based on a simple idea: that we must model our association on the practices of other successful professional organizations. In other words, to fulfill our true potential we must set aside some of the things that have long encumbered us, and embrace values, principles and practices that can elevate us. This simple notion is that professionalism, complete and unfeigned, is our shared key to success. I was happily surprised to have witnessed that this simple idea resonated among you in a profound way. And because it spoke to the heart of the membership, it revealed something significant about our collective character, something about you that we had long suspected but we now know is demonstrably true: We have reached a stage of maturity where we were prepared to accept the responsibilities and privileges that accompany professionalization; that we are ready to think and act in strategic ways; that we understand the concept of enlightened self-interest; that we are ready to place the public good before personal interest. In other words, we have come to share the long view.

This revelation that for us “professionalism” has forever passed from buzzword to watchword has filled me with inexpressible pride. I am proud to be counted among such as you. However, now begins the hard work of establishing the framework that will allow us to achieve this goal. How is this to be done? Permit me to share a few of the central ideas that will be the focus of your board's efforts.

First, we must correct our electoral process. The vote for leadership and constitutional issues must be available to all members, not just those who can attend a particular seminar. We recognize that continuing education is vital to our profession, but the right of a member to voice his or her opinion on Association issues is fundamental, not conditional, and it is unfair to suspend that right for anything except those behaviors that would jeopardize one's membership itself. Therefore I commit to you that the Board will bring to the membership at the next constitutionally permitted opportunity a proposal to correct the current inequity in voting rights. The proposal will be consistent with the professional model.

While the vote should not be tied to seminar attendance, I would submit to you that the pursuit of continuing education is one of the central characteristics that delineates the professional from something less. With the rapid pace of research, instrumentation, and legal issues, those who do not value continuing education find themselves quickly out of date. It is a threat to the public, and our shared reputation, for polygraph examiners to operate with outmoded techniques and technologies. Therefore, I commit to you that the Board will bring to the membership at the next constitutionally permitted opportunity a proposal to mandate a minimum number of continuing education hours to maintain membership in good standing in the American Polygraph Association. The proposal will be consistent with the professional model.

Another feature of most professional organizations is the form taken by its board. A form adopted by many professional organizations is called the president-elect system. In this system, the membership determines who will be the president a full term before she or he takes office. The president-elect attends the meetings and becomes familiar with the important issues while the current president conducts the affairs of the association, and then assumes the leadership fully prepared. This system smoothes the transition between presidents, and allows the essential business of running the association to continue seamlessly. I commit to you that the Board will bring to the membership at the next constitutionally permitted opportunity a proposal to bring about a president-elect system of APA governance. The proposal will be consistent with the professional model.



Some of the hallmarks of a professional organization are good communication, thorough transparency, and robust accountability. Because I have known the current Board members for a number of years, and they have justifiably earned my trust, I am confident that they will continue to act in honorable and responsible ways. I am ultimately accountable to the membership for the actions of the Board, and in that regard I commit to you that: Board votes will be published in the *APA Magazine* as soon as practicable; Board members will provide timely and courteous responses to requests from members and affiliated associations, and; in response to a membership vote on July 18th the APA's audit report will be mailed to any APA member who formally requests it. Your leadership will strive to make all members feel that they are fully informed on Association issues. If there are issues that are not answered to your satisfaction, I ask that you work through your state association to make this fact known to me, and I will commit to resolving your concern.

There has been much discussion of late regarding the course of the Association's public relations effort. Some have expressed differing views whether it is too little or too much or just right, correctly or incorrectly targeted, worthwhile or not. I have formed my own view on the matter, and will share with you those factors that I believe most important. First, we must recognize that, despite our tremendous contribution to public safety and national security, we are small in numbers. As a reference point, there are 50% more rooms in the single hotel where the APA seminar was held this year than there are members in all of the APA. While we might strive to shape world opinion, we are wise to concentrate our efforts to where we might do the most good. Second, very little of the public perspective affects our daily lives. Certainly some of us might take offense to when the polygraph is misrepresented in a popular movie or television program, but can anyone show that the popular media has had a meaningful effect on those things that do matter: legislation, judicial acceptance, or governmental use of the polygraph? If we can accept that we do not have unlimited resources to influence the public, and that the movie *Meet the Parents* has little real effect on the demand for polygraph services, where should our efforts be focused? I have come to the conclusion that part of the answer lies in the education of those who do matter: judges, lawyers, educators, and consumers of polygraph services. I commit to you that part of the strategic plan will include providing guidance to volunteers from among the APA membership to make presentations to those who do affect our future. We must inform users of what a good examination should look like, so that they will not mistake VSA or incompetent polygraph examiners for the genuine article. We must persuade the legal system that, under certain conditions, the polygraph can aid in the search for justice. We must make our website the preferred source for polygraph information. Our public education program must be coordinated, strategic, and include grassroots efforts by individual members who receive support and guidance from the Association. The cost for such a program is commensurate with our resources, and provides the side benefit of public visibility to members who step up to volunteer to assist. It is an opportunity for us to achieve both personal and organizational recognition for the good that our profession does.

There is much more that I would like to say, and will take that opportunity in future messages to the membership. As a member of society I appreciate you for your unflagging commitment to protect both community and nation. As a member of the Association I am sincerely grateful for your commitment to high standards and for your individual involvement in committees that will bring about the transformation for which we are about to embark. As a friend I thank you for the thoughtfulness you have shown me in this campaign.

To all my friends who are fighting the good fight, Godspeed.

Good night.



APA Magazine, 2006, 39(4)



ACTIONS FROM THE BOARD OF DIRECTORS MEETING

The Board of Directors met on FRIDAY - SATURDAY, July 14-15, 2006 at the Las Vegas Hilton, NV, with the following members present: President TV O'Malley, Chairman John "Jack" Consigli, Executive Director, Milton O "Skip" Webb, Secretary Vickie T. Murphy-Carr, Treasurer Lawrence Wasser, VP - LE Michael Gougler, VP Govt. Donnie Dutton, VP Private James Earle, Director Don Weinstein, Director Steve Duncan, Director Dan Sosnowski, Director Roy Ortiz, General Counsel Gordon Vaughan, and National Office Manager Robbie Bennett. (Editor Senter absent).

The following actions were taken during the meeting:

- Approval of written and oral Board reports
- Ratification of email vote approval of lease purchase of Dell Computer for National Office
- Approval of a Certified Audit to be conducted from April - June 2006 due to the anticipated election of a new Treasurer
- Approval of Retired Membership status for: Buren Enger, Matthew Mejasich, Louis E Seibt, and James E Sniegocki
- Approval of school accreditation (retroactive to dates) for:
 - American Institute of Polygraph (Marcy),
 - American International Institute of Polygraph (Slupski),
 - Latin American Polygraph Institute (Arias),
 - Marston Polygraph Academy (Kelly),
 - Virginia School of Polygraph (DeBow)
- Approval to permit the outgoing Treasurer to receive a stipend in an amount to be determined, on a month-to-month basis by the President of the APA, not to exceed \$1667.00 per month, to assist the incoming Treasurer in transition of the duties of the Treasurer and financial affairs of the APA.
- Approval to adopt the Model Policy for Law Enforcement Preemployment Polygraph Screening Examinations with modifications, for publication in the *Magazine* and at the APA website.
- Clarification through a motion of ambiguity to allow the President to appoint a nominating committee for consideration as recommended and requested by the Committee as a Whole during the 2005 general membership meeting in San Antonio
- Approval for a special membership fee of \$45.00 for non-members who paid a \$400.00 seminar fee if they complete their application prior to the end of the 2006 seminar.
- Board approval as required for the request by Don Krapohl to inspect Minutes from August 2005 and Jan 2006
- Approval to change wording of 3.11.6.1 to read: that all PCSOT polygraph examinations be recorded in their entirety.
- Approval of Mrs. Jennifer Kass as the recipient of the 2006 WJY Scholarship
- Directive to defer the issue of consideration to address voting procedures for those not able to attend the annual seminar to the new Board.

The annual General Business Meeting was held on Tuesday, July 18, 2006 with the following election results for new Officers and Board of Directors for 2006-2007:

Donald Krapohl, President
Chad Russell, Treasurer
Michael Gougler, VP Law Enforcement
Donnie W. Dutton, VP Government
Nate Gordon, VP Private
Daniel E. Sosnowski, Director
Roy Ortiz, Director

Remaining on the Board for an additional term for 2006-2007 are:

Vickie T. Murphy - Carr, Secretary
Don Weinstein, Director
Steve Duncan, Director
TV O'Malley, Chairman



Additional actions during the General Business meeting included:

- Committee as a Whole opinion resolved for the Board to continue to monitor the current PR Firm and committee closely until the remaining time to report benefits, if any, at the next annual general membership meeting to satisfy membership of effectiveness and benefits.
- Approval for the Board to publish the audit report, to include all expenses and revenues to any member upon request.

The annual Awards Banquet was held on Thursday, July 20, 2006 with the following actions:

Installation and Oath of Officer for 2006-2007 by Attorney Vaughan.

Presentation of the Presidential pin to Don Krapohl.

Presentation of Past President's pin to T.V. O'Malley.

Presentation of gift to First Lady.

Presentation of 2006 Award Recipients:

William Bennett Award – Stuart Senter

Cleve Backster Award – Don Imbordino, representing AAPP

Al and Dorothea Clinchard Award – Sydney W. Arias

Leonarde Keeler Award – John R. Schwartz

David L. Motsinger Horizon Award – James McCloughan

John E Reid Award – Donald Krapohl

President's Award – Michael Gougler

Special President's Award – Milton "Skip" Webb, for above and beyond the call of duty.

Guest lecture by Aphrodite Jones, noted author and Fox News Analyst.

During the BOD meeting held in Las Vegas, July 21-22, 2006, all members were present except Editor Senter; Nate Gordon present Friday, July 21 only. President Krapohl appointed the following Committee Chair Assignments :

Awards Committee – Donnie Dutton

Communications/Public Relations Committee – Roy Ortiz

Budget Committee – Chad Russell

Continuing Education/Certification Committee

Steve Duncan

Educational Accreditation Committee – TV O'Malley

Ethics and Grievance Committee – Don Weinstein

International Membership Liaison Committee – Roy Ortiz

Legislation Committee – Dan Sosnowski

Membership Committee – Nate Gordon

Research and Development Committee – Stuart Senter

APA Rep to ASTM – Frank Horvath

Seminar Committee (2006 - 2007)

Program Chair, Donnie Dutton

Seminar Chair, Robbie Bennett

Standards of Practice – Mike Gougler

State Association Advisory Board – Vickie Murphy-Carr

Post Conviction Sex Offender Testing – Dan Sosnowski

APA Website Committee – Vickie Murphy-Carr



President Krapohl re-established and appointed Ad-Hoc Committees Chairs as follows:

Sub-Committee on Alternative Detection of Deception Technologies – Don Weinstein

Sub-Committee on the Development of Continuing Education via Internet – Steve Duncan

Sub-Committee – Past President's Advisory Board – Nate Gordon

Sub-Committee – William J. Yankee Memorial Scholarship Committee – Stuart Senter

Sub-Committee – Daubert – Donnie Dutton

Sub-Committee – Election Committee – Don Krapohl, Michael Gougler, Donnie W. Dutton, and Nate Gordon

ACTIONS FROM THE BOARD OF DIRECTORS MEETING CONTINUED

President Krapohl issued the following Directives

- for Treasurer Russell to explore possibilities of distributing financial reports to members;
- for Board members to provide a summary of their activities and progress to the President within 14 days;
- for the Board to issue a press release via the Internet every 30 days;
- for Secretary Murphy-Carr to summarize Board actions and publish them in the *Magazine*;
- for each Board member to send the President a succession plan within 60 days, with sufficient detail so that someone else could step in and take over those activities in an emergency;
- for Board members to forward to Editor Senter their activities and status of those activities for publishing in each *Magazine*;
- for the Membership Chair, Nate Gordon to forward a plan to boost membership an additional 300 members;
- for the Continuing Education Chair, Steve Duncan to put together a Constitutional proposal requiring continuing education requirements for membership;
- for Board members to use the expression “polygraph profession” in place of “polygraph industry” in their reports;
- for a submitted budget from Attorney Vaughan for use of conference service set up;
- for the Seminar Committee to handle specifics for raffles for 2007;
- for Bennett to check fees and attendance of the 2006 to determine whether an increased seminar fee was needed for 2007.

President Krapohl committed to the following

- Submit a strategic plan within 90 days;
- Submit a Constitutional Amendment proposal for a President-Elect system within 60 days;
- Submit a proposal for Constitutional changes for universal voting for all members within 90 days;
- Submit a proposal for sectional voting for election of the three Vice Presidents within 60 days.

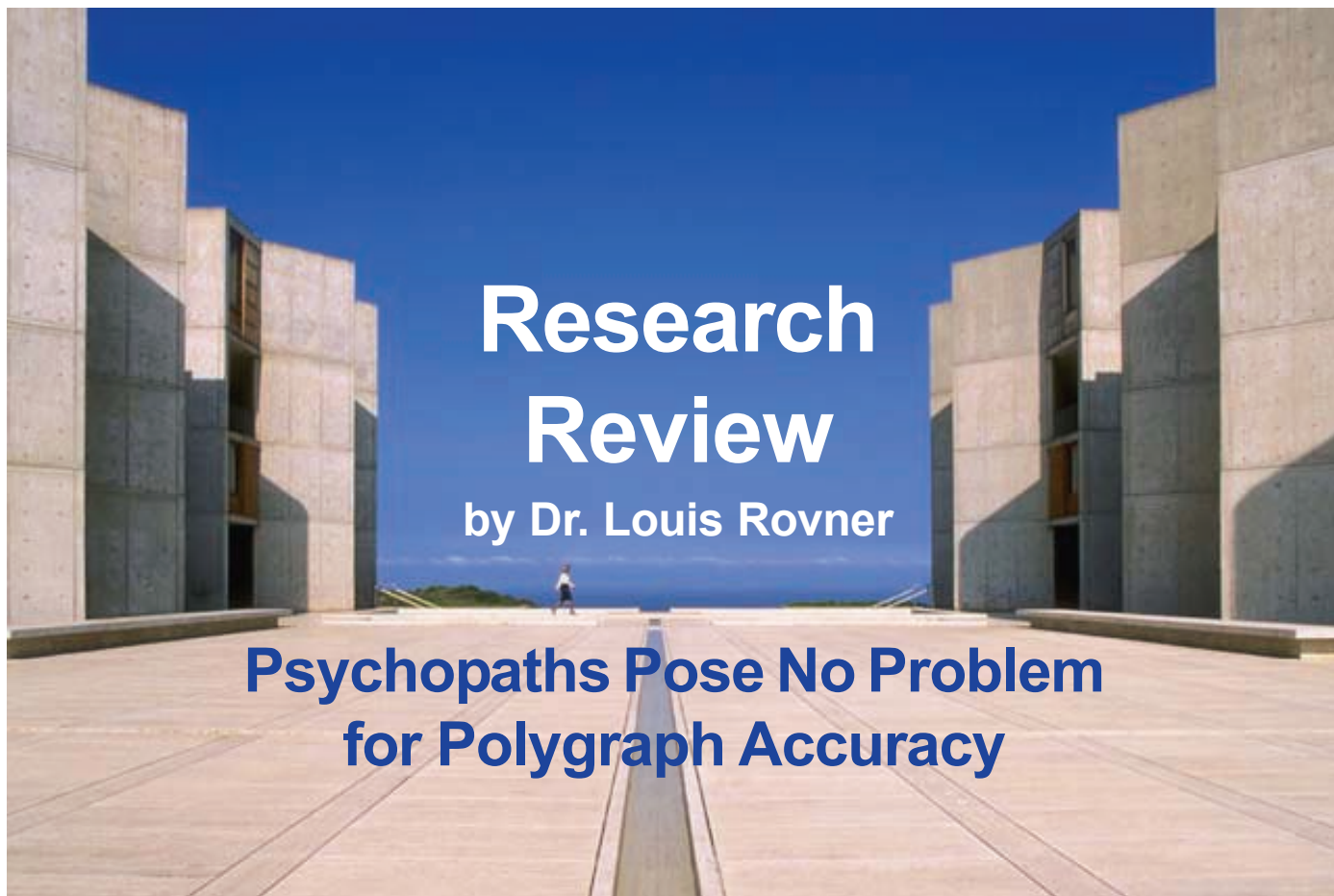
Action by the new Board included

- approval of continued funding of full time National Office Manager, Robbie Bennett
- approval of continuation of Treasurer stipend to new Treasurer Russell
- approval of continuation of stipend for Secretary Murphy-Carr
- approval continuation of stipend for Managing Editor
- approval of stipend for Attorney Vaughan
- approval of continued quarterly funding for the APA homepage maintenance and hosting fee for APA Webmaster
- approval of the Editor’s publication budget.
- approval of the creation of an ad hoc committee with the purpose of establishing guidelines for the conduct of elections of the APA to report back to the BOD within 180 days.
- Directive by President Krapohl for Bennett to provide an electronic copy of the membership roster to the Board and ex-officio members.
- President Krapohl to notify Editor Senter of the approval of Ms. Jennifer Kass selected to receive the William J. Yankee Memorial Scholarship Award.
- Approval of a \$5,000.00 budget for the continuation and completion of the Daubert Committee Activities by Dutton, with direction to provide the document at no cost for the 2007 seminar, and upon request.
- BOD approval to provide a summary of the Board actions to be made available to any member in good standing who makes a formal written request, with further directives for the Secretary to include it in reports submitted for publication in the *Magazine* and for the National Office Manager to include Board position statements in the back of the APA Directory.
- approval of up to \$300 for tokens of appreciation to volunteers who staffed the seminar registration desk.
- approval of an increase of membership dues from \$125.00 to \$150.00, effective 2007.
- approval for the new Treasurer to acquire a bookkeeping service to maintain an accounting of the APA’s financial status, not to exceed \$200 month.



- approval for the new Treasurer to obtain services of a paycheck company for payroll of any APA employee, cost not exceeding \$35 per employee per month.
- authorization for President Krapohl to spend up to \$150.00 to purchase an APA cell phone, and up to \$100.00 + tax and fees for a nationwide service.
- approval for the new Treasurer to lease a laptop (not to exceed \$100/mo) and purchase the latest version of Quickbook Pro.
- approval that payment of per diem and/or airfare/travel can be paid 100% in advance.
- general consensus of the BOD to consider locations for the 2008 seminar at Nashville, TN, Indianapolis, IN, and Seattle, WA with proposals from Bennett to be brought to the 2007 January BOD meeting;
- approval to change By-Law 9.1 (pg 17 of 22) to read: Standing committees shall consist of a chairperson appointed by the General Chair and members, not fewer than three, whose total number shall be determined by the General Chair dependant on the needs of the Committee.
- approval of Life Membership for TV O'Malley, to suspend his 2007 dues, and that it be published as an agenda item for the 2007 General Business Meeting for final approval as required.





A few years ago I was listening to a radio interview featuring a well-known psychiatrist from the UCLA School of Medicine. At some point, the interviewer asked him to give his opinion of the validity and usefulness of polygraph tests. The psychiatrist's answer was that most polygraph tests are useless, since so many criminals are psychopaths, and psychopaths (being pathological liars) can easily beat the test. Because of his credentials and notoriety, I'm sure that most people believed what he said.

For my part, I just sat there and thought to myself, "The shrink doesn't know what he's talking about." He was merely spouting off about his personal opinions without having taken the trouble to pick up one or two scientific journals. If he had done just a little reading, he wouldn't have made such a fool of himself.

Polygraph examiners test psychopaths all the time. (By the way, if you don't know much about psychopaths and sociopaths, you should rent a copy of "Goodfellas". The movie's vivid portrayal of mobsters gives a fairly accurate view into the mindset of a psychopath.)

Psychopaths and sociopaths comprise a large segment of the criminal population (including white-collar criminals). These are people who psychologists call "antisocial" – their activities and behaviors violate the basic rules that a society must have in order to function well.

Many of the characteristics of a psychopath lead some people to believe that they can "beat" a polygraph test at will. For example, psychopaths are pathological liars, they don't have any remorse or guilt for their crimes or sympathy for their victims, and they don't accept responsibility for their own actions. Basically, they're not particularly concerned about the bad things that they do, especially when those bad things bring them money or power.

So, how do we know that psychopaths can't beat us? We do a little scientific research. One of the handy things about research is that it cuts through theoretical arguments, and gets down to the essential basic issue which, in this case, is "Can psychopaths produce false negative outcomes at will?"





We have known the answer to that question since 1978, when the first well-designed scientific study on the issue was conducted in British Columbia, Canada. One of the principal scientists performing the study was Dr. Robert Hare, a world-renowned expert in the study and identification of psychopaths. Dr. Hare led a research team that conducted a mock-crime laboratory study using prisoners who were incarcerated in a Canadian prison. He first selected a group of prisoners who were clinically diagnosed as psychopaths (Dr. Hare conducted the diagnoses himself). Then, another group of prisoners was chosen who Dr. Hare diagnosed as *not* being psychopaths. Half of the psychopaths and half of the non-psychopaths then committed a mock crime. The other prisoners in the study were “innocent” of that crime. All of the subjects were given a Utah Zone of Comparison Test to determine if they were truthful or deceptive when answering relevant questions about the crime. All subjects were tested by a federally trained examiner.

Accuracy of decisions for the non-psychopath group was about the same as previous research had shown. The non-psychopaths were accurately detected as being DI or NDI in 95% of the cases (excluding inconclusives). The really startling piece of information, though, was that the psychopaths were accurately detected at a slightly *higher* rate, 95.8%. When the polygraph charts were analyzed at a later time, it was also shown that psychopaths produced stronger EDRs than nonpsychopaths and also had greater heart rate slowing when they were being deceptive.

One more juicy piece of information from the experiment: no subject, psychopath or otherwise, was able to beat the test. There were no false negative errors.

Since this experiment was published, other studies have also shown that psychopaths and other poorly socialized people do not have an advantage when it coming to “beating the test”. Why is this? It may be that they have the same fear of detection and its consequences as does anybody else. It may be that the responses of our autonomic nervous system are so strong that they can’t be overridden even by somebody with no conscience.

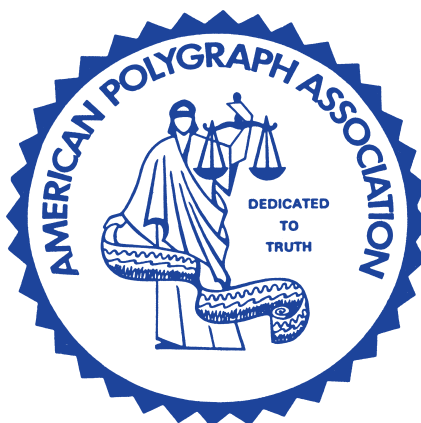
Whatever the ultimate explanation, we have strong, objective, scientific proof that our accuracy rates with psychopaths and sociopaths are no different than they are with anybody else. I would strongly suggest that you get copies of the reports listed below. If anybody ever tells you that you can be beat by a psychopath, you’ll be able to give him a reading assignment.

Resources

Honts, Charles R., Raskin, David C. & Kircher, John C. (1985). Effects of Socialization on the Physiological Detection of Deception. *Journal of Research in Personality*, 19, 373-385.

Patrick, Christopher J. & Iacono, William G. (1989). Psychopathy, Threat and Polygraph Test Accuracy. *Journal of Applied Psychology*, 74, 347-355.

Raskin, David C. & Hare, Robert D. (1978). Psychopathy and Detection of Deception In a Prison Population. *Psychophysiology*, 15, 126-136.



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17





Focus on . . .

New Jersey Polygraphists, Inc.

Barry W. Bittenmaster

The New Jersey Polygraphists, Inc., the State Association of polygraph examiners in New Jersey, (www.njpolygraphists.com) is comprised of private, law enforcement and government polygraph examiners. Currently, the New Jersey Polygraphists, Inc. consists of 47 members. The officers include as President, Mr. Jerry Lewis (jlewis@nac.net), Vice-President, Mr. Mark P. Smith (callmps@aol.com), Secretary, Mr. Barry Bittenmaster (bittenman@yahoo.com), Treasurer, Mr. John Fodor (fodor@co.somerset.nj.us), Chairman of the Executive Board, Mr. Peter Brannon (liarfind@optonline.net) and Historian, Mr. Fred Meyer (frmacpinvest@aol.com).

In 1951 Detective Earl Kane of the NJ State Police was sent to the famed Keeler Polygraph Institute in Chicago for polygraph training. Because of the rapid and well-merited success of Detective Kane as a Polygraphist and “Master Interrogator” the criminal investigation section of the NJ State Police was so deluged with requests for this invaluable service that they had to train more personnel for the Polygraph Unit, in order to serve the 21 Counties and 567 Municipalities throughout the State. By the early 1960s each member of the Polygraph Unit were examining an average of 60 subjects per month. By 1970, the NJ State Police Polygraph Unit consisted of 15 members, which was at the time, considered the largest polygraph unit of any law enforcement in the US.

In the early 1970s Detective First Class Louis P. Jasmine, a renowned member of the NJ State Police Polygraph Unit, received the State Police “Meritorious Service Award” (the highest award given by the State Police) for at that time, gaining 200 murder confessions. Mr. Jasmine was eventually promoted to Lieutenant and retired as the Chief Polygraphist with the NJ State Police in 1980 and today remains in private practice. Remarkably, Mr. Jasmine has conducted over 20,000 polygraph examinations in his career and has obtained over 5,000 bizarre confessions.

In 1971, the NJ Supreme Court in the “McDavitt Case” (62 NJ -36) ruled that the polygraph results were admissible in Court on a “stipulated basis” thereby overturning the noted 1923 “Frye case” which set a legal precedent for many states to follow. In 1964 the famed Mr. Richard O. Arther, of the National Training Center of Lie Detection in New York City, contacted all of the polygraph examiners throughout the state in order to form a professional polygraph association. Mr. Arther rented a conference room (at his own expense) at the Robert Treat Hotel in Newark, NJ. The stated purpose of the initial meeting was to discuss various techniques, review charts, and endeavor to help advance the polygraph profession by promoting the highest standards of ethical conduct.

As a result of that first meeting in 1964, the New Jersey Polygraphists, Inc. was formed. Mr. Earl Kane was unanimously elected as the first President. Mr. Kane served as President from 1964 until 1970. Mr. Richard O. Arther served as the Secretary-Treasurer for the first 10 years. From that meager beginning in 1964, the New Jersey Polygraphists, Inc. has grown to become one of the largest state polygraph associations in the country.

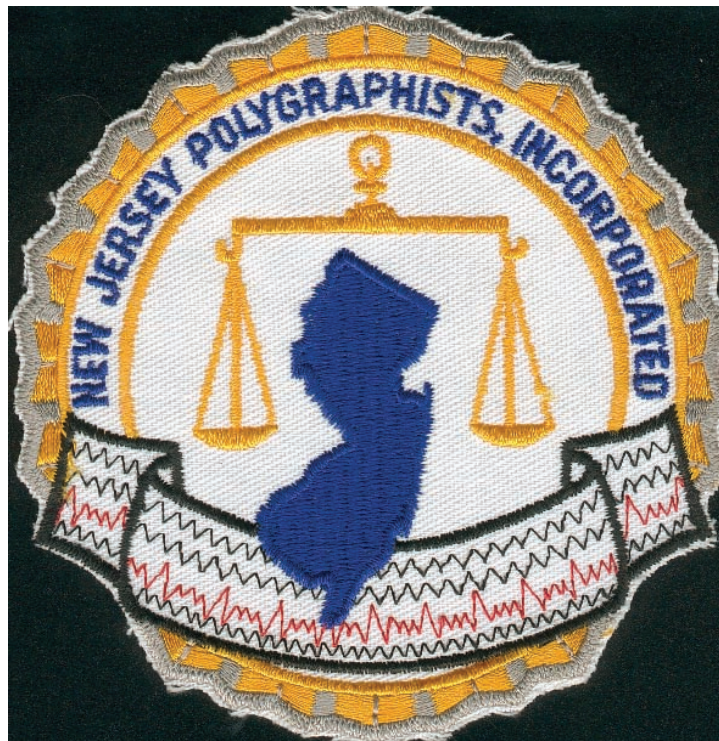
Each September the NJ Polygraphists, Inc. sponsors an annual three-day training seminar for members of the polygraph community. This year, the seminar is scheduled for September 13-15, 2006 at the Freehold Gardens Hotel, Route 57 and Gibson Place, Freehold, NJ. Information on this year’s seminar

can be obtained by contacting the Seminar Chairman, Mr. J. Thomas DeBruin at (732) 229-5226. Information is also available on the NJ Polygraphists web site (www.njpolygraphists.com). This year's seminar is scheduled to again be extremely sought after and well attended. The speakers include Mr. Donnie Dutton, a Senior Instructor with the Department of Defense Polygraph Institute and Mr. Jamie Skeeters, the current President of the California Association of Polygraph Examiners, who has been involved in interviews with the Natalie Holloway missing persons case in Aruba.

Several recent Court decision in New Jersey relative to polygraph admissibility in pre-trial suppression hearings have ruled favorably for the polygraph profession. The Appellate Division of NJ State Superior Court recently decided in State v. Russell Hemmings, (Docket number A-3631-02T43631-02T4) on June 20, 2006 in an unpublished decision, that the defendant's polygraph results indicating non-deception can be admitted to the Court for consideration in a motion to suppress. Likewise in another NJ Appellate Division case decided on May 23, 2005, it was ruled that polygraph results that were originally excluded as evidence during the defendant's suppression hearing should have been admitted by the Court. In State v. Keith R. Domicz, 377 NJ Super. 515,873 A. 2d 630, the Appellate Division concluded that "...the trial judge erred by failing to allow testimony about a polygraph test administered to the defendant."

Currently, post-conviction sex offender testing in New Jersey is being done on a very limited basis. NJ Senate bill number 1929 pertaining to the polygraph testing of post-conviction sex offenders passed in August of 2005, however all examinations are being done by the NJ State Department of Corrections polygraph examiners.

The NJ Polygraphists, Inc. hold a business meeting and training update on the second Wednesday of every odd month, beginning at 10:30 am in Green Brook, NJ.



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The American Polygraph Association's Mission

Established in 1966, the American Polygraph Association (APA) consists of over 2600 members dedicated to providing a valid and reliable means to verify the truth and establish the highest standards of moral, ethical, and professional conduct in the polygraph field.

The American Polygraph Association continues to be the leading polygraph professional association, establishing standards of ethical practices, techniques, instrumentation, research, and advanced training and continuing educational programs.





The Utility of Polygraph Examinations and Disposition

Theodore G. Welch

In 1974, the Supreme Court of Wisconsin decided to admit the results of polygraph examinations in criminal trials for purpose of corroboration or impeachment. In *State v. Stanislawski*, 62 Wis. 2d 730, 216 N.W.2d. 8 (1974), the court ruled a polygraph examiner's opinion was admissible provided: (1) there was a written agreement signed by the examinee, defense counsel and prosecutor; (2) the trial court was satisfied (regardless of the agreement) that the examination was administered properly and that the polygraphist's qualifications were acceptable; and (3) opposing party would have the right to cross-examine the polygraphist.

In 1981, the Wisconsin Supreme Court reversed *Stanislawski* as they struck down the admissibility of stipulated polygraph examinations in *State v. Dean*, 103 Wis. 2d 228, 307 N.W.2d 628. Therefore, since September 1, 1981, the results of polygraph examinations have not been permitted in criminal proceedings in the state of Wisconsin. However, in the *Dean* ruling, the court concluded that "(The Court) is not now prepared to say polygraph evidence is so unreliable that it cannot be admitted under any circumstance."

The purpose of this research is to determine the relationship between felony polygraph examinations administered during 2001 for only the defense counsel and the final disposition of each case. In each of these cases, the prosecuting agency was unaware that the examinee was scheduled for polygraph testing and had no input in the issues covered or relevant questions utilized during testing procedures. Only the defense counsel was provided with the examination results.

During a 12-month period from January 1, 2001, through December 31, 2001, there were 153 polygraph examinations administered solely at the request of the examinee's defense counsel. Prior to each examination, defense counsel provided "case facts" and was able to discuss relevant issues regarding the allegations. Examinations administered within the polygraph suite had monitoring capabilities, both audio and visual. However, those administered outside the polygraph suite (i.e., jail, prisons, and attorney's offices) did not have monitoring capabilities.

Each examination utilized standard comparison question test procedures. A computerized polygraph recording the examinee's respiration, skin resistance response, and cardiovascular changes was used in each examination.

Each examination was evaluated by numerical scoring of the polygraph charts. Total scores of +6 or higher were determined "no deception", -6 or lower were determined "deception indicated", and scores within the +5 and -5 range were determined to be "no opinion". Additionally, each examination was evaluated by Polyscore®, a product of the Johns Hopkins University Applied Physics Laboratory (Laurel, MD) and Axciton (Houston, TX) Chart Analysis® algorithm.

Prior to the scheduled examination, instructions were provided that the examinee get a good night's rest, eat a meal prior to the appointment, refrain from the use of alcohol and controlled substances for 24 hours, provided the examiner with a list of all prescribed medication and provide prior notice of any history of heart disease.

A breakdown of the 153 scheduled examinations revealed that 107 cases were fully completed and that a "not truthful" opinion was rendered in 84 cases. A "truthful" opinion was rendered in 12 of the case and "no opinion" was rendered in the remaining 11 cases. Examinations in which the examinee made pre-test admissions, terminated testing, was not suitable, or was otherwise not completed, were excluded. Only those examinations which were determined to be "not truthful", "truthful", or "no opinion" were utilized during this survey.



The vast majority of the examinations utilized during this research consisted of sexual assaults (57), followed by theft (11), battery (5), death investigations (5), armed robbery (9), fraud (5), physical abuse (4), drug crimes (4), child enticement (3), sexual exploitation (2), exposure (1), and bail jumping (1).

Of the 57 sexual assault cases, 52 allegations were made by females, and 5 by males. The average age of the victim was 13, the oldest was 47, and the youngest was 3.

Of the 107 completed examinations, all subjects were adults: 17 were females, and 90 were males. The average education level of the examinee was 12.47 years. The lowest was 7 years of formal education and the highest was 20. There were 28 cases in which the examinee had not graduated from high school, 43 had a high school diploma or the equivalent, and in 36 cases the examinee had attended college. There were 45 cases in which the examinee had not been married, 32 in which the examinees were married, and 30 in which the examinee had been divorced.

The average numerical score for the “deception indicated” opinion was -9. The highest in this category was -22. The average numerical score for “no deception indicated” decisions was +7, and the highest score was +10.

Survey

Questionnaires were sent to defense attorneys who had requested the examinations. There were 69 responses returned of the 107 questionnaires mailed. Forty-seven of the responses were on cases in which the opinion had been “deception indicated”, 12 were on cases in which the opinion had been “no deception indicated”, and 6 were on cases in which there had been “no opinion” decisions rendered. Four of the respondents failed to indicate disposition on their questionnaire.

Of the 47 “deception indicated” opinions, 41 involved cases in which criminal charges had been filed. Sixteen involved a trial or contested hearing. Of those cases, twelve were found guilty and three not guilty (one of the guilty verdicts was overturned on appeal) and one had his parole revoked. Twenty-three entered into a plea agreement, two had their cases dismissed, five were never charged, and one of the questionnaires did not include a disposition.

Of the twelve “no deception indicated” opinions, none went to trial or had a contested hearing. Five had the charges dismissed and six were never charged. In one of the cases, there was a plea to a different allegation that was not part of the examination with no disposition relating to the polygraph examination.

Of the six “no opinion” examinations, three went to trial or had a contested hearing. One of these three was found guilty, and two entered into a plea agreement. One “no opinion” case was never charged. The remaining two “no opinion” cases did not include the disposition on the questionnaire.

Table 1
Polygraph results

	Deception Indicated	No Deception Indicated	No Opinion
Trial/Hearing	16	0	2
Guilty	12	0	1
Not Guilty	3	0	0
Revoked Parole	1	0	0
Plea Agreement	23	0	2
Not Charged	5	5	1
Dismissed	2	6	0
Total	47	12	6

Note. One “deception indicated”, one “no deception indicated”, and two “no opinion” questionnaires were returned without dispositions.

The Utility of Polygraph Examinations and Disposition Continued

Regarding the question “Do you feel polygraph examinations should be admissible in a criminal trial or contested hearing?”, the respondents indicated

Yes: 39

With stipulation: 36

Without stipulation: 3

No: 16

Two indicated that they felt the results should be admissible with or without stipulation and twelve respondents did not complete this portion of the questionnaire.

Conclusions from this Research

1. Of the 46 “deception indicated” decisions, 41 involved cases in which formal charges had been filed. Thirty-five of the “deception indicated” examinees were found guilty or entered into a plea negotiation (85.4%), four were found not guilty (9.8%), and two had their cases dismissed (4.9%).

2. Of the 12 “no deception indicated” cases, charges were dismissed or the examinee was never charged (100%). In each instance, defense counsel shared the results with the prosecuting agency.

3. Of the 55 responses to court admissibility of polygraph examinations, 39 respondents indicated yes (70.9%) and 16 indicated no (29.1%).

4. The fact that the examination was administered at the request of defense counsel (without the prosecuting agency’s knowledge) did not appear to have any correlation with the results. Of the 107 examinations that were fully completed, 78.5% of the opinions were “deception indicated”, 11.2% were “no deception indicated”, and 10.3% were “no opinion”.

5. Of the cases in which formal charges had been filed, there was an 85.4% agreement between the “deception indicated” opinions with final disposition. There was a 100% agreement between “no deception indicated” opinions with final disposition.

6. Even though attorneys may advise their clients that the “test is for your own use” and “if you fail it will not be shared with anyone without your permission”, it does not appear to adversely affect the results. The notion that the examinee has nothing to lose when the defense attorney retains a polygraph examiner is shown to be inaccurate by these results. The fact that the examinee or defense attorney pays the fee appears to have nothing to do with the results. The strong connection, as suggested by these results, between polygraph results and final disposition, with or without a trial or contested hearing suggests the continued use of polygraph examinations within the criminal justice system.

The author has been a full member of the American Polygraph Association for 30 years. He is in private practice in Madison, Wisconsin, specializing in criminal polygraph examinations. A special thanks to Attorney Gerald Mowris for his assistance with this article.



**THE AMERICAN POLYGRAPH ASSOCIATION (APA)
CONTINUING EDUCATION SEMINAR**

co-sponsor

**SOUTH CAROLINA ASSOCIATION OF POLYGRAPH EXAMINERS
NORTH CAROLINA POLYGRAPH ASSOCIATION**

APA FED ID # 52-1035722

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- 3) ISSUES THAT AFFECT POLYGRAPH COLLECTION

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When you attend this seminar, you receive up to 16 CEUs (Continuing Education Units) of continuing education credit approved by the American Polygraph Association and the Federal Certification Program for Continuing Education and Training.

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Cancellations received in writing before 08/28/06 will receive a full refund.
Persons canceling after 08/28/06 will not receive a refund but will be provided with the handout material.

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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.

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

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**TO REGISTER FOR THE SEMINAR, PLEASE COMPLETE AND MAIL THIS FORM TO:
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CHECK MADE PAYABLE TO: AMERICAN POLYGRAPH ASSOCIATION IS ENCLOSED

CHARGE \$ _____ TO MY: VISA MASTERCARD AE

NUMBER _____ EXP. _____

SIGNATURE _____

CES-Myrtle Beach, SC (SEP 7-8, 2006) (We can't possibly reach everyone who would be interested in taking part in this seminar. Please help us by making photocopies of this page for your co-workers and business associates. Thanks for your assistance).



AMERICAN POLYGRAPH ASSOCIATION – MODEL POLICY

3.12 MODEL POLICY FOR LAW ENFORCEMENT PRE-EMPLOYMENT POLYGRAPH SCREENING EXAMINATIONS.

3.12.1 Introduction

- 3.12.1.1 The pre-employment polygraph examination for law enforcement officers is unique in its process. It is a searching process to confirm an applicant's background information and/or to uncover information that would disqualify the applicant.
- 3.12.1.2 As with any polygraph examination, law enforcement pre-employment polygraph examinations do not take the place of an investigation. Instead, the pre-employment polygraph is used to enhance the background process. A thorough background investigation should always be conducted in conjunction with the pre-employment polygraph examination.
- 3.12.1.3 The decision to hire, or not to hire an applicant, should never be based solely on the results of the polygraph examination.
- 3.12.1.4 The polygraph examiner's function is to find the truth about the applicant's personal history and any illegal or unethical activities.

3.12.2 Complying with Standards of Principles and Practices

- 3.12.2.1 All American Polygraph Association (APA) examiners conducting law enforcement pre-employment polygraphs should comply with the American Polygraph Association Standards of Principles and Practices, as well as federal and local legal requirements, including the Employee Polygraph Protection Act (EPPA), the Equal Employment Opportunity Commission (EEOC), and the Americans with Disabilities Act (ADA), unless ordered otherwise by their respective departments or to comply with state law.
- 3.12.2.2 This model policy is based on the latest scientific studies. It is understood that various jurisdictions have restrictions or guidelines that might conflict with the recommendations in this model policy. When the local restrictions conflict with these recommendations, the examiner shall comply with local restrictions. It is suggested that examiners in these jurisdictions coordinate with the APA to update their local regulations to the latest scientifically, validated procedures.

3.12.3 Environment

- 3.12.3.1 All examinations should be administered in an environment that is free from distractions that would interfere with the applicant's ability to appropriately focus on the issues being addressed.

3.12.4 Equipment

- 3.12.4.1 Examiners shall use a polygraph that is properly functioning, maintained and calibrated.
- 3.12.4.2 The instrument must meet the minimum specification guidelines of APA and local licensing laws.
- 3.12.4.3 It is recommended that the instrument be equipped with a movement sensor.

3.12.5 Recording

- 3.12.5.1 It is recommended that all pre-employment examinations be electronically recorded. Audio/video is preferred, but audio-only is acceptable.

3.12.6 Pre-Test Interview

- 3.12.6.1 The examination should start with a pre-test interview. It is recommended that the interview include the following:
 - 3.12.6.1.2 Written consent to administer the examination. All polygraph examinations are voluntary. The examiner shall always obtain documented consent from the applicant prior to the examination.
 - 3.12.6.1.3 A determination of the applicant's suitability for testing. If the applicant is not suitable for testing, the process will be postponed until the issue is resolved between the applicant and the prospective employer.
 - 3.12.6.1.4 A review of the application for employment and personal history statement that the applicant filed with the prospective employer.
 - 3.12.6.1.5 An explanation of how the polygraph works.
 - 3.12.6.1.6 A review of all test questions.

APA Magazine, 2006, 39(4)



3.12.6.2 **Pre-Employment Examination Questionnaire**

- 3.12.6.2.1 A pre-employment examination questionnaire should be completed by the applicant prior to the testing process.
- 3.12.6.2.2 The questionnaire should cover the applicant's entire life activities, including his or her experiences as a law enforcement officer, if applicable.
- 3.12.6.2.3 The examiner shall review the applicant's questionnaire with the applicant,
- 3.12.6.2.4 Any admissions of illegal or unethical activity by the applicant shall be noted and reported to the prospective employer for consideration.

3.12.7 **Test Question Construction**

- 3.12.7.1 All the test questions should be worded in a manner consistent with the type of test format being used.
- 3.12.7.2 The relevant questions should cover criminal and unethical activity in which the applicant may have been involved that would disqualify the applicant from a position of authority.

3.12.8 **Testing Phase**

- 3.12.8.1 The administration of the polygraph test must conform to all the same standards as any other polygraph examination.

3.12.9 **Testing Format**

- 3.12.9.1 A law enforcement pre-employment polygraph examination must use an accepted format for multi-issue testing. A comparison question format is recommended. If a multi-issue format examination is utilized and there are significant responses noted to any of the relevant issues, it is recommended that the examination be followed by a specific-issue examination.
- 3.12.9.2 The multi-issue examination should be limited to not more than five (5) relevant questions. If more issues need to be explored, a second and/or third series should be administered.
- 3.12.9.3 It is recommended that an acquaintance test be used as part of the examination process.

3.12.10 **Use of a Diagnostic or Successive Hurdles Approach.**

- 3.12.10.1 A multi-issue test format must be utilized in most pre-employment polygraph examinations because the examinations usually cover many areas of concern, i.e. theft, drugs, etc. Scientific studies have indicated that the more issues covered in an examination, the more likely that the accuracy of the examination will be affected in a negative way.
- 3.12.10.2 The most accurate testing format is a single-issue comparison technique.
- 3.12.10.3 Consequently, when using a multi-issue screening format, an examiner may need to administer a "follow-up" validated specific-issue examination to resolve any deceptive issues on the multi-issue test format. A specific-issue examination should be administered only if it is determined that the specific-issue examination will resolve the deceptive issue(s) from the multi-issue examination
- 3.12.10.4 The follow-up examination should be focused on the issue of concern identified in the screening exam.
- 3.12.10.5 The follow-up specific-issue examination should be scheduled for a later date.
- 3.12.10.6 If a follow-up specific-issue examination is recommended, the hiring agency shall decide if the follow-up examination will be administered.

3.12.11 **Test Evaluation**

- 3.12.11.1 After the polygraph examination has been administered, the examiner will evaluate the charts using the appropriate method for the specific testing format being used, looking for any consistent, significant responses physiological to relevant questions that are timely to the questions.
- 3.12.11.2 If there are consistent, significant physiological responses noted to any of the relevant questions, the examiner will render the appropriate evaluation of the examination.
- 3.12.11.3 If sufficient criteria do not exist to render an opinion, the examiner shall evaluate the exam as No Opinion (NO) or Inconclusive (INC).
- 3.12.11.4 Additional testing may follow any of the above opinions.
- 3.12.11.5 If there are no consistent, significant physiological responses noted to relevant questions, the examiner should indicate such on the final report

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LEGAL SPEAK

Gordon L. Vaughan, Esq.



At the conclusion of the APA Board of Directors meeting which followed the annual seminar in Las Vegas, Nevada, I was walking through the Las Vegas Hilton when I encountered past presidents Skip Webb and TV O'Malley. Skip and TV were on their way to "*The Drive*," a driving skills course set up by General Motors and featuring a half-mile paved route with straits, jogs, and turns to enjoy both the speed and handling of GM-produced sports cars. I had been to this "autotainment" facility the day before, driving the Cadillac STS-V, but jumped at the chance to go back and take a couple of laps in a Corvette. Unfortunately, I had just been given a bottle of beer from one of the many helpful cocktail waitresses at the Hilton. (These waitresses roam the hotel hawking free and unsolicited alcohol in only a slightly less aggressive manner than lawyers dispensing their business cards at an accident scene.) From that bottle I had already taken two long drinks. I knew from my previous visit to *The Drive* that they administered an alcohol breath test before you could take the wheel of one of these sports cars. I quickly assessed that if I did not finish the beer I should be well within the legal definition of sobriety to drive. (As *The Drive* depends on sober patrons, one can only wonder how long it can financially survive in Las Vegas.)

Upon checking in at *The Drive* the attendant at the facility gave me the anticipated alcohol breath test. Incredibly, my breath alcohol was reported as 0.00, the same result as the day before when I had no prior alcohol consumption. It had been my expectation that the test would register that I had consumed at least some minimal amount of alcohol. It was clear to me that the machine had produced a false negative. I decided then that it was my duty to expose this "test" as the junk science that it no doubt was. (I envisioned a web site "antibreathtest.org" in which enraged end-users of the test, bound by the common trait of selective memory, could post self-serving dribble that virtually no one would treat seriously.)

My research revealed that the device used at *The Drive* was a breath alcohol "screening device." These screening devices are similar to ignition interlock devices intended to prevent an intoxicated person from driving and, at least in many jurisdictions, are not of sufficient reliability to be admissible as evidence in anything but a probable cause hearing. See, e.g., *State v. Jones*, 106 P.3d 1 (Kan. 2005). Breath alcohol screening devices are, however, not to be confused with evidential breath alcohol testing instruments. While there are a number of factors which might cause such evidential instruments to provide inaccurate readings such as residual mouth alcohol, instrument variability (which may be as much as 3.5 percent), purity of the chemicals used in some machines, the temperature of the machine, whether there is a full moon (just kidding), whether the person burps during the test (no kidding), modern evidential quality breath alcohol instruments have an impressive record of measuring that which it purports to measure – alcohol in the air of the lungs.

The measurement of alcohol in the lungs is, in the United States, expressed in grams of alcohol per 210 liters of air. (Europeans, no doubt skeptical of Americans' ability to comfortably work with the metric system, measure it differently.) However, it is not alcohol in the breath that typically establishes intoxication but, rather, blood alcohol. While blood alcohol can be established by actual blood testing, litigants are often left to extrapolate blood alcohol levels from alcohol found in the breath.

To understand breath to blood alcohol extrapolation one must understand some important but dry information on relationships between alcohol in the breath and alcohol in the blood. (Pretend that this is like the scene in the movie *Jurassic Park* where Sam Neill and Laura Dern learn about extracting dinosaur DNA from long-dead mosquitoes). Here we go. In order to make the breath/blood alcohol extrapolation, it is presumed that 0.10 g/210L in the breath is the same as a blood alcohol of 0.10 g/100 mL. This extrapolation uses the blood/breath ratio of 2100:1, meaning that it is presumed that 2.1 liters of breath contain the same amount of alcohol as one milliliter of blood. (For those of you who would like more information on this subject you can read Dubowski & O'Neill, *The Blood/Breath Ratio of Ethanol*, found in volume 25 in the journal *Clinical Chemistry* beginning at page 1144, a publication that I am sure is available in all of your home libraries.) A fundamental problem with this extrapolation is that blood/breath ratios between individuals may vary considerably, and the presumed ratio of 2100:1 is an average ratio. Indeed, factors such as body temperature, gender, menstrual cycle, red blood cell levels, and certain medical conditions may affect the ratio between blood alcohol levels and breath alcohol levels. Ranges in the blood/breath ratio have been reported to be from about 1100:1 to 3400:1. Thus, a person with a blood/breath ratio of under 2100:1 would be given an artificially high blood alcohol level while a person with a blood/breath ratio of over 2100:1 would enjoy an artificially low blood/alcohol level.





As most jurisdictions use blood alcohol threshold scores to establish the criminal offenses of impaired and intoxicated driving, the variability of blood/breath ratios will inevitably produce some findings that are either a false positive or false negative for the offense. Proponents of alcohol breath testing argue that the actual average blood/breath ratio is about 2300:1 and, as such, the extrapolation errors on the side of guarding against false positives. While this may be true, this does not necessarily increase the accuracy of the test as decreasing false positives is likely at the expense of increasing false negatives. I was unable to locate any definitive research on the frequency of such false negative and positive occurrences, but there seems to be little argument about whether they occur.

In the end, the accuracy of alcohol breath testing and its extrapolation to blood alcohol levels has scientific support and, though not perfect, is very accurate at identifying intoxicated persons and is an important tool in combating the terrible toll caused by drunk drivers. My point (I do have a point) is that virtually all scientific testing is subject to mistakes – be it in instrumentation, operator error, or inherent error rates in the science. When such scientific testing is presented as evidence in court it is incumbent on the attorneys to learn the relevant science and to test the credibility of that test and science through the examination and cross-examination of experts. (Legal-speak for “that’s why we get paid the big bucks.”)

It is my position that polygraph testing, like other imperfect scientific forensic testing, should be, but is not often enough, judged on the same admissibility playing field. Critics of polygraph might respond by arguing that the accuracy of evidential alcohol breath tests is better than that of polygraph and the error rate of polygraph is simply too high. To that argument I would agree that evidential alcohol breath tests may have a higher accuracy rate than polygraph testing. I would point out, however, that such arguments would not explain the favorable treatment of other forensic testing which is routinely accepted by the courts as evidence but which have unknown or higher error rates than polygraph. While there are many examples of this (see the study by Crewson (2003), *Comparative Analysis of Polygraph With Other Screening and Diagnostic Tools*, found in *Polygraph* 32(2), a publication you really should have in your home library), one need not leave the area of forensic testing conducted in intoxication-related cases to find them.

Consider, for example, the horizontal gaze nystagmus (HGN) test. Nystagmus is an involuntary rapid movement of the eyeball. The test is frequently admitted as evidence of intoxication on the theory that alcohol consumption increases the frequency and amplitude of the involuntary eye movement and causes such movement to occur at a smaller angle of deviation from forward. HGN is often employed with other field sobriety testing to include the “walk and turn” test and the “one leg stand” test. A recent commentator has stated that “the science underlying the accuracy of [HGN] is not deep and the error rate, especially the false positive rate, in everyday application is not known.” This commentator further stated that “[i]f the experimental evidence on HGN is thin, it is even thinner with respect to other parts of the standard [Field Sobriety Test] protocol.” 1 D. Faigman et al., *Modern Scientific Evidence: The Law and Science of Expert Testimony*, § 42:9 (2005-2006).

It is important to understand that I do not advocate for the exclusion of the results of nystagmus testing or other field sobriety testing from evidence in court. Rather, I point to the admissibility of such testing as confirmation that many courts are hypercritical and hypocritical in their exclusion of polygraph evidence. In the face of polygraph versus other forensic science comparisons it would seem indisputable that polygraph evidence is being excluded from courtrooms for a reason other than its scientific merit. (Even critics of polygraph, such as the panel recently appointed by the National Academy of Science, have conceded that a properly administered single-issue control question polygraph has an accuracy rate in the range of eighty-five percent.) What then could be the explanation for exclusion? I believe the explanation is that the courts are, as to polygraph evidence, opposed to its use as a matter of social policy. This social policy may be based on a sense that polygraph testing is an unacceptable Orwellian-style individual intrusion. Whether the reason is this or some other reason, polygraph evidence exclusion cannot be reasonably explained without factoring in the presence of social bias.

It should come as no surprise that courts are sometimes influenced by a social compass. American courts have long interpreted the law in such a way as to influence or implement social policy. Politically, I am generally not in disagreement with this form of judicial activism. Without it we would not have had such decisions as the famous desegregation case of *Brown v. Board of Education*. *Brown*, however, at least had the legal underpinnings of the equal protection provisions of the Bill of Rights. Exclusion of polygraph evidence on the basis of social policy has no similar constitutional or legal underpinning.

In the face of the admissibility of other forensic evidence, with accuracy rates that are often inferior to polygraph, it is time for courts to admit that polygraph evidence is being rejected, not for its lack of scientific pedigree, but rather for reasons of social bias and policy. When that admission is made, an honest debate can finally begin, both in and out of the courts, as to whether we are socially prepared to accept polygraph evidence.





Polygraph in the news

Jim Allen

City Officials Agree to Take Polygraph Tests

ROSEDALE, Mississippi — When police evidence was stolen from inside city hall, Rosedale Mayor Carey Estes and Police Chief Isaac Morris were the first to volunteer to undergo polygraph tests. The city's deputy chief says there is also a list of others to question when the Mississippi Bureau of Investigation polygraph operator arrives. After the June 12 break-in, when employees arrived, they found offices ransacked and the evidence room broken into. Since then, investigators have been logging missing files and evidence, and have made a cast of a footprint.

Source: Internet — “Police chief, mayor to take polygraphs in break-in”, The Biloxi Sun-Herald; July 22, 2006.

Polygraph Proficiency in Russia

MOSCOW, Russia — With some 400 polygraph experts conducting tens of thousands of tests in the country each year, Russia is being ranked within the top five nations worldwide in terms of its extent of polygraph use. According to Yuri Kholodny, a department head of the Criminology Institute at Russia's Federal Security Board Special Technology Center, Russian polygraphs are tantamount to American machines and are less expensive. The nation's prosecutor general has expressed praise for the effectiveness of lie detectors, he said.

Source: Internet — “Polygraph testing increasingly common in Russia - FSB expert”, Interfax.com; July 19, 2006.

Defendants Afforded Greater Polygraph Cross Examination Latitude

TRENTON, New Jersey — Following a recent court ruling, defendants now have strengthened legal power to cross examine their accusers about polygraph tests, experts say. The New Jersey Supreme Court granted defendants greater latitude when it said it would allow defendants to cross-examine prosecution witnesses about lie detectors. Polygraph tests are admissible in New Jersey if prosecutors and the examinee agree to allow it. Previously, defendants were not allowed to cross-examine prosecution witnesses about their polygraph results.

Source: Internet — “Court reinstates conviction, rules on polygraph questioning”, The Abury Park Press; July 18, 2006.

Polygraph to be Used in Mississippi Murder Investigation

GUNNISON, Mississippi — Though they have not named a suspect, the Bolivar County Sheriff's Department says it will use polygraphs to investigate the death of Chris Pearson, a 23-year-old whose body was found in a ditch in Junew near a crashed truck. The truck, a white Chevy Blazer, is owned by Jeffrey Bassie, whose father is a sheriff's office dispatcher in Rosedale. The sheriff says there's a possibility drugs and alcohol played a part in the car accident. Following the revelation that the vehicle was owned by the son of a police dispatcher, the sheriff's department called in the Mississippi Bureau of Investigations to probe the affair.

Source: Internet — “Probe continues in Pearson death”, WREG-TV, Memphis; July 20, 2006.

Israeli Agencies using Polygraph to Assess Employee Drug Use

Polygraph tests are being used by Israeli state agencies to determine drug use in its applicants for security clearances. In the past, the agencies, including the Shin Bet and Mosad, saw past drug use as a major problem in issuing clearances to potential employees. Today, however, with some 60 percent of those working for the agencies admitting they used drugs in the past, the agencies are more tolerant of past drug use. They are now more interested in a potential employee's admission of past drug use and his or her probability of relapsing into drug abuse again. Throughout the admissions process, polygraphs are being used to verify whether the candidates are telling the truth and the whole truth.

Source: Internet — “Israeli Security Services Adopt More Liberal Approach to Drug Use by Employees”, Open Source Center; October 31, 2005.

Polygraph Testing Approved for Use Among Taiwanese Intelligence Agencies

Frightened by the prospect of domestic spies, the Taiwanese Ministry of National Defense has approved use of psychological and polygraph tests on a regular random basis with its intelligence agencies. The approval follows a major in the ministry's electronic information department downloaded secrets from the ministry's computers and passed them on to China, according to a ministry official. Taiwan's



legislators said they support the new policy, but hope it will take human rights into account when using the tests.

Source: Internet — “Taiwan Intelligence Officers To Undergo Random Polygraphs”, Open Source Center; May 17, 2005.

Law Enforcement Applicants Undergoing Polygraph Testing in Some Russian Police Units

MURMANSK, Russia — Polygraphs are now in use in the Russian Murmansk region’s police force, testing new recruits on a mandatory basis. All recruits are given the test to expose drug abusers, those who are insincere, and those who may be mob moles. So far, about 50 recruits have taken the test.

Source: Internet — “Russia: Candidates for Police Jobs In Murmansk Undergo Polygraph Tests”, Open Source Center; August 8, 2006.

Polygraph Testing Approved for Russian Space Forces

MOSCOW, Russia — Russian Space Forces will use the polygraph to examine its new recruits motives for entering the military, detecting drug and alcohol addiction and conducting investigations. During a meeting, the Russian space Forces commander for personnel support said that four polygraphs were being bought to improve its examination of servicemen, conscripts and cadets.

Source: Internet — “Russia: Space Forces To Employ Lie Detectors To Prevent Offenses”, Open Source Center; February 10, 2006.

Examinee Confesses to Terror-related False Statements

NIAGRA FALLS, New York — Abbas Gandomani of Iran confessed after taking a polygraph test that he was, indeed, not a terrorist. Gandomani, 42, said he made up the story in order to gain political asylum in the U.S. He was arrested

last Oct. 11 in Niagra Falls after telling authorities four times that he was part of a terrorist group in Iran. Gandomani pleaded guilty in late July to a charge of making a false statement to government agents and served eight months.

Source: Internet — “Iranian who feigned being an assassin sentenced,” The Buffalo News; July 21, 2006.

Parents of 5-Year Old Given Polygraph Tests

SALT LAKE CITY, Utah — The parents of 5-year-old Destiny Norton have passed polygraph tests and provided DNA samples to Salt Lake City police after the youngster went missing in mid-July. And while the community held a candlelight vigil in the honor of the smiling little boy, several of the family’s housemates were quietly rounded up and brought in for similar interrogation. The family lives with two other adult couples. Police were also dealing with numerous sightings being reported and checking out other leads before the boy’s body was recovered. The investigation into his death is continuing.

Source: Internet — “Salt Lake City police question housemates: Destiny’s family and others share home,” The Deseret Morning News; July 19, 2006.

Polygraph Used in Duke Lacrosse Case

DURHAM, North Carolina — Embattled Duke University lacrosse player Collin Finnerty says he has taken and passed a lie detector. However Wade Smith, the player’s attorney, is not saying what questions the polygraph operator asked his client. During an NBC “Today Show” interview, Finnerty’s father said his son could prove his innocence. But the father did not discuss details of his son’s alibi during the time when a dancer says she was sexually assaulted by three men at an off-campus lacrosse party. Finnerty

has been charged with rape, sexual offense and kidnapping.

Source: Internet — “Lawyer: Player passed polygraph,” The News Observer; July 1, 2006.

LAX Police Applicants to Undergo Polygraph Testing

LOS ANGELES, California — An agreement over who should police Los Angeles International Airport has been reached, with equal security training, background checks and submission to a polygraph tests becoming standard for both LAPD and airport agency police. In the agreement, the two police teams will share responsibilities for security at LAX. In the agreement, the airport police agency agrees to use the same hiring and selection standards for its sworn officers as are used by the LAPD including undergoing a polygraph test before a background check.

Source: Internet — “LAPD and Airport Police Reach Accord,” Los Angeles Times; June 28, 2006.

Marketing Underway for Central Nervous System Lie Detection

Ninety percent accuracy in lie detection. That’s the claim two companies are making about two devices they plan to begin marketing this summer that use magnetic resonance imaging. The companies — No Lie MRI, of San Diego, Calif. and Cephos Corp., of Pepperell, Mass. — plan to begin offering the brain-scanning machines as soon as late summer. Both devices have relied in part on a federal grant aimed at finding a fool-proof method of lie detection. Instead of detecting stress brought about by telling a lie, the MRI devices reportedly measure the lie itself, measuring brain activity and focusing on areas that are believed to show extra exertion when a lie is generated. Some of criticized the machines, saying they have not been subjected to scrutiny or put to the test of real-world criminal situations.

Source: Internet — MRI tests offer glimpse at brains behind the lies,” USA Today; June 26, 2006.

Polygraph to be Used in Arkansas Bank Robbery Investigation

SHERIDAN, Arkansas — Police say the robbery of \$10,000 from a local bank, which was later returned, may have been an inside job. Now, all bank employees have agreed to take a polygraph as well as submitting handwriting samples. When the money was returned six days after it disappeared, it had a written note attached — one which authorities did not disclose. On July 7, surveillance tapes show that someone with a key and a pass code entered the bank on July 7th. The suspect then turned off the cameras and turned the cameras back on a few minutes later. The money was later returned on July 13.

Source: Internet — “Thief returns stolen \$10k to Sheridan bank,” WREG-TV, Memphis; July 21, 2006.

PITN continued

Mother Confesses to Intentional Abuse Following Polygraph Test

LONDON, Ontario — A 26-year-old mother has changed her story following a polygraph test and a reenactment of how her three-month-old baby was badly burned. The woman initially argued that the baby’s foot and leg were burned when she knocked over a hot baby bottle by mistake. But she later changed her story and admitted pouring boiling water on the youngster. A judge has ruled she injured her infant to get additional care for her. She was convicted of aggravated assault and has not yet been sentenced.

Source: Internet — “Mom guilty of scalding baby,” Edmonton Sun; July 27, 2006.

Victim of Mistaken Identity Released

WILMINGTON, North Carolina — A man who proclaimed his innocence, passed a polygraph test and had alibis for each of the four robberies police accused him of is out of jail after police admitted they arrested the wrong man. Jason Oxendine, 21, was arrested and charged with four armed robberies. Witnesses identified Oxendine in a line up, but detectives told the District Attorney’s office Monday that they had the wrong man and the charges were dropped.

Source: Internet — “Police Say They Arrested Wrong Man,” WECT-TV, Wilmington, N.C.; July 27, 2006.

AMERICAN POLYGRAPH ASSOCIATION – MODEL POLICY

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3.12.11.6 After a confession, an admission, or a finding of consistent physiological reactions to relevant questions on any specific or multi-issue examination, the examiner shall call an applicant “deceptive” to the testing process.

3.12.12 Post-Test Interview

3.12.12.1 If there are consistent, significant physiological responses noted to any of the relevant questions, the applicant shall be given an opportunity to explain why the applicant responded to those questions. An interview or interrogation should follow. The examiner shall advise the applicant of the final results of the examination.

3.12.12.2 If there are no responses to relevant questions, the applicant should be allowed a chance to explain any reactions to the non-relevant questions.

3.12.12.3 It is recommended that all pre-employment examinations be subject to quality control review.

A Message from the President

This will be my first of six reports to the membership in the *APA Magazine* over the next 12 months. In the next few pages I will take care of some housekeeping issues, lay out my perspective on where we are going, and bring both good and bad news to the membership on certain topics. I will go into some detail regarding projects and assignments, in part to inform, but also to establish accountability for meeting these commitments. At the end of the message I will provide an e-mail address where you can forward your comments, suggestions, and critiques. I promise to read each of them.

The Board of Directors met the evening of July 21 after closing ceremonies at the Annual Seminar, and all day on July 22. Much business was accomplished, and because I committed in my campaign to openness and transparency in Board matters, this report will be somewhat lengthy.

Among the first items of business were the committee assignments. Below are listed the assignments by Board member. As I write this, the e-mail contact information for the Board is being updated on the APA website, and will be current at publication time. Please refer to the APA site for contact information.

APA Representative to ASTM
Dr. Frank Horvath

Awards Committee
Mr. Donnie Dutton

Budget Committee
Mr. Chad Russell

Continuing Education/Certification Committee
Mr. Steve Duncan

Educational Accreditation Committee
Mr. T.V. O'Malley

International Membership Liaison Committee
Mr. Roy Ortiz

Legislation Committee
Mr. Daniel Sosnowski

Membership Committee
Mr. Nathan Gordon

Public Relations and Information Committee
Mr. Roy Ortiz

Research and Development Committee
Dr. Stuart Senter

Seminar Committee – Seminar Chair
Ms. Robbie Bennett

Seminar Program Chair
Mr. Donnie Dutton

State Association Advisory Board
Ms. Vickie Murphy – Carr

Standards of Practice
Mr. Michael Gougler

Post-Conviction Sex Offender Testing (PCSOT)
Mr. Daniel Sosnowski

Sub-Committee on Alternative Detection of Deception Technologies
Mr. Donald Weinstein

APA Website
Ms. Vickie Murphy – Carr

Sub-Committee on Development of Continuing Education via the Internet
Mr. Steve Duncan

Sub-Committee on Law Enforcement Applicant Screening Standardization
Mr. Michael Gougler

Sub-Committee for Past President Advisory
Mr. Nathan Gordon

Sub-Committee for William J. Yankee Memorial Award Advisory
Dr. Stuart Senter

I also created an ad hoc committee for the creation of guidelines for the conduct of the elections of the APA, chaired by me with the three vice presidents also serving on the committee. We will have 180 days from the July meeting to: propose to the Board recommendations regarding acceptable campaign practices for aspirants to APA office; consider sectional voting, and; to draft formal language for a constitutional provision to supersede the current provisions that afford voting privileges to only those who attend the annual seminar. Our objective is to ensure the APA electoral process is inclusive, representative, free, fair, and issue-focused.

At the Board meeting I also asked for a voluntary moratorium on the nomination of sitting Board members for APA awards, except the President's Award, for the next 12 months. While I agree that the Board has on it the kind of selfless and committed workaholics that a thriving organization needs, and that they deserve more recognition than they get, our larger consideration is to avoid any appearance of preferential treatment. I believe in the character of these leaders, that their service comes directly from the heart, and that they accepted their duties knowing that it was a thankless job. To their credit, there were no dissenters among them to my request. I would ask that you send them a personal note of appreciation from time to time to recognize those many good things they do for us.



On the challenging side, our fiscal status will require immediate attention. Treasurer Chad Russell advised the Board that the Association's projected expenditures for the next year are over its projected revenue. While the Association's financial resources are adequate, the current glide path places us in trouble in just a few years. One of the contributing factors is that Association dues were established many years ago, and they have been eroded by inflation by more than 30% since that time. As a first step I proposed to the Board that the dues should be increased by 20%, to a total of \$150, a motion that was approved and will begin in the next dues cycle. The dues increase will help bridge the gap, but we will also be looking closely at expenditures and determining the wisest ways to use the Association's resources. By the next issue of the *APA Magazine* those decisions will have been made and reported. I have committed to leaving the next APA President with a balanced budget.

Director Dan Sosnowski, as Chair of the Legislation Committee, was tasked with canvassing the state associations to determine the possibility of state licensure for polygraph examiners. Dan was directed to find one that held the most likelihood of success, to forward a formal proposal including resource requirements, and that the APA would partner with them to lobby for licensure. The APA strategic plan will include the objective of bringing about licensure in individual states in a deliberate and affordable manner. If Dan has not yet reached your state association, you can take the initiative to forward him your proposal.

Dan will also chair the PCSOT Committee, which will include an extra task this year. I have asked Dan to develop a guide of recommended practices for PCSOT, using APA experts to draft this important work. The guide will provide non-binding recommendations of best practices in this field, and will serve to inform examiners in this field what they should strive for. It will also be a reference guide to those who hire PCSOT examiners, so that they can make informed decisions regarding the quality of services they are receiving. The objective is to help decision-makers recognize the superior services they can expect from APA members, and give our members a competitive edge over other examiners who cut corners and compromise quality. We expect this document to help eliminate questionable practices by creating disincentives to do substandard work. Dan has until January 2007 to submit the first draft, with the final version delivered to me 120 days later. Dan will be inviting several members to help with this project.

Director Roy Ortiz accepted the challenge of the Public Relations and Information Committee, and he has hit the ground running. Roy will help us evaluate our PR endeavors to see where the greatest return

is. One idea suggested by an APA member was to equip our members with lecture materials that they could use to brief organizations of judges, lawyers, and others individuals of influence. Already some APA members have gone to these groups and were very impactful in turning around those who previously had been skeptical of our profession. This grassroots approach to PR costs virtually nothing, and tightly targets those who need to hear about what the polygraph can do to serve society's needs. Roy will also be identifying regional spokespersons to field media requests on behalf of the APA. If you would like to be considered for any of these assignments, please contact Roy.

Roy will remain the chair of the International Membership Liaison Committee. For those who attended the 2006 Las Vegas seminar, you might have noticed that the APA is drawing an increasing number of members from around the world. Roy will be exploring ways to help these members, many of whom live in countries with little experience with the polygraph. Roy has recognized the great opportunity the Association has to guide their practices to help them avoid the types of problems that brought about the EPPA in the US.

Secretary Vickie Murphy-Carr will have her hands full this year. Vickie is upgrading the APA website with several new and useful features. By the time you read this, several should already be in place. Vickie will also publish in the *APA Magazine* a copy of the Board votes taken during meetings of the Board of Directors to help keep members apprised of the issues and how they were decided. She will continue to field questions sent in to the APA website, and help us maintain a positive image on the Web.

Director Steve Duncan will carry on his duties heading the Continuing Education Committee, but with an additional task. In my acceptance speech I committed to bringing to the membership a proposal to require all members in good standing to receive a minimum number of continuing education hours. Steve will be in charge of drafting the language for the bylaws, which will be finalized by the next APA Board meeting in January and voted by the members in August, 2007. The goal of this initiative is to help all members keep pace with advancements in the field. Continuing education is a standard requirement for all legitimate professions, and if polygraph examiners wish to demonstrate that they are part of a profession, we must adopt a CE standard. Steve will be seeking input from the members on what the standard should be, and you should contact him if you wish to be heard on this issue. APA polygraph schools should take special note.

Chairman TV O'Malley took an unusual step for an APA Chairman by volunteering to head one of the committees: the Educational Accreditation



Committee. His offer was immediately accepted, as TV has done so much to improve the quality of our schools. As the number of applications come in from schools wanting APA recognition, TV will be very busy ensuring that they meet our high standards.

VP Law Enforcement Michael Gougler has been in charge of two important initiatives that he will bring to completion. Michael accepted the challenge of standardizing law enforcement applicant screening, no trivial undertaking. Standardization is a critical foundation for recognition and acceptance in law and science, and Michael's project has immense implications for the field. A second important project is the updating of the APA Standards of Practice, the first major revamping of the standards since they were originally written. Working with former APA Presidents, international members, and other volunteers, Michael's project should be completed by the 2007 APA seminar.

VP Private Nate Gordon was assigned as Chair of the Membership Committee, one of the busiest assignments on the Board. However, Nate also accepted my challenge to increase APA membership by 300 before the next APA seminar, a growth of more than 10%. Nate has moved quickly, and has made several suggestions on how we can hit the target. This type of undertaking will require lots of effort. If anyone thinks he or she can help Nate with ideas, contacts, or volunteer time, please contact him.

VP Government Donnie Dutton will handle the Awards Committee. Previous chairs of this committee have experienced difficulty obtaining enough award nominations, something Donnie wants to overcome this year. Let me suggest that you go to your computer today, visit the APA website (<http://polygraph.org/awards.htm>) and submit the name of a worthy member for recognition.

Donnie is also the seminar program chair for the 2007 APA seminar in New Orleans, and he has already been hard at work. As you will read in his Board Report he is looking for speakers, sergeants-at-arms, IT specialists, and other volunteers. He is developing a contingency plan (August is hurricane season in New Orleans, after all), and investigating other ideas to make next year's seminar a hit. It's not too early to volunteer, so send Donnie your name and what you'd like to do.

Director Don Weinstein will maintain the Grievance Committee, a task he has handled well. Don will also chair the subcommittee on Alternative Detection of Deception Technologies (ADDT). While this committee was formed a few years ago to monitor voice devices, there are now several technologies that should be brought to the attention of the membership, including; brain wave and brain imaging technologies, eye trackers, thermal

imaging, and remote sensing devices. Watch for Don's future reports.

It should be good news to everyone that Dr. Stuart Senter will remain the Association's Editor-in-Chief. Stu also will keep his duties as chair of the Research and Development Committee and the subcommittee for the William J. Yankee Memorial Award Advisory.

Following in footsteps of the inimitable Larry Wasser is the Association's new Treasurer, Chad Russell. Chad's first task will be to complete the independent audit that is traditionally undertaken when there is a change in Treasurers. He will make the audit report available to any member in good standing who makes a formal request in writing. Chad will also help the Board make wise decisions regarding what it is we can afford. At the first Board meeting, Chad advised that it was his goal to streamline APA's financial operations, maximize the return on its investments, and help bring about equilibrium between income and expenditures. Chad's experience and hard work will be of great benefit to the Association.

And, of course, Robbie Bennett will remain as the APA National Office Manager, a tremendous responsibility for which we have become accustomed to her expert handling. With the potential CE requirements for continued membership in the APA come the need for additional office support, and we will be working with Robbie to hire someone to take on those duties at the proper time.

The APA Board will publish updated information in upcoming *APA Magazines*. As a final comment I would like to share some of the remarks I made to the Board at our first meeting together on July 21. First, I thanked the Board members for their hard work, and asked their forgiveness in advance for the heavy burden I would impose on them over the next year as we go about restructuring ourselves to be more like the professional organization we want to be. I could not promise that this was going to be easy: I could only promise that it was going to be worth it. I am certain that they will rise to the challenge, and that the membership will long remember what they will have accomplished in this short time.

I also shared an old axiom given to me years ago: we tend to become what we think we are. If we think we are just an industry, we might act in ways that would leave the impression with others that we are simply another trade group. If we think we are a profession, then we need to do those things that professional organizations do. As an initial step I asked the Board members to use the expression "polygraph profession" in their written and oral remarks rather than "polygraph industry". There will be other steps, and I will outline those initiatives and their reasons in the coming months. As always, your comments, suggestions and critiques are welcome at dkrapohl@aol.com.



Board of Directors' Reports

Donnie Dutton Vice-President - Government

I am sitting here with the realization that another APA seminar has come and gone. Being in Las Vegas for a few days and working with all the members who attended the seminar was a real joy for me. I look at the members of the APA as an extended family, all dedicated professionals in our field.

At the annual meeting Don Krapohl was elected President and he has given me a few committees that I am really going to need help with; Awards, Seminar Chair, and Daubert Committee completion. I would like to outline some of my ideas for each and then ask for your involvement in getting them done.

The Awards Committee is responsible for taking nominations from members, reviewing the nominations, and voting for the person to receive the award. In addition, committee members prepare all of the certificates that are handed out at the seminar, including committee, service, membership, attendance, etc. This work requires a great deal of dedication. If that doesn't scare you, the committee will also work with the committee chair to ensure that the awards presentation goes off without a hitch. I know that some people did sign up at the seminar to assist with the awards this upcoming year but we can always use additional help. If you are interested, please contact me by e-mail at vpgovernment@polygraph.org or by telephone at 803.238.7999. I welcome your assistance with this committee.

As stated earlier, I am also the Seminar Chair. The next APA Seminar will be held at the Hilton, New Orleans Riverside, August 19-24, 2007. Mr. Roy Ortiz has related that he would help me in any way possible. Thanks, Roy! I know I am going to need a lot of help. I have some ideas but I will not be able to carry them out without assistance. First, I want to have sergeants-at-arms posted at every door where a seminar presentation/training is taking place. These sergeants-at-arms will ensure that only our members are entering the rooms. I will be looking for 10 such people to fill these positions. If you would like to help in this area please let me know. In addition I am looking for 8 to 10 people who can be in attendance to assist our lecturers with IT issues. This entails being there when the lecturer arrives, assisting him/her to set up the computer linked to the projector, and ensuring that the audio equipment is working correctly, etc. It takes away from lecture time when we have to find someone who knows how

to hook everything up. If you know something about hooking up computers, please volunteer. My plan is to hold a short meeting on Sunday, August 19, 2007 to discuss the duties of the sergeants-at-arms, and then hold a separate meeting with the IT support to ensure that everyone is familiar with how to operate the equipment. I will also collect points of contact information for unusual issues. If anyone is interested in either of these two committees please contact me by e-mail at vpgovernment@polygraph.org or by telephone at (803) 238-7999.

Continuing with seminar issues, I am now looking for qualified instructors to lecture on various topics at next year's seminar. If you are interested in presenting, please contact me via e-mail at vpgovernment@polygraph.org and in a couple of paragraphs provide the topic, a brief outline of what the topic will cover, and approximately how much time you will need to deliver your lecture. I will present your information to committee members for review, and notify you of the approval. In the past, board members have received concerns that some of the content of certain lectures did not conform to APA standards. To avoid potential conflicts at next year's seminar, outlines will be reviewed in advance.

Sometimes APA seminar attendees find that they want to see two lectures that unfortunately have been scheduled for the same time. I will be looking at having some of the lectures repeated at different times during the week to allow everyone to hear the more popular topics. I welcome your suggestions and want to make the next seminar one you will remember for years to come.

My last committee is the Daubert Committee. For those of you who didn't attend this lecture, I had headed up a committee that provided lawyers, expert witnesses, and polygraph examiners with the necessary tools to qualify under a Daubert hearing. A sample Daubert brief was presented at the seminar, and in the opinion many attendees, it was the best produced to date. As a result, the APA President asked me to continue with the completion of this project. It is the goal of the committee to produce a CD containing the sample brief, relevant case laws, PowerPoint slideshows, and the testimony of individuals who presented their arguments so eloquently. Our plan is to have the project completed in the next few months with a lecture and CD made available at the 2007 seminar. If anyone needs a copy of brief now, contact me at vpgovernment@polygraph.org and I will be happy to e-mail it to you. I would strongly suggest that if you



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think you may have to qualify under Daubert you should get this material and share it with your counsel.

To all, it has been my pleasure to serve this association and I thank you for your continued support. Please, now more than ever, call, write, or drop me a line to volunteer for one of the above committees. I can't do it without your help.

Mike Gougler Vice President, Law Enforcement

Viva Las Vegas! The 2006 annual training seminar was a resounding success. It was reported as the largest APA seminar ever. Thanks to all those who contributed to its success.

I would like to personally thank all the members who served on the various committees for their hard work. Those of you who volunteer to serve are the driving force behind the association's accomplishments.

As chairman of the Award's Committee, I would like to extend my congratulations to the following recipients of the 2006 awards:

Bennett Award:	Stu Senter
Clinchard Award:	Sidney Arias
Backster Award:	AAPP
Keeler Award:	John R. Schwartz
Motsinger Award:	Jamie McCloughan
Reid Award:	Don Krapohl

The subcommittee on Law Enforcement applicant screening completed the task and the Board of Directors approved a model policy. The policy should be posted on the website within 30 days. You can find the policy starting on page 24 of this issue. Thanks to all committee members.

The Standards of Practice Committee has been established and work has begun. This is my only committee assignment for the 2006-2007 year and I hope to have it completed by the 2007 annual seminar. The committee will welcome Walt Goodson, Rick Jordan, and Lynn Marcy, as well as an International Advisory panel to the project during the coming year. Don Krapohl, Dick Keifer, and Chairman Eric Holden will continue to serve. Daniel Sosnowski has been appointed as an ex-officio member to ensure consistency with the PSCOT Standards. Benchmarks have been established and I have provided President Krapohl with a current

status report on the progress toward the standards.

In closing I would like to thank T.V. O'Malley for his many contributions to the APA. His untiring efforts and genuine dedication to the profession have advanced this association.

I was honored to receive the 2006 President's Award from him.

As we move forward, I would ask for unity in our association. Please work together and get involved so that we may all be successful. I challenge each member to recruit one person to join the APA. The future is the responsibility of each member.

Nate Gordon Vice President, Private

I would like to express my heart felt thanks to all of those who supported our slate and my election to Vice President Private. As many of you know, being able to give something back to our profession has been a long time goal. As Vice President Private I realize that I serve the part of our profession where almost all examiners will eventually enter, and thus feel a responsibility to everyone in our profession.

I have been tasked with the primary task of managing the Membership Committee. My goal is to increase our membership by 10% during my year in office, and support newly elected President Krapohl in his promise to introduce Constitutional changes that will have a positive affect on our organization and profession for years to come.

I will also seek new opportunities to increase business in the private sector, as well as increase the professionalism within the membership of the APA.

Coming out of the 41st Annual Seminar I have two excellent suggestions for increasing business: Director Dan Sosnowski made an excellent suggestion that members attend seminars offered by ATSA in an attempt to network with those who need examiners for PCSOT testing. Patrick Coffey of California shared an entirely new arena for private examiners; polygraph examinations offered for immigration services.

Once again, thank you for the confidence you have shown in me by electing me to this office. If there is anything I can do for you, please feel free to contact me at 215.732.3349 or truthdoctor@polygraph-training.com.



Board of Directors' Reports

Vickie Murphy-Carr Secretary

I have completed all Minutes which have been previously forwarded to each Board member. Minutes of the 2005 General Business Meeting in San Antonio, TX is published in the seminar packet for attendees. All Minutes were also verified as required for our certified annual audit.

I received a request from member Don Krapohl to review all Board Minutes for the past two years. Based on Attorney Vaughan's review of Robert's Rules, that request was denied. I am requesting that this issue be placed on the Agenda for discussion.

Since the Secretary and Treasurer serve two-year alternating terms, I remain on the Board for the 2006-2007 term and will continue duties as appointed by the President.

State Advisory Board

The State Advisory Board will meet on Tuesday, July 18th at 6:30am for our annual meeting with state association Presidents or their designated representatives. Unfortunately due to seminar scheduling conflicts, our meeting will be held during breakfast, as opposed to lunch. All Board members are requested to attend.

Upon meeting with our National Office Manager Robbie Bennett at the upcoming seminar, I will review seminar attendees for selection of a Co-Chair. I am also requesting that the Program Chair make several announcements of the time and place of our meeting for the President or their designated representatives to sign-up to attend in order to provide a more accurate count of attendees.

Legislative Committee

I continued to receive updates from Attorney Vaughan, on the status of legislation throughout the states, and forwarded them as appropriate.

Website

I have continued to update our site as needed, which is a never ending working document. I am currently working with our PR representative, Heather Halpape and our Webmaster, Ron Searcy, on developing a "Press Room" to be added to our site. This area will contain official press releases, a polygraph glossary, an updated "About the APA", updated Polygraph FAQ, and a letter to the Editor. I plan on having the pilot site up and running by our Board meeting in Las Vegas.

A second major addition I am working on, includes the development of a searchable database of updated polygraph case citations. Don Krapohl has forwarded me the updated database which is now complete, and I plan to have it added in the near future.

Due to a 2-month delay in payment to our Webmaster, he has requested an addendum to his contract to be paid monthly, as opposed to quarterly. I am requesting that this issue be put on the agenda for discussion.

I have continued to respond and/or forward both telephonic and electronic inquiries as required.

In the meantime, I look forward to another productive meeting, seminar and continued year of dedicated service to this association and profession. It has been an honor to serve with each of you.

Dan Sosnowski Director

First and foremost I would like to thank the general membership who re-elected me to a fourth term as a director for the American Polygraph Association. It is my goal to represent this organization to the best of my ability. I look forward to working with our new President; Don Krapohl who I believe has the vision and foresight to take us to the next level, which is making the APA a true profession rather than an industry. Members who were in attendance at the business meeting as well as the annual banquet saw Don exhibit the qualities of a true gentleman and leader.

On another note, it was sad to see Larry Wasser step down after 18 years as the APA Treasurer. I know that it was a difficult decision for Larry because he is so dedicated to our profession. Members owe a lot to both to Larry and his wife Myra who have given almost 20 years of their lives to this organization. I look forward to working with his successor, Chad Russell who has already demonstrated that he has the abilities to make the transition smooth and seamless.

To those members who have heard the saying "Never Give Up" only need to look at Nate Gordon. He has run for office of this organization several times without attaining his goal, but truly demonstrated that he wanted to be on the Board by running once again and winning that goal. I look forward to working with all of our board members and have told each that I would be willing to serve as a member of their respective committees in order to accomplish





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our mission of becoming a true profession rather than an industry.

I have once again been assigned to be the General Chair of the PCSOT Committee as well as the Legislative Affairs Committee. With the help of Donnie Dutton, Sandy Gray and Steve Adang, who will serve as Vice Chairs, I hope to bring about some changes that will streamline how PCSOT exams are conducted as well as what is being taught across the country.

It was very apparent at the APA conference that PCSOT Instructors have gotten away from some basic concepts that were agreed to back in 1999. The message I kept hearing was if someone wasn't conducting the test in accordance of how they were taught or conducting exams, then other examiners were wrong. That is not the message that we want to send to the general public. There are several different ways and methods that are accepted within the polygraph profession for PCSOT exams. Some comments that I heard or was told about was whether or not an individual could be administered a sexual disclosure exam if they were still in denial. Another example was if an individual reveals additional victims that were not previously disclosed, then the examination could not be administered. There were several other examples which go along similar arguments of my way is better than your way.

One of the major goals of this committee will be to have the approved APA PCSOT Instructors meet as a group in order to arrive at a consensus for future testing. One of the requirements for attendance at this meeting will be for them to resubmit examples of test question construction and techniques currently taught in the approved classes of instruction.

I am also asking for members who are actively conducting PCSOT exams to send the committee their input, questions, and concerns.

At one of the PCSOT workshops, it appeared that the vast majority of members who were in attendance also wanted to see future PCSOT instructors have some practical hands-on experience of actually conducting PCSOT exams. I again would like some feedback from the general membership as to whether this would be a good idea and what would be considered enough practical experience.

I have also been tasked by the new President to develop a "Best Practice Model" for PCSOT examiners

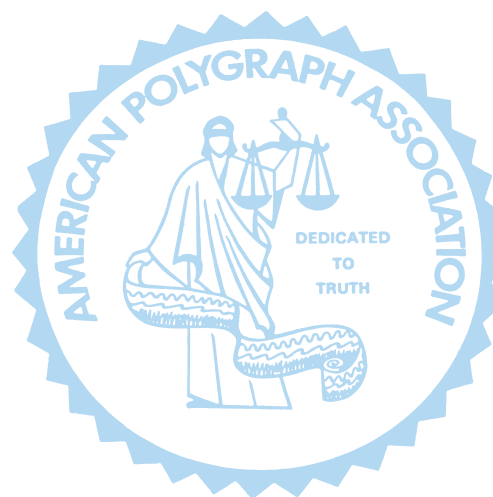
and exams. I am hoping that all PCSOT Committee members will give some input but again I will encourage members to send me their thoughts of what would make this type of specialized testing even more professional.

The Association for the Treatment of Sexual Abusers (ATSA) conference will be held in Chicago from September 27-30, 2006. The APA will have a booth at that conference in order to better establish a working relationship with their fine organization. By attending this professional conference, our hope and goal is to help educate the end user of PCSOT exams as to the benefits and limitations of polygraph. An examiner who attends any part of that conference will be eligible to use those hours of training as part of their CEU's for PCSOT requirements.

President Krapohl has also requested that we identify a state that is actively trying to obtain licensing status. The goal would be to assist those individuals in succeeding their mission of getting a professional license in their respective state. I would like for any state association leader to contact me as soon as possible so that we may work with them if possible.

I would personally welcome any suggestions or ideas that members have that would benefit this association. Please contact me via my e-mail address at SOS4911@AOL.COM.

I look forward to serving this association and its members as long as the membership feels that I can contribute something to this organization. I thank you for this opportunity in order to serve the members of the APA.





Board of Directors' Reports

Steve Duncan Director

I hope this, my post-06 Seminar Board Report finds everyone in good health. For those who were able to attend the Seminar this year in Las Vegas, I trust you found the training as valuable as I did. For those unable to attend, I urge you start now making plans for next year for what promises to be another great gathering for education and fellowship.

Your Board has been hard at work with all the necessary business attended to and Committees assigned for the year by President Krapohl. I have been retained another year as Chair of the Continuing Education Committee with plans for Regional Seminars continuing as well as work on Instructor requirements. I was also assigned to Chair of Internet Learning Committee and have plans to make every attempt to expand that program making available more information than ever before.

Regional Seminars in the active planning stage include Myrtle Beach, South Carolina, September 7-8, and Virginia Beach, November 2-3. Plans are also underway for Regional Seminars in Texas in the early Spring of 2007, South Africa in the Summer of 2007 and the northwest U.S. in the fall of 2007. Any ideas for additional two-to-three-day seminars are welcomed and encouraged.

I am also currently putting together committees for my assignments so thanks for those who have already volunteered and I welcome more volunteers as we were able to pass a bylaw change at the last Board Meeting removing the maximum limit on Committee Member numbers.

Lastly, I have already started work on organization of our '07 Annual **Unofficial** Motorcycle Ride for the New Orleans Seminar, so riders make a note and stay tuned for more info.

I leave you with an invitation to contact me if I can assist you in any way by phone 404-624-7465 or e-mail at sduncan@gsp.net.

Roy Ortiz Director

First things first.....
Thanks to all the volunteers, sponsors, door prize donators and speakers who contributed to the success of the APA's 41st annual workshop/ seminar in Las Vegas, Nevada. After six years of being seminar program chairperson, it is time for a new challenge as the chairperson of the Public Relations and Information Committee.

Equally important.....
My personal gratitude for the APA members who voted for me for the position of Director. My primary personal goal remains the same, improving the polygraph profession by turning ideas (yours and mine) into action.

The road ahead.....
I will ensure that the Webb Public Relations firm represents the APA and its members in a positive and professional manner. The groundwork (the hard stuff) that was started by Jim Earle, has already shown results. Jim has graciously volunteered to stay on as the committee co-chair. Please check the APA Internet website, in the right hand corner of the opening page you will find "Press Room". By clicking there, you and others interested in polygraph will find the link to Webb Public Relations. Television, newspaper, and radio personnel making inquiries will be provided a media press kit.

My current tasks include.....
Identifying and selecting regional polygraph spokespersons, that will be available on short notice for media interviews and lectures for professional organizations. Possible lecture audiences might include judges, attorneys, law students, and college students. Additionally, in order to present a professional image and to ensure everyone is on the same page, a lecture lesson plan is being developed. If are you interested in volunteering, please forward your resume to me.

Done deal.....
The polygraph "B roll" video previously mentioned in Jim Earle's article, has been completed. I realize everyone is not familiar with this term, it does not have anything to do with the quality or rating of the video. The APA "B roll" video purpose is to provide an easily understood presentation of a polygraph examination. This video can used by the television media (e.g. news program), to fit into almost any polygraph-related story. In simple terms it is always



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best for the APA to educate the public about polygraph, rather than someone who does not support polygraph. Many large municipal police agencies have their own "B roll" on polygraph for detective personnel training videos.

Please forward your ideas to my e-mail address listed at the front of the magazine.

International Membership Liaison Committee

My personal thanks to all the APA International members that attended the APA's annual 41st workshop/ seminar in Las Vegas, Nevada.

A record number of countries were represented at the seminar, including: Mexico, Panama, Venezuela, Columbia, Trinidad and Tobago, Canada, Guam, South Africa, Slovenia, Poland, Russia, Malaysia, Israel, Egypt, Singapore, England, Australia, Belgium, Lithuania, Taiwan, and Dubai- United Arab Emirates. During the International Members luncheon, three lucky individuals received door prizes donated by Polygraph Examiner Ralph Nieves (retired New York Police Department Detective).

Dr. Frank Horvath and Dr. Gordon Barland have both volunteered to co-chair the committee. During the APA Issues in the Different Fields of Polygraph (on Monday of the seminar), International members met for the first time in APA history to discuss problems and to share ideas. Eleven members volunteered to be their country's coordinator to forward issues to the committee. In order to overcome potential language barriers, the coordinator will be available to translate for their fellow countrymen.

An agenda will be developed for the 2007 APA workshop/ seminar in New Orleans, Louisiana. Major issues will be discussed during a three-to-four hour session at the seminar. Individual and minor issues will be immediately handled as they are forwarded to the committee.

Please forward your ideas to my e-mail address listed at the front of the magazine.

TV O'Malley Chairman of the Board

The 41st APA Las Vegas seminar was a huge success, one that I hope will be remembered for many years. The 2006 Las Vegas seminar set a record for having the highest attendance ever with an estimated 700 present. Originally, faced with the ubiquitous tragedy of Katrina, the APA was presented with tremendous challenges. The BOD was forced to consider suggestions to cancel the 2006 seminar altogether. This was not an acceptable option, so we immediately began to work on a solution. We encountered technical difficulties to change the seminar dates almost a full 2 weeks. We brought in our legal counsel to negotiate us out of our original iron clad New Orleans Hilton contract so that we could move everything from New Orleans to another part of the country. As a cohesive BOD we all worked to select the perfect alternate site. We had to decide on a location especially appealing so that our members would be motivated to attend in spite of the all the negative elements resulting from Katrina. We believed that Vegas was one of the few places that would allow us to accomplish this goal. We then began shopping for a suitable and affordable convention site in Vegas. Behind the scenes things were a little complicated, but then again things usually are. It usually takes a little over two years to iron out the details for a seminar of this size. That's even when everything is going right and there is plenty of time to plan things out. The Las Vegas seminar was put together with contracts signed in less than six months. As the 2005 APA president during these difficult times, I thank and applaud all those involved in helping to allow this great event to take place. Murphy is always at work behind the scenes. Remember Murphy is the one that says, "If things can go wrong.....they will".

The APA has since undergone a leadership change. I lost my bid for reelection as APA president, and Mr. Don Krapohl is now your president.

Contributing to this association, and serving as your president has truly been the pinnacle of my 25-year polygraph career. Since the election, I have been told by many close friends that I served well as President of the APA. To those friends I humbly thank you for your kind condolences. I have come to realize that a one-year term as president was simply not long enough to accomplish the lofty goals I set for myself and this organization. I enjoyed the opportunity to serve you and the challenges it presented. It has been a great experience.

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I have only a few regrets:

As your president, I worked hard to get professional polygraph results re-admitted into our courts as evidence. With considerable improvements in examiner performance, professional standards of practice, and impressive research statistics, it should happen any day now. I promised that it would happen on my watch. I regret that it will not.

Our Public Relations program became a personal project for me. I heard you, the APA membership, tell the BOD you wanted to change the public's perception of polygraph through positive public relations. As your president, I attempted to give you a cost effective program to accomplish this task. I am still convinced that it is the right thing to do. Unless our leadership continues to nurture this program through its early development and utilizes it effectively we will never realize a benefit from the effort and money invested. That would be a terrible shame and a lost opportunity.

As your unofficial EPPA subject matter expert, I have worked for years to educate polygraph professionals regarding pitfalls and intricacies of that law. My goal has always been to help keep examiners from making serious errors that could result in financial disaster for the uninformed practitioner. I regret that I was never able to generate enough public or professional interest in the deficiencies within EPPA to correct them or that I was unable to initiate opportunities to incorporate polygraph testing in terrorist deterrent programs that would utilize contract civilian examiners thereby enhancing Homeland security benefiting all.

As the Chairman of the Board of Directors I will proudly continue to serve this association in that capacity. President Krapohl offered me the chair for the Education Accreditation Committee and I gladly accepted it. This will give me the opportunity to continue to work closely with our APA accredited schools. As in the past, I will strive to make out APA schools the best they can be and assist them as necessary.

Buy and Sell

Axciton Computerized Polygraph System for sale. 4- channel sensor box package. Includes cardio cuff, EDA sensors, and pneumograph assembly. Also includes a Kodak Diconix portable printer with drivers. Extra cartridges also available. Also comes with IBM Think Pad-P 266 loaded with Axciton software. Single owner. Entire system for \$3,175 or \$2,675 without the laptop. Serious inquiries only. EMAIL cabased1@aol.com.

Lafayette Five Pen Pentograph Model 76-761-GA (Excellent condition), Lafayette Polygraph Desk and Overlay for Desk, Lafayette Examinee Chair, and Examiner's Chair, all for sale. Total price is \$1500. Contact Louie E. Seibt at 260.483.3716 or lseibt@comcast.net.

Lafayette Instruments LX4000 computerized polygraph system for sale. Includes Pneumo/GSR/Cardio components, in addition to 100 disposable GSR sensors. Includes LX v.9.8 for Windows 98x/200/Me/XP. Polyscore automated scoring system provided by Johns Hopkins University Version 5.5c has been downloaded only once. Includes the Nero OEM suite to assist with Audio/Video and data downloads. Instrument has never been used. Asking \$5300.00, negotiable. If interested, please contact Larry E. McKinney, 133 Ambrose Cir, Jackson, GA 30233, 678.201.3109

On the Net

Proceedings from interesting NSF Workshop Posted

A special edition of the Journal of Credibility Assessment and Witness Psychology has been posted on the internet. This issue contains presentations from a National Science Foundation workshop on the use of autonomic and somatic measures for security evaluations that took place during the summer of 2005. Please feel free to view these proceedings at the following link:

[http://truth.boisestate.edu/jcaawp/2006 No 2/2006 No 2 Choice.htm](http://truth.boisestate.edu/jcaawp/2006%20No%202/2006%20No%20Choice.htm)

Upgrading from Associate to Full Member

Associate Members shall be eligible to be upgraded to Full Member status provided that the following conditions have been met:

1. They have satisfactorily completed a qualifying examination attesting to their knowledge of and competence in the administration of polygraph procedures. This examination shall consist of an oral and written assessment of both academic and practical knowledge of polygraph detection of deception procedures and shall be administered by the APA Membership Committee only at an APA annual seminar.

2. They have been an Associate Member for not less than 36 months; and,

3. Within 36 months preceding upgrading they have successfully completed either:

a. At least 108 hours of continuing education in topics directly related to polygraph testing, including at least one APA annual seminar, during their Associate Membership; or

b. An APA approved refresher course administered by a polygraph training school accredited by the APA; and

4. They are in attendance at an APA annual seminar at the time of consideration of their request for upgrading to Full Member; and,

5. They submit proof of having completed no less than 200 satisfactory polygraph examinations; and,

6. They hold a current and valid license as a polygraph examiner in the state or other similar governmental jurisdiction of their practice if at the time of application such license is required by law; and,

7. They have satisfied all financial obligations to the APA.

8. If a person who is now an Associate Member completes a B.S. or B.A. degree and mails in a copy of the diploma can be automatically upgraded to Full Member.

Associate Members shall be eligible to vote and to serve on committees in the APA, but they shall not be eligible to hold elective

office or to chair committees in the APA. Associates shall not represent themselves as other than Associate Members of the APA.

Continuing Education and Refresher Courses

Applicants are required to submit proof of 108 hours of continuing education or APA-approved refresher courses in topics related to polygraph testing. These 108 hours may include college related courses in psychology, physiology, and other related topics. Law Enforcement or Government sponsored programs directly related to polygraph, interviewing and interrogations; annual APA seminars and workshops, state polygraph associations seminar and/or workshops; and APA approved polygraph training school refresher programs.

Prior to Sitting for the Examination

1. Applicants must notify the Committee Chair through APA National Office, P.O. Box 8037, Chattanooga, TN 374140037, in writing 30 days prior to an annual APA seminar, regarding their intentions for upgrading. In addition, applicants are required to submit successful completion of continuing education, refresher training and licensing where applicable.

2. Applicants shall provide the Committee Chair (through the APA National Office) with a notarized affidavit that the applicant has completed not less than 200 actual polygraph examinations.

Written and Oral Testing

1. The examination process for upgrading from Associate to Full Member shall consist of both a written test and an oral examination, administered only during the annual APA seminar.

(If the Associate Member successfully completed an APA-administered written examination required for Associate membership prior to August 31, 1989, to substitute that examination for the written assessment required. However, the oral assessment required must be completed as specified in rules developed by the

Membership Committee and approved by the Board of Directors.)

2. The written examination will consist of questions relating to physiology, psychology, legal aspects, history, question formulation, chart interpretation, instrumentation, chart markings, polygraph testing procedures, and techniques.

3. During the oral examination, the applicant shall present 10 case files for review by the Membership Committee Panel (MCP), which are recommended by the President at the location and time of the examination. The applicant shall explain, to the satisfaction of the panel members, the polygraph chart recordings and conclusions of the examinations. Case files shall consist of all test records such as case facts, question lists, consent forms, polygraph charts/recordings, written reports, and conclusions.

4. Applicants should be prepared to respond to questions regarding their test question formulation, testing technique, procedures, and chart analysis.

5. In addition, the MCP will provide the applicant with one or more written scenarios of a case or cases, and the applicant will be required to demonstrate proficiency in question formulation.

6. All applicants shall attain not less than 70% correct answers on the written and oral examination.

7. All applicants shall be notified of the results of the examination no later than 30 days after the examination.

8. In the event an applicant fails one or both components, he/she shall be required to retake only the component of the examination, written or oral, which was failed. If successful passage is not attained within two attempts, both components shall be retaken.

9. An applicant who fails to pass a component of the examination is not eligible for re-examination of that component until the next seminar.



Reference

Polygraph Accred

Academy for Scientific Investigative Training

1704 Locust Street, 2nd Floor
Philadelphia, Pennsylvania 19103
Director: Nathan J. Gordon
Ph: 215.732.3349
Fax: 215.545.1773
E-mail: truthdoctor@polygraph-training.com
Webpage: www.polygraph-training.com

Academy of Polygraph Science

2480 East Bay Drive, Suite 30
Largo, FL 33771-2467
Director: Richard E. Poe
Ph: 727.531.1217
E-mail: acdypolyscience@ix.netcom
Webpage: www.drpoehandassoc.com

American Institute of Polygraph

908 Barton Street
Otsego, Michigan 49078-1583
Director: Lynn P. Marcy
Ph: 262.692.2413
Fax: 269.694.4666
Webpage: www.polygraphis.com

American International Institute of Polygraph

1408 Southlake Plaza Drive
Morrow, GA 30260-0686
Director: Charles E. Slupski
Ph: 770.960.1377
Fax: 770.960.1355
E-mail: gpolygraph@aol.com
Webpage: www/polygraphschoo.com

Arizona School of Polygraph Science

3106 W Thomas Road, Suite 1114
Phoenix, Arizona 85017
Director: Thomas R. Ezell
Ph: 602.272.8123, 800.464.7831
Fax: 602.272.9735
E-mail: tezell@qwest.net
Webpage: www.azpolygraphschoo.com

Backster School of Lie Detection

861 Sixth Avenue, Suite 403
San Diego, California 92101-6379
Director: Cleve Backster
Ph: 619.233.6669
Fax: 619.233.3441
E-mail: clevebackster@cs.com
Webpage: www.backster.net

Canadian Police College Polygraph Training School

P.O. Box (CP) 8900
Ottawa, Canada K1G 3J2
Director: Barry Ettinger
Ph: 613.998.0886
Fax: 613.990.8588

DoD Polygraph Institute

7540 Pickens Avenue
Fort Jackson, SC 29207
Director: William F. Norris
Ph: 803.751.9100
Fax: 803.751.9125 or 37
Registrar e-mail: gatlins@jackson-dpi.army.mil
Webpage: www.dodpoly.army.mil
Federal, State, and Local Law Enforcement only

International Academy of Polygraph

1835 South Perimeter Road, Suite 125
Fort Lauderdale, Florida 33309-3066
Director: Lou Criscella
Ph: 954.771.6900
Fax: 954.776.7687
E-mail: dci@deception.com

Israeli Government Polygraph School

P.O. Box 17193
Tel-Aviv 61171 Israel
Director: Eldad Meiron
E-mail: igpolyschoo@012.net.il

Kentucky Institute of Polygraph Studies

100 Sower Boulevard
Franklin, KY 40601
Director: Richard Kurtz
Ph: 502.573.2100
E-mail: richard.kurtz@ky.gov

Schools edited by the APA

Latin American Polygraph Institute

Transversal 17 No. 122-73
Bogota - Colombia
Director: Sidney Wise Arias
Ph: 57.1.4829421
Fax: 57.1.2148334
E-mail: swarias@bellsouth.net
Federal and State Agencies Only

Marston Polygraph Academy

390 Orange Show Lane
San Bernardino, CA 92408
Director: Thomas M. Kelly
Ph: 909.888.2988
Fax: 410.987.4808
Webpage: www.marstonpolygraphacademy.com

Maryland Institute of Criminal Justice

8424 Veterans Highway, Suite 3
Millersville, Maryland 21108-0458
Director: Billy H. Thompson
Ph: 410.987.6665 or 800.493.8181
Fax: 410.987.4808
E-mail: MDMICJ@aol.com
Webpage: www.micj.com

Mexico Center for Polygraph Studies

Calle Cuauhtemoc # 168
Colonia Tizapan de San Angel
Mexico D.F. 01059
Director: Luz Del Carmen Diaz
Ph: 011.52.55.5616.6273
E-mail: bernis@df1.telmex.net.mx

Pennsylvania State Police/HACC Polygraph Institute @ Northeast Counterdrug Training Center

1 HACC Drive
Shumaker Public Services Hall
Harrisburg, PA 17110-2999
Director: Elmer Criswell
Ph: 717.780.2513 or 877.806.6293
Fax: 717.236.0709
E-mail: encriswe@hacc.edu
Webpage: <http://www.counterdrug.org>
Municipal and State Agencies only

Polygraph Science Academy

L-2-7 (Block L) Plaza Damas
No. 60 Jalan Sri Hartamas
50480 Kuala Lumpur, Malaysia
Director: Akhbar Haji Satar
Ph: 603.62015011, 603.62015012
E-mail: akhbar@email.com
Webpage: www.akhbarassociates.com/psa.htm

Sauk Valley Community College

Skyhawk Polygraph Institute
173 Illinois Route 2
Dixon IL, 61021
Director: Samuel L. Braddock
Ph: 815.288.5511
Webpage: www.svcc.edu/polygraph/

Texas Department of Public Safety Law Enforcement Polygraph School

PO Box 4087
Austin, Texas 78773-0001
Director: Michael Gougler
Ph: 512.424.2200
Fax: 512.424.5717
E-mail: michael.gougler@txdps.state.tx.us
Local, State, and Federal agencies only

University of Panama International Institute for Polygraph Training

00824-0043, Estafeta Universitaria
Panama, Republic of Panama
Director: Tuvia Shurany
Ph: 972.2.642.3085
E-mail: tuvia@liecatcher.com

Virginia School of Polygraph

7885 Coppermine Drive
Manassas, Virginia 20109
Director: Darryl Debow
Ph: 703.396.7657
Fax: 703.396.7660
E-mail: Polygraph1@verizon.net
Webpage: www.virginiashoolofpolygraph.com

**American Polygraph Association
National Office
951 Eastgate Loop
Suite 800
Chattanooga, TN 37411-5608**

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