

APA MAGAZINE

The Magazine for the Polygraph Professional

January/February 2012
Volume 45,1

*Are You Ready to Start a
Private Practice? p.29*



Look Closer...

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The best instrument delivers the best results

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- 1 DataPac_USB™ high resolution 8-channel instrument
- 1 StingRay SE™ piezo electronic film countermeasure cushion
- 2 pneumatic respiration transducers
- 1 complete set of EDA electrodes (gold plated metal and silver/silver wet-gel electrodes)
- 100 disposable silver/silver wet-gel EDA electrodes
- 1 deluxe pneumatic blood pressure cuff with large sphygmomanometer (one size fits all)
- 1 FingerCuff™ pneumatic blood pressure cuff
- 1 ruggedized Pelican instrument case with custom padded divider set
- 1 OSS 1 & 2 scoring algorithms, courtesy of Donald Krapohl and Barry McManus
- 1 OSS 3 scoring algorithm, courtesy of Raymond Nelson, Donald Krapohl and Mark Handler
- 1 comprehensive printed and bound user manual and integrated video tutorials
- 3 year all-inclusive maintenance agreement
- 3 year DataPac_USB replacement warranty through overnight courier service
- Lifetime technical support

Polygraph
Professional Suite
Silver Solution



NONIN PureSAT®
Pulse Oximetry
Sensor



Cutting edge technology
at your finger tips!

FingerCuff™

Limestone Technologies' all inclusive Polygraph Professional Suite includes our revolutionary FingerCuff. Finally an alternative to the Blood Pressure Cuff. Incorporate cutting edge technology with our new FingerCuff.

Pulse Oximetry Sensor

Limestone Technologies has integrated the industries' best medical pulse oximetry design for our latest Finger PLE sensor. NONIN PureSAT® signal processing technology provides exactly what examiners need! Consistently reliable physiological measurements, even in a challenging monitoring environment.

Customer Service 24/7

Online technical support is available 24/7 through our secure knowledge base. Quarterly program updates are available to customers on our dedicated, secure online server. Software when you want it, at your convenience.

Replacement Warranty

Be assured that all instruments include a three year replacement warranty. Our guarantee that any defective equipment will be replaced within 48 hours maximizes your profits and productivity.

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TECHNOLOGIES INC.
Credibility Assessment ▪ Innovative Screening Solutions

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Barry Cushman
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Mike Gougler
Mark Handler
Raymond Nelson
Marty Oelrich
Pam Shaw
Stan Slowik
Michael Walsh

Deadlines

This issue closed on January 13, 2011.

Deadline for
March/April, 2012 issue
is March 10, 2012.

Submission of Articles

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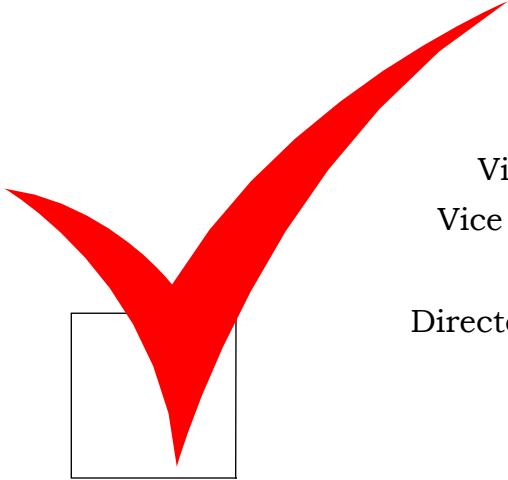
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Announcement Regarding the APA Election Schedule

Again this year the APA will hold its elections electronically. If you are interested in running for office, please take note of the positions being voted this year:



President Elect
Vice President Government
Vice President Law Enforcement
Vice President Private
Director 1 (1 year this election only)
Director 2 (2 years)
Director 4 (2 years)

Candidates must specify which of the seven offices he or she wishes to run for. Candidates can only run for one office per year.

Below are important dates to remember:

May 1 - June 15: Period to submit nominations and self-nominations in writing to the APA National Office

Nominations should include a cover letter specifying which office the candidate is vying for, and a candidate statement of up to 500 words for publication.

July 8: Email notification of upcoming elections

July 15 - July 21: Electronic elections

July 23: Posting of results on the APA website

August 1: Email notification to members of a runoff, if necessary

August 5 - August 11: Runoff elections, if necessary

August 12: Posting of final election results

New officers will be sworn into office at the Annual Seminar in September.

Editor's Corner

Donald J. Krapohl

Welcome to 2012.

The APA Magazine (initially the APA Newsletter) celebrates its 45th birthday this year. In those four-and-a-half decades this publication has chronicled a lot of polygraph history, certainly more than can fit into this Editor's corner. However, I would like to point out just a few that have been reported in this publication over the years: the early explosive growth of the polygraph field in the US, state licensing laws, landmark court cases, anti-polygraph legislation, Congressional hearings, voice stress devices, the EPPA, contraction of the private sector, the internationalization of polygraphy and the APA, polygraph TV shows, countermeasure websites, computer polygraphs, motion sensors, digital cameras, algorithms, USAMPS-DoDPI-DACA-NCCA, maturing body of research, PCSOT, reemergence of the private sector, passing of many of our pioneers, the shift toward evidence-based practices, development of model policies, PCASS and other new technologies, electronic and universal voting, and for the APA publications, movement to an e-magazine. And all this in the life of a middle-aged profession. One can only wonder what challenges, and opportunities, await the Association in the coming years.

The APA and its publications strive to keep up with the changing technologies, as well as the interests and needs of its professional readership. We expect changes to continue, and the APA publications will remain responsive to the needs of the Association. If you have any comments, critiques, or criticisms about these publications, please send them to Editor@polygraph.org.

PS: If you are planning a run for APA office this year, your packet needs to be at the National Office between May 1 and June 15th!

APA BOARD OF DIRECTORS 2011-2012

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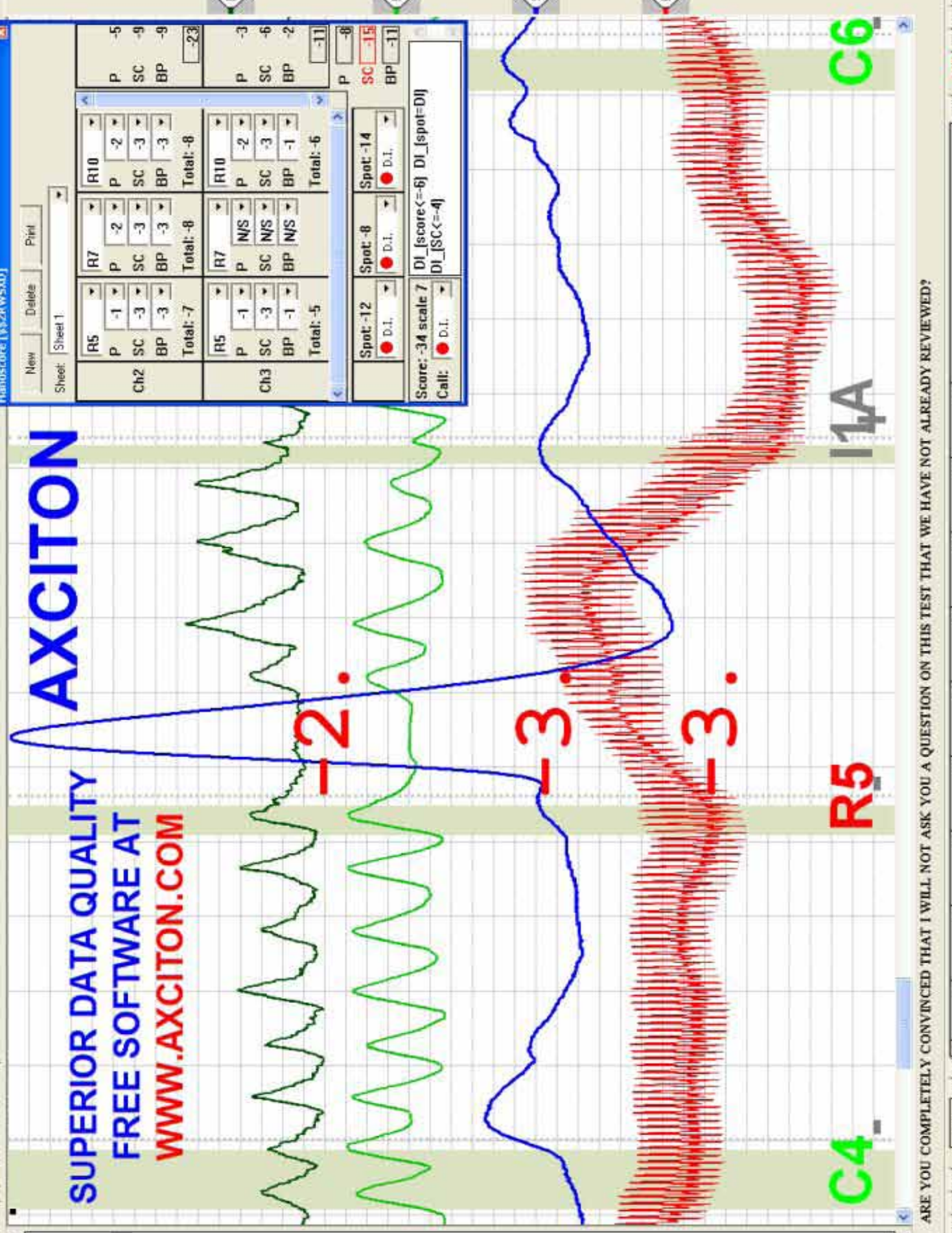
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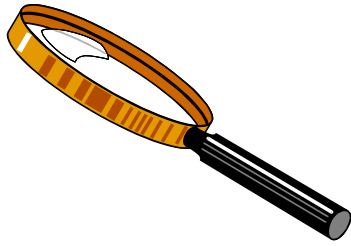
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New		Delete		Print					
Sheet: Sheet 1									
Ch2	R5	P	-1	R7	P	-2	R10	P	-5
	SC	-3		SC	-3		SC	-9	
	BP	-3		BP	-3		BP	-9	
	Total:	-7		Total:	-8		Total:	-23	
Ch3	R5	P	-1	R7	P	N/S	R10	P	-3
	SC	-3		SC	N/S		SC	-6	
	BP	-1		BP	N/S		BP	-2	
	Total:	-5		Total:	-6		Total:	-11	
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	Score: -34 scale 7			DI [score<=-6]	DI [spot=D]				
	Call: D.I.			Call: D.I.					

E3 ARE YOU COMPLETELY CONVINCED THAT I WILL NOT ASK YOU A QUESTION ON THIS TEST THAT WE HAVE NOT ALREADY REVIEWED?



Looking for the list of APA Applicants?

The current list of APA Applicants can now be found on the APA website in the members only section.



VERIDICUS

International Polygraph Academy

Basic Polygraph Examiner Certification Course

Combining Commercial and Law Enforcement Instructors from around the United States

School Coordinator: Sabino Martinez Jr.

Dates:

February 4th thru April 12th, 2013

San Antonio Police Academy
12200 SE Loop 410
San Antonio, Texas 78221

Certification will be issued after the first 15 exams are reviewed by school coordinator.

Cost: \$4800.00

Minimum requirements:

Bachelor's Degree from an accredited university or 5 years' experience as an investigator (Texas Law) in lieu of degree (i.e. private investigator or police officer). Provide certified documentation of criminal record from a government agency. Open to both law enforcement and private individuals.

Name: _____

Address: _____

City _____ State _____ Zip _____

Phone # _____

State License required Yes No

If yes name of sponsor: _____

Please fill out and return this form by scanning the form and e-mailing it to sabino.martinez@veridicusinc.com or call course coordinator Sabino Martinez at (210) 843-7628

"Se ofrecen cursos en español en su país"

Veridicus International Polygraph Academy is accredited by the American Polygraph Association

Upgrading Membership Classifications from Associate to Full Member

If you have a college degree and you have completed a minimum of 200 polygraph examinations, request that your membership classification be upgraded from **ASSOCIATE** to **FULL MEMBER**.

In order for the Board of Directors to act upon your request, it will be necessary for you to:

Provide a **notarized** statement from your supervisor **or** knowledge-able colleague, who must be a full member of the American Polygraph Association, attesting that you have completed a minimum of 200 polygraph examinations.

Please forward the certification directly to:

APA National Office
P.O. Box 8037
Chattanooga, TN 37414

If you have any problems or questions regarding your membership, please call the National Office Manager at 800/272-8037 or 423/892-3992.

GET TRAINED BY THE BEST



Canadian Association of Police Polygraphists

New England Polygraph Institute

- Accredited by the APA, CAPP, NHAPP and recognized by the AAPP
- One of only three schools in North America with a memorized pretest and a pretest booklet
- PEC 11-02 averaged 19 practical examinations during their 10 week Course
- Staffed by APA Certified Primary Instructors with over a century of law enforcement polygraph experience
- Housing and all course materials provided

Next Available Courses

SPRING 2012

Polygraph Examiners Course:
 PEC 12-01
 Feb. 20 - April 27

SUMMER 2012

PCSOT Course
APA Approved:
 40 Hours
 June 4 - June 8

FALL 2012

Polygraph Examiners Course:
 PEC 12-02
 Sept. 10 - Nov. 16



THE NEW ENGLAND POLYGRAPH INSTITUTE

Director David Crawford | Moultonborough, NH
 603.253.8002 | Newenglandpolygraphinstitute.com

Quotables

Success is simple. Do what's right, the right way, at the right time."

~Arnold H. Glasgow

Attention: If you ran a high profile examination that would be educational and informative to your professional colleagues, the *APA Magazine* would be a great place to get the word out. These articles typically run about 1000 - 1500 words. The test charts are also helpful. If you have a case to share, send your article to Editor@polygraph.org.

Buy and Sell

Stoelting 5 pen UltraScribe analogue polygraph. Two cardio channels (one multi-function unit), GSR, Two cardio channels (one also multi-function). Calibration board, chart paper (one full roll-three partial), lots of ink, spare pens & tubing, Lafayette paper adaptor, extra power cord & factory manual. Unit has spent most of its life in storage. Was cleaned and re-stored six years ago. Excellent working condition. Asking \$850.00 plus shipping. (509)735-1213

Employment

Job Title: Polygraph Examiner
Salary: \$43,062.00 - \$68,039.00 Annually

Job Type: Full-Time Permanent
Location: Anne Arundel County, Maryland

This announcement will be used to fill a full time safety sensitive position with the Anne Arundel County Police Department. The posting will be continuous until filled.

This is technical and analytical work in the preparation, administration and interpretation of forensic psycho-physiological (polygraph) examinations.

NOTE -The starting salary is negotiable based on prior approval.

NATURE AND VARIETY OF WORK

Work involves responsibility for the administration and interpretation of the polygraph examination for pre-employment in police law enforcement, criminal investigations, and assigned internal matters. Work is performed independently and within established legal and departmental guidelines and within the established policies and procedures set forth by the American Association of Police Polygraphists. Due to the nature of work, employee may be required to work hours outside the standard workday.

Minimum Qualifications:

Graduation from an accredited four-year college or university with major course work in psychology, sociology, or criminal justice; two (2) or more years of experience in the administration of criminal case examinations;

graduation from an American Polygraph Association-accredited school; and full membership in the American Polygraph Association; and a valid non-commercial Class C motor vehicle operator's license.

NOTE: The four year degree may be substituted with ADDITIONAL work experience in the administration of criminal case examinations, with each additional year of experience substituting for one year of college education. As an example, An Associate's Degree and four (4) years of experience would meet the minimums or another such combination of education and work experience.

Please view the full announcement (<http://www.aacounty.org>) for further information.

Apply Online at <http://agency.governmentjobs.com/annearundel/default.cfm>

??? THE POLYGRAPH QUESTION ???

Q: Which of the following organizations came together to form the APA in 1966?

- (a) Academy of Scientific Interrogation
- (b) American Academy of Polygraph Sciences
- (c) National Board of Polygraph Examiners
- (d) International Association of Polygraph Examiners
- (e) International Association for Polygraph Research
- (f) All of the above
- (g) None of the above

(answer on page 23)

POLYGRAPHIST PROFESSIONAL LIABILITY INSURANCE



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

Professional and Personal Injury Liability

Optional Coverages Available:

Interviewing

Written Testing

Private Investigation

Background Checks

Law Enforcement Polygraphs

General Liability (available in most states)

Complete Equity Markets, Inc.

In California: dba Complete Equity Markets Insurance Agency, Inc. CASL# OD44077

1190 Flex Court Lake Zurich, IL 60047-1578

www.cemins.com/poly.html 800-323-6234

Contact: Melanie Javens direct line 847-777-7460

In Memoriam

Paul Menges

The APA regrets the passing of APA member Paul Menges on December 17, 2011. Paul was well known and regarded in the polygraph community for his polygraph publications and lectures, as well as his commitment to the profession. He was instrumental in the development of best practices for examiners facing new challenges in countermeasures, a contribution that will benefit examiners for many years to come.

Paul began his career as a counterintelligence special agent with the US Army in 1973, completing his initial polygraph education in 1986 at the DoD Polygraph Institute (now the National Center for Credibility Assessment, NCCA). After leaving military service he was recruited to come to the NCCA as an instructor. At his retirement from the NCCA in 2009 Paul was the manager of the Threat Analysis and Strategic Support Branch. He is survived by Stephanie Menges, his wife of 41 years.

Professor Doctor Wolfram Boucsein

It is with great sadness we report the loss of Prof. Dr. Wolfram Boucsein, who unexpectedly passed away on January 2, 2012 after a long illness. His scientific work, writings and thinking on the electrodermal response have influenced the polygraph profession and will continue to do so in the future. Much of our current understanding of the psychophysiological manifestation of electrodermal responses results from his work in that field. Support for the manner in which we collect and analyze electrodermal responses are found in his writings and research.

Wolfram was educated at the University of Giessen and later became a Professor of Physiological Psychology at the University of Wuppertal. There for 26 years, his major basic research areas were the psychophysiology of arousal, emotion, and stress.

Wolf was recently appointed as to the prestigious position of Chair for the Society for Psychophysiological Research Ad Hoc Committee on Electrodermal Measures. Their latest collective work, *Publication Recommendations for Electrodermal Measurements*, is scheduled for publication in *Psychophysiology* later this year.

The recently completed second edition to his book *Electrodermal Activity* is the treatise on the subject. Here is the link to that text: http://www.amazon.com/Electrodermal-Activity-WolframBoucsein/dp/1461411254/ref=sr_1_2?s=books&ie=UTF8&qid=1324201543&sr=1-2#reader_1461411254.

Submitted by Mark Handler

LX5000 Advanced Computerized Polygraph

The LX5000 provides superior physiological data and the most advanced electrodermal solutions that have ever been available to polygraph examiners. Backed by hardware and software engineers with decades of experience, the LX5000 system offers a robust platform that stands apart from other systems, performing under the most demanding conditions. *Our LX5000 is the most advanced and flexible polygraph system available today!*

LX5000 Hardware Features

Designed as a robust system that is significantly smaller in size, our basic LX5000 System records nine channels at a time, and provides you with many additional benefits including:

- Data transfer rate up to 360 samples per second across all channels
- 24-bit analog to digital conversion
- Small, compact design making transport and storage easy
- Can add up to 9 additional channels (18 total)
- Extended measurement ranges
- Selectable GSR or GSC channel
- Dedicated PPG channel included
- Durable, yet lightweight design
- Operation with our proven, state-of-the-art LXSoftware
- 3 year warranty and lifetime technical support

LXSoftware v11.1 Features

Windows®-based since 1994, our software offers unparalleled ease-of-use and proven reliability, and is Windows® 7 compatible. LXSoftware comes with POLYSCORE® and Objective Scoring System Scoring Algorithms, as well as, the following features:

- Updated User List and Audit Trail
- Ability to “Snap” an Individual Trace to Baseline
- Integrated Multi-Language Support for English, Spanish, and Russian languages
- Six EDA choices (GSR or GSC - manual, detrended, and automatic)
- Multi-Camera Support: will support up to 16 cameras, providing multiple views of the subject
- Customizable Personal History and Exam/Series forms
- Scripting Capability
- Save Polygraph Files and all other documents as PDF formats

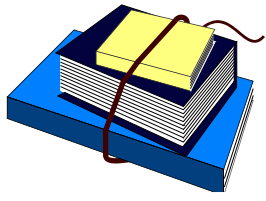
sales@lafayetteinstrument.com

www.lafayettepolygraph.com

Phone: (765) 423-1505



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Instrument®**



Polygraph Examiner Training Schedule

Academy for Scientific Investigative Training

March 19 - May 11, 2012
May 28 - July 20, 2012
September 17 - November 9, 2012

Advanced Polygraph
November 29-30 - 16, 2012

PCSOT
March 5 - 9, 2012
May 14 - 18, 2012
July 23 - 27, 2012
November 12 - 16, 2012

Advanced PCSOT
July 30 - 31, 2012

Arizona School of Polygraph Science

September 24 - November 16, 2012

Backster School of Lie Detection

June 4 - July 28, 2012
September 10 - November 2, 2012

PCSOT
March 5 - 9, 2012 (tentative)
November 5 - 9, 2012 (tentative)

Advanced PCSOT
March 10 - 12, 2012 (tentative)
November 10 - 12, 2012 (tentative)

Annual Polygraph Examiner Work Conference
December 3 - 7, 2012

Attention School Directors

If you would like to see your school's 2012 course dates listed here, simply send your upcoming course schedule to editor@polygraph.org.

Marston Polygraph Academy

April 16 - June 13, 2012
August 6 - October 3, 2012

PCSOT
March 12 - 16, 2012
June 18 - 22, 2012

Post-Conviction Domestic Violence
March 20 - 22, 2012
June 26 - 28, 2012

Maryland Institute of Criminal Justice

April 2 - May 25, 2012
September 17 - November 9, 2012

PCSOT
March 5 - 9, 2012
November 12 - 16, 2012

National Center for Credibility Assessment

April 24 - July 25, 2012
August 14 - November 15, 2012

New England Polygraph Institute

February 20 - April 27, 2012
September 10 - November 16, 2012

PCSOT
June 4 - 8, 2012

Veridicus International Polygraph Academy

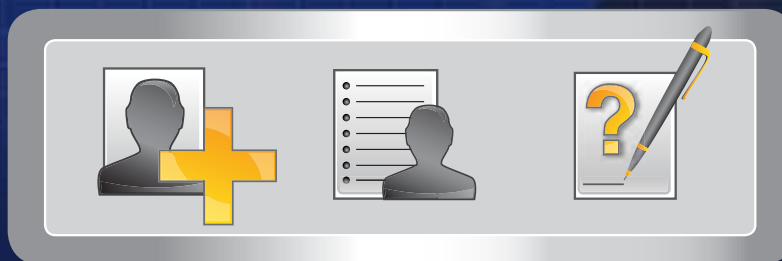
February 4 - April 12, 2013



Welcome to **CPSpro Fusion**

Intuitive. Powerful. Easy to Use.

Designed from the ground up, CPSpro Fusion is loaded with innovative and powerful new features which will provide you with all the tools necessary to efficiently and reliably conduct, score, and report polygraph examinations. The elegant and intuitive user interface is so simple and transparent that you can navigate with extreme ease. Virtually all functions and actions can be accomplished with a single click at any point in the program.



*Our new **Opening Screen** allows you to instantly start your most common tasks with a single mouse click.*

Fusion's User Interface Provides a Powerful, Efficient and Intuitive Experience

Click on our new **Quick Access Icons** to create a New Subject, display the Subject List of stored subjects from which to select, or open the Question Editor to create a new question list, or select a question list, from the library of stored question lists.

Simply put, the CPSpro is the most advanced and easy-to-use polygraph system available.

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

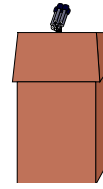
When your reputation is on the line, and the truth is the only thing that matters, you can be confident that the CPSpro provides you with the tools to make the right call. Let CPSpro put science on your side...



Scan this QR code with your smart phone to go directly to our website



Upcoming Seminars



The American Polygraph Association and the **New Mexico Society of Forensic Polygraphers** will co-sponsor a seminar on **February 1-3, 2012**, at the **Hyatt Regency Albuquerque, 330 Tijeras Northwest, Albuquerque, New Mexico**. For further seminar information and registration forms please call the APA National Office at 800-272-8037 or e-mail manager@polygraph.org.

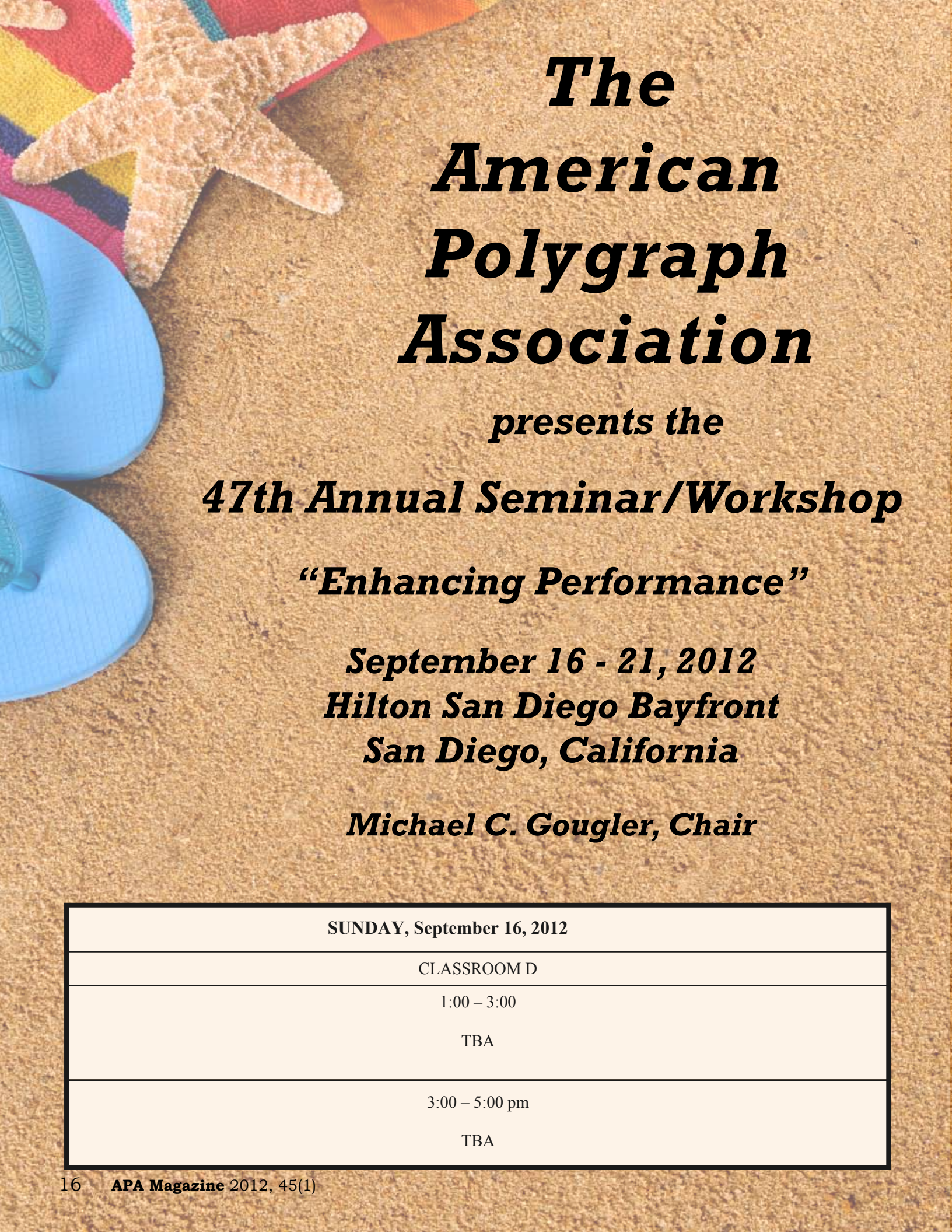
The Kentucky Polygraph Association will be holding its Annual Training Seminar on **March 12-16, 2012 at the Clarion Inn & Suites, 1100 Parkway, Gatlinburg, TN 37738**. Instructors will be Chris Fausett, Raymond Nelson, and Ben Blalock. Seminar fee is \$175 early registration (received by 2 March) or \$200 at the door. Special room rates are available for seminar attendees. Reservations must be made by February 24, 2012 by calling 800-933-0777 ext. 135 using reservation code "KPA Polygraph Seminar." More details are available at the KPA website: www.kpolygraph.org.

The California Association of Polygraph Examiners (CAPE) will hold a training conference on **April 13-14, 2012** at the **Embassy Suites South Lake Tahoe, 4130 Lake Tahoe Blvd., South Lake Tahoe, 96150**. For Hotel & Registration Forms and class schedule, visit the CAPE website at www.californiapolygraph.com.

The American Association of Police Polygraphers, Inc. has scheduled their Annual Polygraph Seminar for **April 30 - May 4, 2012** at the **Hyatt Regency Denver Tech Center in Denver, Colorado**. For more information about the seminar, visit the AAPP website at www.policepolygraph.org.

The Maryland Polygraph Association will hold its annual two day seminar in **Laurel, MD on 17-18 May 2012**. Cost is \$150 for MPA members in good standing. Please go to the MPA website for the most up to date information about speakers and topics: www.mdpolygraph.org

The **APA 47th Annual Seminar/Workshop** will be held in **San Diego, California on September 16-21, 2012**.



***The
American
Polygraph
Association***

presents the

47th Annual Seminar/Workshop

“Enhancing Performance”

September 16 - 21, 2012

***Hilton San Diego Bayfront
San Diego, California***

Michael C. Gougler, Chair

SUNDAY, September 16, 2012
CLASSROOM D
1:00 – 3:00
TBA
3:00 – 5:00 pm
TBA

MONDAY September 17, 2012

7:30 AM – 8:00 AM Coffee Break

CLASSROOM A
8:00 – 10:00

OPENING CEREMONIES

Call to Order –	Pam Shaw, APA President
Master of Ceremonies –	Michael C. Gougler, Director 2012 Seminar Program Chair
Presentation of Colors –	US Marine (Tentative)
The National Anthem –	Brian Vaughan
Pledge of Allegiance –	Nathan J. Gordon, APA Board Chairman
Taps -	Richard J. Pasciuto
Welcome from	CAPE President
Invocation –	Barry Cushman
Welcome to San Diego, CA -	TBA

9:45 – 10:00 Break Sponsored by:

10:00 am – Noon General Session: Validated Techniques Update – Raymond Nelson

12:00 – 1:00 Lunch (On Your Own)

CLASSROOM A	CLASSROOM B	CLASSROOM C
1:00 – 3:00 Using Personality Disorders to Enhance Confessions Michael Gougler Tiffany Niemann, MA LPCI	1:00 – 3:00 EPPA T.V. O'Malley APA Past President	1:00 – 3:00 TBA George Baranowski APA V.P. Private

2:45 – 3:00 Break Sponsored by:

CLASSROOM A	CLASSROOM B	CLASSROOM C
3:00 – 5:00 Transitioning from Probable Lie to Directed Lie Comparisons Dale Austin NCCA	3:00 – 5:00 Legal Update Gordon Vaughan APA General Counsel	3:00 – 5:00 Faint Interview Technique Nathan J. Gordon APA Board Chairman

APA ISSUES IN THE DIFFERENT FIELDS OF POLYGRAPH
5:00 – 6:00

CLASSROOM A	CLASSROOM B	CLASSROOM C	CLASSROOM D
PRIVATE Nathan J. Gordon George Baranowski Vickie T. Murphy-Carr Charles E. Slupski Raymond Nelson Michael C. Gougler Marty Oelrich	GOVERNMENT William (Bill) Gary	LAW ENFORCEMENT Pamela K. Shaw Chad Russell Barry Cushman Walt Goodson	INTERNATIONAL Frank Horvath, Ph.D NCCA and APA School Requirements for Spanish Speaking School Directors Roy Ortiz

TUESDAY, September 18, 2012

**6:30 AM
STATE LEADERSHIP BREAKFAST**

7:30 AM – 8:00 AM Coffee Break

CLASSROOM A	CLASSROOM B	CLASSROOM C
8:00 – 12:00 Eliciting Information in the Pre-Test Interview Stanley Slowik Evergreen, Colorado	8:00 – 10:00 Current Research Donald J. Krapohl APA Editor	8:00 – 10:00 AFMGQT Technique William (Bill) Gary APA V.P. Government
	10:00 – 12:00 Testing the Psychopath Michael Lynch Marston Academy of Polygraph	10:00 – 12:00 Federal ZCT Charles E. Slupski APA Director

9:45 – 10:00 Break Sponsored by:

12:00 – 1:00 Lunch (On Your Own)

**APA ANNUAL BUSINESS MEETING
1:00 – 4:00
CLASSROOM A**

WEDNESDAY, September 19, 2012

7:30 AM – 8:00 AM Coffee Break

8:00 – 12:00
APA MEMBERSHIP EXAMINATION

CLASSROOM A	CLASSROOM B	CLASSROOM C
8:00 – 12:00 Interview and Interrogation Gordon Moore Las Vegas Metro Police Dept.	8:00 – 12:00 PCSOT Question Formulation Charles E. Slupski APA Director	8:00 – 10:00 Blind Acq. Test Advantage Law Enforcement Chad Russell APA Treasurer
		10:00 – 12:00 NAS Update Marty Oelrich, APA Director Barry Cushman, APA President Elect

9:45 – 10:00 Break – Sponsored by:

12:00 – 1:00 Lunch (On Your Own)

1:00 – 3:00 Federal TDA William (Bill) Gary APA V.P. Government	1:00 – 3:00 Maximizing the Pre-Test Interview T.V. O'Malley APA Past President	1:00 – 3:00 The PCSOT Interview Raymond Nelson APA Director
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3:00 – 3:15 Break – Sponsored by

3:15 – 5:45
POLYGRAPH INSTRUMENTS WORKSHOP

CLASSROOM A	CLASSROOM B	CLASSROOM C	CLASSROOM D
AXCITON SYSTEMS Bruce White	LAFAYETTE INSTRUMENTS Chris Fausett	LIMESTONE TECHNOLOGY Jamie Brown	STOELTING INSTRUMENTS Shawn Edwards

THURSDAY, September 20, 2012

7:30 AM – 8:00 AM Coffee Break

CLASSROOM A	CLASSROOM B	CLASSROOM C
<p>8:00 – 12:00</p> <p>Inside the Mind of the Sex Offender</p> <p>Troy Timmons, MA Amarillo, Texas</p>	<p>8:00 – 12:00</p> <p>Emerging Technologies</p> <p>Jennifer Vendemia University of South Carolina</p>	<p>8:00 – 12:00</p> <p>TBA</p> <p>Skip Webb U.S. Army CID</p>

9:45 – 10:00 Break – Sponsored by

12:00 – 1:00 Lunch (On Your Own)

CLASSROOM A	CLASSROOM B	CLASSROOM B
<p>1:00 – 5:00</p> <p>ESS</p> <p>Walt Goodson APA V.P. Law Enforcement</p>	<p>1:00 – 3:00</p> <p>DLST</p> <p>Mark Handler AAPP Research Committee</p>	<p>1:00 – 3:00</p> <p>R&I Technique</p> <p>Dale Austin NCCA</p>

2:45 – 3:00 Break – Sponsored by:

<p>3:00 – 5:00</p> <p>ESS (con't)</p> <p>Walt Goodson APA V.P. Law Enforcement</p>	<p>3:00 – 5:00</p> <p>Utah Technique</p> <p>Mark Handler AAPP Research Committee</p>	<p>3:00 – 5:00</p> <p>Global Analysis</p> <p>Dale Austin NCCA</p>
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6:30 pm BANQUET

FRIDAY, September 21, 2012

7:30 AM – 8:00 AM Coffee Break

CLASSROOM A	CLASSROOM B	CLASSROOM C
<p>8:00 – 12:00</p> <p>Countermeasures</p> <p>Dale Austin NCCA</p>	<p>8:00 – 10:00</p> <p>False Confessions</p> <p>Mark Handler AAPP Research Committee</p>	<p>8:00 – 10:00</p> <p>Critical Thinking for Interviewing and Interrogation</p> <p>J. Patrick O’Burke The Polygraph Institute</p>

9:45 – 10:00 Break – Sponsored by

<p>Countermeasures (con’t)</p> <p>Dale Austin NCCA</p>	<p>10:00 – 12:00</p> <p>Ethics</p> <p>Troy Timmons, MA Amarillo, Texas</p>	<p>10:00 – 3:00</p> <p>Middle East Culture</p> <p>Nia Akvan Emerging Technologies</p>
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12:00 – 1:00 Lunch (On Your Own)

<p>1:00 – 3:00</p> <p>TBA</p>	<p>1:00 – 3:00</p> <p>TBA</p>	<p>Middle East Culture (con’t)</p> <p>Nia Akvan Emerging Technologies</p>
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3:15

CLOSING REMARKS

APA President, Barry Cushman



Legal Update

by

Stan Slowik

On 17 November, 2011, the Equal Employment Opportunity Commission (EEOC), Office of Legal Counsel, issued a legal opinion letter regarding employer hiring Qualification Standards. While not the equivalent of a legal Court decision, these opinions are sometimes cited by Courts in rendering legal opinions and often used by organizations preferring to avoid litigation. Although the discussion involved a state government, other public employers, private employers and federal agencies with EEOC compliance policies or bound by Executive Orders may desire to have their legal advisors review “ADA: Qualification Standards; Disparate Impact” available at <http://www.eeoc.gov/eeoc/foia/letters/2011>.

Quoting from the letter, the EEOC has determined that “If an employer adopts a high school diploma requirement for a job, and that requirement “screens out” an individual who is unable to graduate because of a learning disability that meets ADA’s definition of “disability,” the employer may not apply the standard unless it can demonstrate that the diploma requirement is job related and consistent with business necessity. The employer will not be able to make this showing, for example, if the functions in question can easily be performed by someone who does or does not have a diploma.”

As discussed in detail in previous ADA, ADAAA articles published in *Polygraph*, this should have little effect on most law enforcement agencies who conduct validated physical agility tests prior to pre-employment interviews and/or polygraph examinations since presumably applicants with disabilities significant enough to be disqualified by the physical agility test would never be questioned or investigated regarding the educational requirements. Problems arise, however, if employers disqualify applicants based solely on

responses to questions about educational requirements solicited on applications, Personal History Statements or pre-polygraph questionnaires since such disqualifications fail to consider disabilities let alone any Reasonable Accommodation.

Much more problematic, however, is the basic premise for the opinion, i.e., that Disparate Impact drives the decision thereby shifting the burden of proof from the applicant to the employer and requiring the employer to prove that the job could not be performed by someone without the educational requirement. While it would be nice to think that someone with a Doctorate makes a better police officer than someone with High School or Bachelor's degrees, reality indicates that this is neither always nor often true. Again, while it is recommended that employers fight the Disparate Impact battle prior to getting to interviews or polygraphs, this is only practical when dealing with disability claims or employers who don't disqualify based on initial application responses. Applicants seeking redress because of Disparate Impact on the basis of racial or gender differences and educational requirements are far more numerous and therefore likely to challenge education disqualifications.

Unfortunately, it appears unlikely that employers can completely avoid litigation initiated by the EEOC since they would have to either completely eliminate educational requirements from hiring decisions or prove that there is no Disparate Impact between educational requirements and subject variables such as race or gender. If this could be demonstrated - that there are no significant differences in graduation rates on the basis of race or gender - then the complaint would be dismissed at the investigation level. Soliciting educational information on applications or pre-employment interview forms but claiming it wasn't used or only used as part of a greater totality would probably be rejected since most Courts have determined "if you ask for it, you use it." In the same vein, arguing that the educational requirements are certification requirements will not prevail since the certification requirements are created by the state or the organization and are superseded by federal law. This leaves employers with the difficult task of conducting internal studies that prove that individuals with less than the level of education required cannot perform the job and there is neither an alternative (such as training) that has less Disparate Impact nor any way to Reasonably Accommodate such applicants. In addition, anecdotally, there is evidence indicating that some police employers have proven the negative hypothesis: after raising educational standards and having difficulty finding sufficient numbers meeting the new, higher standards, they have reverted to the lower educational standards all of which took place without any measurable difference in performance. Therefore, employers should have ready studies proving their desired educational requirements are Bona Fide Occupational Qualifications so they can at least prevail in litigation.

?? THE POLYGRAPH QUESTION ??

Answer: (f) all of the above.

President's Message

Pam Shaw

Hello fellow members! I hope all of you had joyous holidays and are doing well in the New Year. As you know, January 1, 2012 marked the start of not only a new year, but also the start of increased standards for our profession. I have been receiving emails and phone calls from many of you asking questions, providing feedback and sharing personal circumstances. I have been encouraged by the many positive comments and eager attitudes to take steps forward in making our profession more scientifically sound. Your expressed support for standardization and increased accountability is encouraging and inspires those serving you to keep moving forward. I have said it before, but it merits repeating, this is a wonderful time to be involved in the polygraph profession!

If you haven't yet received the next *Polygraph* Journal, it features the full report on the meta-analytic study of validated techniques and it should arrive in your mailboxes shortly. The APA has dedicated the entire issue to the printing of the study so all members will have a bound copy for easy reference. I encourage each of you to take some time to read the report in its entirety and to commit yourselves to learning the concepts involved in such an informative document for our profession. I also encourage each of you to continue to send your comments, feedback and questions about the 2012 standards or any other pertinent issues. Discussion among the community is healthy and promotes development of new ideas and approaches.

Despite being busy with issues concerning validated techniques, the APA has also jumpstarted efforts to revise our current school accreditation standards. Raising the bar for our profession will ultimately mean expecting similar learning outcomes from our schools to ensure that future examiners will be equipped to meet the standards upon graduation and throughout their career. As with the meta-analysis project, the schools will be an integral part of providing input, feedback and review as the revision process progresses. The schools are an integral part of defining our future as a profession, for it is their students that will become tomorrow's leaders.

On an educational note, the APA will be hosting its 2nd international seminar in Singapore at the end of January. The inaugural seminar in 2010 proved to be a great success, thus, another seminar has been scheduled and will soon be underway. The agenda and seminar location can be found on the APA website. Such seminars are a new endeavor to the APA, but it doesn't take long to recognize the invaluable opportunity to build bridges, to communicate more effectively and foster on-going relationships with examiners on the other side of the world. Our international community is growing within the APA and it is exciting to find new ways to work together to ensure mutual success.

As a reminder, please keep in mind as you plan for your future seminars that the APA is offering \$500 to any association or country requesting an APA appointed speaker to come and present on the meta-analysis results and the standards for 2012. We want to help ensure that everyone has the opportunity to hear about the results and changes in our profession. If you are interested in learning more about how to receive this allotment, please contact the APA's Professional Development Chair, Mike Gougler for more information.

In summary, thank you so much for a great ending to 2011 and a smooth, but significant transition into 2012. I look forward to further developments in the year ahead and working with each of you to ensure sound practices and the highest professionalism our association can offer.

Board of Directors' Reports

Barry Cushman **President-Elect**

As you know by now, the APA research committee has released its report (meta-analysis) on validated techniques. It was a monumental task to survey the literature in order to put together accuracy estimates of most all of the techniques in use today. It has created some questions, and as a result the research committee has put together a list of some of the more frequently asked questions. You may find it worthwhile to read, and I'd encourage you to take a look at it. If questions remain, send a note off to the research committee and get some feedback.

In a perfect world, there would have been an opportunity to have the meta-analysis report independently reviewed before publishing the results. However, due to the January 1st deadline in the bylaws, it was important to get information out to members sooner than later. Nonetheless, the report will be reviewed. I am in the process of seeking out qualified individuals who could perform a thorough review of the report. Finding a person (or group, perhaps) with the statistical expertise in meta-analysis and a knowledge of polygraph who also has the time and willingness to conduct the review may take a little time. I have a good number of names now, but if you have anyone in mind who might be qualified, send me an email and let me know. Ultimately, the BOD will select a reviewer after it reviews proposals, costs, qualifications, etc. The sooner the review can be done, the better, but we don't want to rush the job at the cost of a poorer quality review. If you have questions you'd like answered by a reviewer, let me know. If they're appropriate for inclusion in the review, we can pass those along as points we'd like to see addressed.

Keep in mind that the purpose of the committee's report is to assist members to select techniques that meet APA standards. The report is not the only list. Others could come along and survey the literature, select studies and calculate accuracy estimates (or use other statistical methods of analyzing the same data

the committee reviewed). Any such list will have to be updated as future research emerges. Just because a technique didn't make the research committee's list doesn't mean it's not valid. It may be that data don't exist (that they could access), or it could mean that the selection criteria didn't allow the inclusion of a particular study or studies.

If anybody has any heartburn over the current bylaws, their implications for field practice, or any other reason that might come to mind, please let the members of the board know. This is your association. How much you like or dislike the direction things are going is important. While we won't see 100% agreement on any decisions, it is important that everybody has a chance to be heard. In the end we need to base our conclusions on the evidence, but I know we can, at times, interpret the same evidence in vastly different ways. I appreciate the input I receive from you all so I can best represent your views when making board-level decisions.

As always, if there's anything I can do for you, please don't hesitate to ask. Godspeed.

Nate Gordon **Chairman of the Board**

It has been a busy couple of months for me. I have traveled to South Africa, Louisiana and Colombia. In South Africa and Colombia I had the opportunity to work with local professionals. Our international community continues to grow, and continues to seek professionalism. They thirst for knowledge and I am proud that our association has taken several recent steps to satisfy that need. I am sure more will come.

In Louisiana I had the opportunity to testify in a City's Administrative hearing. An employee had been disciplined for falsifying her position with the local government and abusing her power. As a result she was strongly disciplined. She denied the allegations made against her, and was given a polygraph examination, which she failed. I was

asked to testify in the case as an expert witness and establish that the examination had been performed properly and the results were correct.

The process was very interesting. Testimony was received by five City Commissioners; the judges in the case. The prosecuting attorney for the City and the attorney for the employee agreed to have my curriculum vitae submitted to establish I was an expert witness, and save the time of testifying to my credentials. As a result, the attorney I was testifying for offered no verbal information as to my background. When I was cross examined by the defense attorney my background and our profession was suddenly under attack. The defense attorney made two motions. One was that the polygraph is not acceptable, and therefore, the second was that I should not be qualified as an “expert.” The five Commissioners denied his requests and stated that the evidence was acceptable; however the weight they would give it was up to them.

I had just finished watching the APA video of F. Lee Bailey and Gordon Vaughn performing a mock trial at one of our annual seminars. I found the APA video extremely helpful in my preparation and highly recommend it for examiners who are going to testify in a legal proceeding. They made a strong point in the video that when testifying you should try to appear likeable. Appearing likeable, is not one of my strong points, however I did try.

The defense attorney was a classic “Country Lawyer,” who had certainly done his homework, but misquoted several studies. He mixed the reports of the accuracy of screening tests with that of specific single issue examinations. After some heated questions and answers the panel of Commissioners unanimously voted to accept the polygraph results and found that the employee had in fact misstated and abused her position with the City, and that the City had just cause to take disciplinary action. It was a great examination performed by Cecil Carter, an APA member from Shreveport, Louisiana, and a great experience!

Walt Goodson **Vice President, Law Enforcement**

Greetings fellow professionals. I hope your new year is off to a great start filled with health, happiness and prosperity. Last year was one of the most successful years in the history of the APA with the introduction of the meta-analysis publication, the election of our second female president and the orchestration of the largest seminar in APA history. While all of these achievements are significant, it is clear to me that the APA publication of the meta-analysis of polygraph techniques is the most significant and may be one of the most profound accomplishments in both the APA and polygraph profession in decades. Therefore, I want to focus the emphasis of this article solely to this accomplishment.

The meta-analysis or “the study of the studies” is a summary of past polygraph research resulting in a publication summarizing which polygraph techniques have published data proving them to be empirically valid. The polygraph profession should be forever grateful to Mr. Don Krapohl and Mr. Raymond Nelson among others for their incredible vision and hard work to make the meta-analysis a reality. If you have not spent time reviewing this publication, which can be found on the APA website, it is critical you do so as there is no question this publication will become a fundamental resource document in the polygraph profession.

The meta-analysis is an important resource because it tells us which techniques are valid and essentially which techniques can be defended. As important as this is, the meta-analysis has pointed something out to me that I believe is also critically important for polygraph examiners to understand. This is that most all polygraph techniques are created equal. Quite simply, the meta-analysis has indicated empirically that there is not a statistically significant difference in the accuracy of most diagnostic polygraph techniques. In other words, if you use a comparison question technique that follows mainstream polygraph best practices, the name of the technique really does not matter.

So this is good news and this is a really great resource if the technique you have been using is listed in the publication; however, what about

the techniques that have been used successfully over that past many years that were not included on the list? I will tell you that the reason for this is more than likely not because your technique is not accurate or valid. It is more than likely because your favorite technique doesn't have at least two published validation studies. Again, I will mention that a diagnostic comparison question technique that follows mainstream best practices will probably have similar accuracy to any of the diagnostic techniques in the meta-analysis, but where they lack is in the area of being studied. This will take the dedication of all members of the APA to push this type of research forward so these techniques may also find their place in the publication.

It is the intent of the APA to keep the meta-analysis as a fluid document and as research continues it will be up to the APA Board of Directors to keep this document alive by adding techniques as published research becomes available. Therefore, if your favorite technique is not a part of this original publication it may soon very well be.

If you have any questions about how this will affect you or your agency, please feel free to call or email me as I am more than happy to discuss this with you in full detail.

Thank you again for your support of me and feel free to call on me so I can return the favor.

Mike Gougler **Director**

Fellow Members,

The next APA annual seminar with "Enhancing Performance" as the theme is quickly being finalized. I have included a tentative schedule in this edition of the magazine. San Diego promises to be an educational and fun filled experience. The training classes will be coordinated to ensure that members will be able to get a sufficient number of PCSOT hours as well as receive training in the most utilized validated techniques and scoring protocols.

We will again provide interpretation services (Spanish) in classroom A for the entire seminar.

Ray Nelson is coordinating this endeavor. Please make your room reservations early as 200 rooms have already been booked as of the first week of January. We expect to finalize the Tuesday evening event in the near future.

The second Asia Pacific Seminar in Singapore was very successful. Thanks to all who donated their time to bring professional training to the Far East. We enjoyed the culture and experience. The attendance at the seminar increased by over 40 percent from the previous event. Thank you Cholan for all the hard work.

There has been much discussion concerning the validated techniques initiative during the past year. The San Diego seminar will help in the transition. Educational opportunities to provide examiners the training they need to comply with the standards will be emphasized. You should review the class schedule to coordinate your attendance in the classes that allow you to maximize your needs. Once again, we anticipate a large turnout, so get to your desired class choice early.

I have been fortunate to be able to bring the message of validated techniques and principles to the Louisiana, New Jersey, and North Carolina polygraph associations during the past six months. I appreciate the warm reception to the message and the hospitality extended to me personally. All three organizations have great leadership and a professional group of examiners.

Remember to send your nominations for the APA awards to Robbie Bennett at the National Office. The membership will select the award winners this year via electronic ballot.

We have had multiple continuing education seminars across the country since we left Austin. The validated techniques message has been well received. I hope that the members will review the Meta-Analysis published in the latest journal and ask questions of your Board of Directors to provide clarity. It is our intention to move the profession forward.

I have enjoyed my opportunity to serve the members of this great organization. I am hopeful that I have represented you well and earned your trust and respect. See you in San Diego!

Raymond Nelson Director

I hope you all had an enjoyable holiday and season. The new year is here, and I wish everyone a safe and successful 2012. Last year was a whirlwind of activity, and we are still answering questions, providing information, and offering assistance wherever possible. This year brings anticipated changes – incremental, not revolutionary changes – in the form of requirements for the use of countermeasure movement sensors for all exams conducted by APA members, and requirements for the use of validated techniques. As General Chair of the Research Committee we oversaw the production of a meta-analysis (scientific study of the results of scientific studies) on polygraph techniques. We also completed several additional studies on some good and oft-used techniques that needed published evidence to support their use.

We owe a tremendous debt to the polygraph schools and individuals who made those studies possible. I can think of no other profession in which people work with such dedication. The extraordinary people and schools involved in validation studies last year alone, included Cleve Backster himself and the leadership at the Backster School, along with law enforcement and private polygraph schools in several countries. The polygraph profession is truly an international profession, and polygraph professionals are becoming increasingly important toward fighting crime and corruption on a worldwide scale.

The result of all these efforts is that we now have a published resource that can direct us to published and replicated evidence to support the scientific validity of 14 polygraph techniques. These techniques include both event-specific diagnostic testing formats and multi-issue screening formats. Most of these techniques will already be familiar to most, if not all, APA members. The techniques come from those developed and taught by the US Federal Government and other polygraph schools accredited by the APA. The attempt was to be as rigorous and thorough as possible. Of course, it remains possible that some publications have remained unavailable for inclusion in the meta-analysis. The advantage to most

polygraph professionals is that systematic analysis of many publications can be located in one source. Of course, anyone who wishes to review and summarize the scientific studies for themselves is free to do so.

One important point, for which questions continue to arise, is the degree to which the list of validated techniques represents an “official list.” It does not. To address the handful of questions that tend to arise around the requirement for the use of validated techniques and the meta-analysis, the APA Board has created a list of Frequently Asked Questions (FAQs) which will be available on the APA website. The purpose of the FAQ is to assist APA members and others in understanding the meaning of the scientific review of the published literature on polygraph validity. Both the meta-analysis and the FAQ are important achievements. APA members should be able to get questions answered quickly and succinctly. All APA members now have the ability to use polygraph techniques that can withstand scientific challenge and scrutiny. Training will continue to be available to State Associations and organizations that want additional information or certification in methods they may not have used in the past.

This year, 2012, will see the continuation of research efforts pertaining to a few remaining and important techniques. Projects are already planned or underway for studies on the Backster Exploratory Techniques, the Relevant-Irrelevant Technique and the Marcy Techniques (and possibly others that are independent of the APA). As always, do not hesitate to ask questions and get answers to your questions. Our common goal is to have the strongest professional association possible. A strong and healthy association will be best able to meet the legislative and other challenges that we are undoubtedly going to face in the future. Most important is that every member of the organization is able to benefit and participate in an organization that can do the utmost to ensure a happy, safe and successful future for everyone. So, let us know how we can help. I hope to meet all of you at the APA conference or a local/regional conference in the future.

Happy New Year.

Are You Ready For Some Football? . . .

. . . Are You Ready To Start A Private Practice?

by

George Baranowski

This familiar Monday Night football challenge is extremely comparable to doing an assessment on yourself to determine if you're ready to start your own practice, and more correctly, are you ready to start your own business? Of course this has nothing to do with football, but I shamelessly used this line in hopes I might get your attention to this article. As I mentioned in the November/December *APA Magazine*, I was going to offer a series of articles on information about starting a private practice and this marks the first installment.



Many people dream of starting their own practice, but working for yourself is not as easy as it seems. Before taking this leap, it's a good idea to honestly assess whether you understand the characteristics and skills it takes to make it on your own. I opened a part-time private practice after retiring from a law enforcement position and I made the decision to go to a full time practice in 1990. That means I've had my private business over the past 20 years. I want to tell you from this past experience, I did not fully understand all the things I needed to know to start and run a private practice as a sole source of income.

I've learned much about all of this the hard way. I've made mistakes, made good decisions and made some decisions that could have been better. However, over the years, with old fashioned hard work, sacrifice, perseverance, and above all – a whole bunch of luck, the practice not only survived, but expanded into a professional practice that enjoys a respectable reputation.

Let me also make it absolutely clear that I am not the sole authority on Private Practice. Stay away from anyone who tells you that, they are dangerous. Also, I'm offering information based on my experience in my part of the world, within a population of about

This article is the first in a series on working in the private sector. The author is currently the Vice President-Private for the American Polygraph Association. Interested readers can contact Mr. Baranowski at vprivate@polygraph.org. The views expressed are those of the author, and do not necessarily represent those of the American Polygraph Association.

300,000 to 400,000, working with a variety of police departments: (large and small, Local, County, State and Federal), a variety of probation and parole agencies: (County, State and Federal), and a diversified group of therapists: (both adult and adolescent). However, I think you will be surprised how similar all this will become when we start to talk about this.

In regard to making this self-assessment process in preparation to start a private practice, allow some things to consider. I think it begins with:

SELF CONFIDENCE: Now logically, this would not seem to be a problem for many polygraph examiners, former law enforcement officers, investigators, agents, etc., where egos are up there with the best of them. But self-confidence is critical for entrepreneurs who must face the risks involved in starting a business, and particularly making it through the dry spells (no clients coming in the office, this translates to no money coming in to pay the bills). The confidence to make decisions quickly, independently and often under pressure, is essential. Let me walk you through a possible quick comparison regarding the difference in this decision making process. When working for an agency, department, etc., an error, may be just that...an error. Everyone makes errors. Most likely that examiner who made an error will still get a payroll check just the same, most likely will stay on the job (unless that error is a way “big time error”), and you’ll wait for the next assignment. Your paycheck won’t be related to how many people came through your door that day to be tested. Of course, nobody can continually make errors and stay bullet proof. But an error in your private practice may be extremely critical to the survival of your business reputation as well as income. After all, you’re now the sole income and

you’re the one that pays the bills to keep the doors open.

Now don’t think that this is ALL about money, because it’s not. There are a number of rewards that will come into focus as we continue our discussion, but let’s move on.

Next, **HIGH ENERGY LEVEL:** Starting and running a business can be exciting, but it requires considerable energy and sometimes, long, inconvenient work hours. Remember, there’s nobody around anymore to turn in an overtime slip to. The hours worked will be those necessary to meet the demands of your business. Just be sure you are prepared to make the physical and mental commitment. A related issue to all this, is a change in attitude toward this whole work ethic concept. In law enforcement and government employment, griping about “the work, the job, the pay, the boss, your supervisor, the equipment and the hours” is almost an expected requirement. When you work for somebody else, you’re almost expected to complain (You know I’m right about this). But in a private practice, you have become the boss. It’s your equipment, it’s your work, your hours, and the only one you have to gripe about is yourself. This calls for a completely different mindset.

EXPERIENCE: Is obviously vital. Although it’s been known that some examiners have started up a business flying by the seat of their pants, it’s best to start a business in an area in which you have both an interest and experience. But at the same time, one has to realize that the market may be completely different from the type of polygraph testing experience you bring with you. For example, if you ran tests predominantly for espionage or sabotage on a daily basis, the market for that skill is not all that significant in the private sector. Not too many spies or saboteurs usually come into your office. Access and investigate

the real market for those skills that you can supply. This could mean obtaining some additional training and research. For example, throughout the country there are many areas in desperate need for sex offender PCSOT examiners. California, for example, passed a law recently ordering all registered sex offenders on probation and parole to be tested regularly. I've been told some 20,000 registered sex offenders now have been ordered to undergo Post Conviction Sex Offender Testing. The word is that there are not enough certified PCSOT examiners in California to handle this volume. To become PCSOT Certified requires an additional 40 hours of training to go into this field. Also, in addition to this training, a revamping of your attitude toward this kind of work may be necessary.

Still another market may be testing the clients of private defense attorneys, who most likely had been viewed by we in the law enforcement community in serious adversarial relationships in the past.

I'm going to mention just two more points to consider for this segment which are **SUPPORT** and **PASSION**.

Let's start with **SUPPORT** because I think it is a critical consideration. Does your family support your decision to work for yourself? As a new business owner, it's important to realize that your life is going to change in a number of ways, and all of which are not always positive. It's best if everyone concerned has realistic expectations of the time and money that will be required. Also realize that it takes time to grow a business. No one is going to be knocking your door down just because you hung out a shingle and you have a spiffy designed business card or a knock-them-dead website. It will take time and a good amount of PR, which I found to be much more productive than paid advertising. The point is this

really amounts to a family decision with full disclosure about the positive and the negative aspects. But so this doesn't all seem like a "watch for the pitfalls" project, know that you have been trained with special skills that are unique to the world. Continuing to use those skills you were taught to benefit society is a commendable attainment.

This links to what I'm calling **PASSION**. I think this is a big one. Passion is a characteristic that is difficult to develop. It's important to have a passion for your business as well as the profession. Your membership and participation in the American Polygraph Association already demonstrates that you certainly have a degree of passion for this profession and your work or you wouldn't have become a member. You're aware that you can make important connections here, you can receive additional training and instruction as well as a healthy amount of fellowship with fellow examiners, equipment manufacturers that explore, invent and supply new technologies. All of this intensifies your passion. The demands of running a business can wear you down, but passion helps transcend those feelings of burnout.

In future segments, I thought we'd talk about Adequate Resources, Organizational Skills, Competition, Risk-Taking, Flexibility, and others.

As a final thought, I'm sure every article in this issue of the *APA Magazine* is reminding you of the 2012 seminar in San Diego in September, and since they have all done that, I'll refrain from telling you to start making plans to attend the 2012 American Polygraph Association Seminar in San Diego, September 17 through September 21st, 2012.



The “Friendly Examiner”

by

Tuvya T. Amsel, Ph.D.

According to Orne’s (1975) “Friendly Polygrapher” hypothesis, a guilty examinee who is given a polygraph test by an examiner who was appointed by her/his defense attorney (a.k.a “ex parte”), is more likely to pass the test in spite of her/his guilt due to the absence of the fear of detection. In other words, examinees that are being sent to take the test by a party that can inflict a punishment upon failing the test are more likely to produce stronger psychophysiological reactions in the polygraph test than those who were being sent to take the test by their own defense lawyer. Orne assumes that, because ex parte examinees know that only favorable results will be disclosed, it will influence them to be more calm and confident and have little fear of the outcome and therefore they pass the test in spite of their guilt. Orne’s theory was adopted by the court in *People v. Adams* in where a polygraph examination administered by a “Friendly Polygrapher” was held inadmissible. A similar court decision was adopted in *U.S. v. Gipson*.

Honts (1997) rejected Orne’s hypothesis arguing that there is no basis for assuming that fear of the detection of deception is necessary for the CQT to function. Furthermore, even if fear were necessary for detection, it does not mean that reduction in fear would allow a deceptive person to pass the test. In addition, the assumption that there is no fear (or any motivation) in a confidential polygraph is unrealistic.

Research and Survey

A Raskin et. al. (1977) study resulted in findings that contradicted Orne’s hypothesis. In Raskin’s study one half of the examinees were given a confidential examination for the defense use only, while the other examinees were told that the results would be reported to their employer or a law enforcement agency. The results showed no difference between the two groups. Matte and Reuss (1990) compared mean psychophysiological reactions assigned by a police examiner in criminal testing versus a commercial examiner testing for the defense. Their result showed that the mean scores from the commercial examiner were further from zero than the mean scores from a police examiner. In contrast, Amsel’s (2000) comparison of the

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psychophysiological reactions of non ex parte and ex parte examinees revealed that the mean reaction of the ex parte was significantly weaker than the non ex parte.

Abrams' (1997) survey comparing the results of ex parte and non ex parte polygraph results revealed that more ex parte examinees were found deceptive than non ex parte. Amsel's (1997) as well as Welch's (2000) surveys reinforced Abrams (1997) results.

Discussion

Raskin et. al (1977) and Matte and Reuss (1989) examinees were sent to take the test by their defense attorneys. While from a technical point of view they were considered to be ex parte tests, it is doubtful from a psychological point of view that they were. As Raskin (1982) suggested, "Any examinee who convinces his attorney that he is telling the truth ... would be very concerned about the outcome of the examination if he were in fact lying an attorney who finds out that his client has been lying to him about important matters is likely to become upset, and the client is concerned (about) disrupting his relationship with his attorney. Therefore, the attorney-client relationship provides incentive and motivation for the examinee..."

Unlike the conditions of the Raskin (1977) and Matte and Reuss (1989) studies, in Amsel's (2000) research the ex parte examinees took the test out of their own initiative without revealing it to anyone – including their attorneys. In spite of the significant differences in the psychophysiological reactions, which seemingly support Orne's hypothesis, it does not mean that it has an effect on the test outcome as Orne suggested. As Honts (1997) put it, "... a reduction in fear would (not) allow a deceptive person to pass the test." In other words, reduced reactions do not necessarily lead to false negative results.

The Abrams (1997), Amsel (1997) and Welch (2000) surveys reported that more ex parte examinees were found deceptive than non ex parte. This fact might be attributed to the fact that deceptive examinees are more willing to undergo a "private and confidential" test knowing that the results will bear no consequences upon failure. If this assumption is correct, then these results can neither support nor reject the "friendly examiner" hypothesis.

Conclusion

It seems like the idea of the "friendly examiner" comes from what is known in sports as the "home field advantage." Though statistics may support the "home field advantage" notion, in reality it does not assure victory. On the contrary, losing at home can be more shameful than losing away from home simply because it lets the home crowd down, which serves as a strong incentive not to lose. Along this line, a "friendly examiner" may ease the truthful examinees' fear of error but it does not contribute to the deceptive examinees' hope of error.

A Practical Note

The crux of the hypothesis is that lack of concern over the outcome (a.k.a "Fear of detection/punishment/consequences") eliminates the deceptive examinee's responses. In order to prevent that from happening just tell the examinee before test, "I can assure confidentiality but I cannot assure favorable result."

Post Scriptum

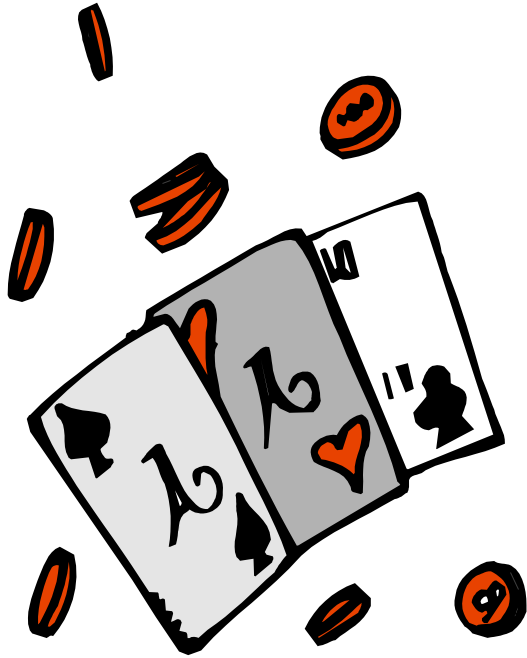
The term "Friendly Examiner" hints at an unobjective examiner whereas the true issue is the examination and not the examiner. So, the concept should be renamed the "Friendly Examination."

(references on page 37)

A Serious and Important Approach to Testing EDA Sensitivity

By

Michael Walsh¹



After prolonged pestering by poker buddies to bring along a polygraph instrument to a game, on the evening of January 7th, 2012, an experiment was conducted during a Texas Hold ‘Em game. Knowing that a level of convincing would be needed for the best player to agree to wear the EDA attachment, beer was provided to him. The subject, who we’ll call “Dave,” because that’s his name, was quickly convinced.

The following hypotheses, based on “reaction to stimulus,” are presented:

1. If the player got a good starting hand, the EDA would show reaction; conversely, if he didn’t there would be little or no reaction.
2. If the player got an advantageous flop (next three cards), there would be a reaction, and on each subsequent card, an additional reaction.
3. If the player had a crappy hand, bluffed, and was then called on his bluff, there would be a reaction.

Results

All three hypotheses proved correct! This “researcher,” sitting to the left of Dave, noted several times when his reaction was significant. Naturally, the researcher folded, in some cases before Dave made a play. This immediately caused all of the other players to fold, therefore depriving Dave of any additional chance to win more money. In one hand, the researcher yelled “FOLD!” as the EDA departed the confines of the computer screen in an immediate indication of Aces!

The experiment was cut short when Dave, who is a skilled poker player but apparently has no control over his sympathetic nervous system, started giving this researcher distressed looks and finally insisted that the component be removed.

¹The author is an APA member and polygraph examiner, as well as a self-described poker player who redefines the adjective “mediocre.” He can be contacted at mwalsh@minnehahacounty.org for details regarding the hypotheses, instructions given to the subject, and what he thinks is a good poker hand. The author will not be held responsible for losses sustained by readers or their “research” subjects.

The following data were compiled during the research:

- Money gained by Dave wearing the EDA: \$0 (0%)
- Length of time it took Dave to decide the instrument and hypotheses worked and express a desire for immediate removal: 20 minutes

Limitations

An additional variable noted by the researcher was that, as the evening was early, very little beer had been consumed by Dave. What little there was had minimal effect on the electrodermal activity displayed.

This preliminary research is neither definitive nor did it follow any accepted procedure, and additional research may be necessary to confirm the results. But Dave can't be included because once the EDA was removed, he took all of the researcher's money.



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The Empirical Basis for the Use of Directed Lie Comparison Questions in Diagnostic and Screening Polygraphs

Benjamin Blalock, Raymond Nelson, Mark Handler, and Pam Shaw

There has been some question as to when it is advantageous or “permissible” to use directed lie comparison (DLC) questions in polygraph testing. More specifically, this question and this related discussion pertains to whether it is scientifically valid to use DLCs in diagnostic and/or screening test formats. Discussion of these questions extend quickly into the realm of professional ethics, which centers around ensuring that we, as professionals, make good choices that benefit our profession, our agencies, our communities, our countries, and the individual being tested. Ethics is, after all, a discussion about right and wrong with consideration for what bad or good things happen, and to whom these things happen, as a result of a particular choice of action. The polygraph profession sits at a crucial point of ethical discussions, and these discussions pertain to theories of truth and deception, and also to the competition of rights, priorities and potential impacts that may result in different benefits and consequences for individual persons and groups of people.

It is a goal of science to provide evidence-based models for making decisions about individual cases, and for making policies that affect decisions pertaining to groups of cases. Evidence-based practices allow us to calculate the expected results and probability of error with mathematical precision, and therefore help us to better manage the impact that decisions and actions have on individuals and groups. It is our position that answers to questions about scientific validity and ethics should be informed and determined by data and evidence, and not by a declarative system of arbitrary rules without evidence.

Compliance with policies and regulations is important, and this paper is not intended to supersede the existing policies or mandated field practices of any agency. Rather, this document is intended to orient the reader to the scientific evidence regarding DLCs, and to anchor a more informed professional discussion regarding matters of scientific validity and polygraph field practices. Administrators, policy makers, and field examiners place themselves in an untenable position when their decisions and policies are not grounded in science. That position is one of having to explain or defend one’s policies or field practices when they are inconsistent with the published scientific evidence that is available to the opposing counsel during a legal contest. The same evidence that could be used to improve the effectiveness and validity of the polygraph could also be used to undermine the credibility and viability of the profession if we chose to ignore it. It is hoped that the information in this document will lead to further discussion and improvements in policies and field practices to include the current state of scientific evidence regarding the use of DLCs.

Discussion

Summary of the Research Evidence

Barland (1981) evaluated the effectiveness of DLCs using 56 military subjects who were tested on multiple issues in a laboratory study of screening tests. This study highlighted the effectiveness of DLCs in identifying truthful and deceptive subjects, and differentiating truthful from deceptive subjects at rates that exceeded chance at statistically significant levels.

The views and opinions expressed in this paper are those of the authors and do not necessarily represent the associations, agencies, and entities with whom the authors are affiliated.

Department of Defense Polygraph Institute Research Staff (1995a) evaluated the effectiveness of the Test for Espionage and Sabotage (TES) which utilizes DLCs. This study included 277 participants and showed that the TES performed with high accuracy that exceeded that of other polygraph screening techniques. It was noted that the use of DLCs reduced the problems associated with the use of probable lie comparison (PLC) questions. The Directed Lie Screening Test (DLST) is structurally identical to the TES, and this alternate name is used in screening contexts in which the investigation target questions pertain to topics other than espionage.

Department of Defense Polygraph Institute Research Division Staff (1995b) further evaluated the effectiveness of the TES which utilizes DLCs. This study included 85 participants and confirmed that the TES performs with high sensitivity to deception and high specificity to truthfulness. These results, at least in part, appear to have led to the federal government's adoption of this technique, which is still in use for screening examinations today (Handler, Nelson & Blalock, 2008).

Honts and Raskin (1988) reported the results of a field study on the validity of the directed-lie control question and noted that the use of DLCs is far more standardized and straight forward than use of PLCs. Results of this study, involving 25 criminal subjects, demonstrated accuracy levels that were statistically significantly greater than chance and support the use of DLCs in criminal testing.

Honts and Reavy (2009) reported the results of an experimental comparison of PLCs and DLCs using the Federal ZCT format. There were no significant differences between the decision accuracy levels of the DLCs and PLCs in this single-issue study involving 250 participants. The use of DLCs was recommended due to their standardized implementation, their ease of teaching and learning, and their perception as less intrusive and less objectionable.

Horowitz, Kircher, Honts, and Raskin (1997) reported the results of a study which included 60 participants who were tested using a single-issue format, and concluded that there were no significant differences between use of DLCs and the use of PLCs. It was noted that the use of DLCs had far greater face validity, were less problematic and lent themselves to greater standardization than PLCs.

Kircher, Packard, Bell, and Bernhardt (2001) reported the results of a single-issue study involving 336 participants, and concluded that PLCs and DLCs did not produce statistically significant differences. It was noted in this study that the use of DLCs is more easily standardized, is less intrusive and is less embarrassing to the examinee.

Nelson, Handler, Blalock, and Hernández (In press), reported the results of a laboratory sample of DLST exams that were conducted in Iraq. Sample cases were blind scored by examiners from the United States and Mexico using the seven and three position models. This study provided additional evidence that examination formats using DLCs can differentiate deception from truth-telling at rates that are statistically significantly greater than chance.

Nelson, Handler, and Morgan (In press) reported the results of DLST exams conducted by Iraqi examiners and scored with the Empirical Scoring System (ESS). Results of this study provided further evidence that the DLST is capable of producing high levels of sensitivity to deception and specificity to truthfulness. Of particular note in this study, is that the examinees in this study were decisively non-naïve, and the examiners had virtually no field experience. An important feature of this study was that the examinations were conducted in Arabic on non-western examinees, demonstrating that DLCs can be effective in other languages and cultures.

Raskin and Kircher (1990) reported the results of a sample of 48 participants who participated in a study on the development of a computer algorithm. It was concluded that DLCs improved test accuracy for both truthful and deceptive subjects. It was suggested that this improved accuracy may be due to much greater face validity, higher construct validity, less manipulation of the subject, ease of standardization of question content and explanation to the subject, and more standardized test procedures.

Response to arguments against the use of the DLC

One of the most common arguments offered against use of DLCs is that a person, whether a field examiner, program manager, or administrator, was never taught the use of DLCs, or worse – that they were never “officially taught” the use of DLCs during one’s initial training. Related to the first argument would be the notion that polygraph techniques are permanently fixed, should never evolve with new knowledge or evidence, and must always be used only in the manner in which they were initially devised. This argument is troubling on its face, and imposes an unfortunate handicap on those who would embrace this view. The principles surrounding the use of DLCs are simple to learn and to apply. All fields of professional work and scientific study are expected to evolve, and all professionals are expected to engage in continuing education and make use of new knowledge and new methods as data reveals the best identifiable practices. This argument implies that because one was not previously exposed to the method, it is not worth knowing. Moreover, such attitudes fuel accusations that polygraph examiners are not professionals and the polygraph test is not a scientifically based form of professional practice. Professions that neglect to advance will eventually cease to exist.

Other arguments against the use of DLCs are based on an inaccurately circumspect view of the psychological and physiological bases of response to polygraph stimulus questions. The traditional hypothesis of “psychological set,” states that the basis of reaction to polygraph questions is fear of consequences if one were to be caught lying (Matte & Grove, 2001). Although not a psychological theory or construct of its own, the term “psychological set” has provided a needed and plausible explanation for examiners not conversant with the range of psychological theories. It has served to make abstract psychological constructs more tangible and usable to field practitioners. However, the psychological set hypothesis would suggest that DLCs would be ineffective simply because they are unlikely to invoke fear. This same hypothesis would seem to suggest that the polygraph would not work with psychopathic persons, who are known to have low levels of fear conditioning. Yet the evidence has shown that DLCs work and that the polygraph does work with psychopathic persons (Raskin & Hare, 1978; Barland & Raskin, 1975; Patrick & Iacono, 1989). Facts are facts, and when evidence and hypotheses do not agree one of them must change.

Another argument sometimes raised against the use of DLCs is the case anecdote, in which individuals refer to a single case as sufficient evidence to influence decisions that affect the profession as a whole. Questions of science are answered by samples and populations, not case studies. Case studies and anecdotes are very useful for studying and teaching problems at the onset of inquiry. Anecdotes and case-studies are valuable for asking questions and teaching knowledge for which we are already somewhat certain. Case studies and anecdotes are also useful for demonstrating exceptions to a rule and for demonstrating scientific questions for which we are uncertain of the exact or complete answer. Case studies and anecdotes are not useful for answering scientific questions because they would lead us to attempt to make generalized conclusions based on idiosyncratic or unreliable evidence. We are asking to be misled if we depend on case anecdotes for professional wisdom. Polygraph testing, though very accurate, remains imperfect. Given an opportunity to evaluate enough individual cases, errors or exceptions will be observed. Scientific knowledge is ultimately based on observations about what happens most often for most people, not on isolated phenomenological observations.

A final argument offered against the use of DLCs has been that the transparency of the DLC provides an invitation to use countermeasures intended to alter the test result. Belief in the concern that DLCs increase vulnerability to countermeasures requires the initial belief that most examinees remain naive about how the polygraph and polygraph questions work. Endorsement of this argument also requires the assumption that polygraph field examiners are unskilled and unequipped to identify attempts at tracing manipulation during polygraph testing. To this date there is simply no evidence of any greater increase in countermeasure use, in field settings, resulting from the use of PDD techniques based on DLCs or PLCs.

Conclusions

There is published and replicated evidence to support the validity of DLCs in both diagnostic and screening polygraph test formats. Studies on the use of DLCs have consistently shown that they can provide accuracy that is as good as or better than PLCs in both screening and diagnostic polygraph formats.

Arguments against the use of DLCs are without evidence to support them, and statements advocating the superiority of the PLCs are not founded on research. At the present time there is no published study that provides evidence of the ineffectiveness or inferiority of DLCs in detecting truthfulness or deception when compared to PLCs, and no evidence of increased pragmatic or ethical problems associated with their use. Instead, the abundance of evidence indicates the effectiveness of DLCs. Arguments and policies against the use of DLCs are founded on opinion and neglect the scientific evidence. They serve only to make field examiners vulnerable to unwarranted accusations of misconduct if they choose to use evidence-based methods that make use of DLCs. It does our profession, our consumers, our communities and our countries no good, and potentially great harm, to neglect the incorporation of evidence-based practices into the repertoire of skills and techniques available for use in field settings.

Likewise, the abundance of learned opinions indicates that DLCs may offer the potential to reduce pragmatic and ethical complications surrounding the polygraph. The presentation of DLCs is more standardized, requires less manipulation of the examinee, and is easier to understand by laypersons, examinees, jurors, and professionals alike. DLCs possess greater face validity, higher construct validity, and are less likely to be perceived as unnecessarily intrusive. DLCs are more easily defended in terms of scientific and testing ethics and may have the additional advantage of continued salience with examinees that are tested repeatedly. With consideration for expectations that professional field examiners may at times need to refer to the basis of scientific evidence supporting their field practices, we argue that the evidence supports the validity of the use of DLCs in both diagnostic and screening contexts. We therefore recommend continued interest in the use of the DLC and continued research on the DLC with the array of presently available test formats.

Unrestricted use of this work is granted to polygraph training programs accredited by the American Polygraph Association, or recognized by the American Association of Police Polygraphists or the National Polygraph Association.

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