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**Editor’s Corner**

I’d like to extend a welcome to the new APA website administrator, Mark Handler, who was approved by the Board during their November teleconference meeting. The APA website represents the public face of the Association, and Mark will be busy regularly updating it with important information, and working with Committee Chair Pam Shaw to add new features APA members will appreciate. Mark’s web administrator’s email address is website@polygraph.org, and Pam’s email address is directorshaw@polygraph.org.

Members should also know that the website hosts a discussion forum in the Members Section. Here members can share experiences, seek advice, exchange views and make announcements that do not get posted to the public side of the website. It is there as a free service made available exclusively for APA members. Let me encourage everyone to take advantage of it.

(cont’d on pg. 6)
Editor's Corner (continued)

And while on the topic of the website, members should be aware that they need to update their website information regularly, and that the information they change on the website does not automatically update the information at the National Office. You need to check both the site and the National Office when sending new information to either of them. This is especially important for contact information, which is used for mailing APA publications and for announcements like elections and seminar schedules.

In this closing issue of the APA Magazine for 2013 let me extend best holiday wishes to everyone, and a healthy and prosperous new year for you and your loved ones.

-Don
In Memoriam

M. Frank Sack

The APA regrets to inform you of the passing of retired member M. Frank Sack of Utica, NY, at the age of 79.

Mr. Sack graduated from the National Training Center of Polygraph Science in 1975.

He owned and operated his private polygraph business, American Truth Systems, until his retirement in 2009.

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 knowledgeable 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
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If you have any problems or questions regarding your membership, please call the National Office Manager at 800/272-8037 or 423/892-3992.
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The only electrodermal measure that can have both a positive and negative component is:

a. Skin Potential
b. Skin Conductance
c. Skin Resistance
d. Vasomotor Response

(answer on page 11)
SIMPLIFYING POLYGRAPH
For Law Enforcement, Government and Private Examiners

The Academy of Polygraph Science’s 2013 Training Schedule

BASIC POLYGRAPH COURSE
• April 1-May 24, 2013
• July 8 - August 30, 2013
• September 16-November 8, 2013

EXAMINER REFRESHER COURSE
• March 11-15, 2013

POST CONVICTION SEXUAL OFFENDER TRAINING COURSE
• March 4-8, 2013
• November 11-15, 2013

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Academy of Polygraph Science
8695 College Parkway, Suite 2160
Fort Myers, Florida 33919
www.apsPolygraphSchool.com
Correct answer: a.

Polygraph Examiner Training Schedule

Academy for Scientific Investigative Training

Basic Examiner Course
September 30 - November 22, 2013 (South Africa)
October 21 – December 13

Forensic Assessment Interviewing and Integrated Interrogation Techniques
November 11 – 15, 2013

PCSOT
December 16 – 20, 2013

Academy of Polygraph Science

Basic Examiner Course (Fort Myers)
January 6-March 14, 2014
April 7 - June 13, 2014
July 14 - September 19, 2014
October 6 - December 16, 2014

Advanced Examiner Course
December 9-13, 2013 (Fort Myers)

Backster School of Lie Detection

Basic Examiner Course
January 6 - March 14, 2014

Gazit International Polygraph School
Basic Examiner Course
January 26 – April 3, 2014

Attention School Directors

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

Quotables

You learn more quickly under the guidance of experienced teachers. You waste a lot of time going down blind alleys if you have no one to lead you.

W. Somerset Maugham (1874 - 1965), The Razor’s Edge, 1943
BASIC - 2013 - United States

Professional Polygraph Examiner's Basic Training Program

Winter 2013

Schedule 1: January 7 - March 15, 2013 (Stockbridge, GA) 10 weeks
Schedule 2: January 7 – March 1, 2013 (Stockbridge, GA) 8 weeks

Spring & Summer 2013

Schedule 1: May 28 – August 2, 2013 (Stockbridge, GA) 10 weeks
Schedule 2: May 28 – July 19, 2013 (Stockbridge, GA) 8 weeks

Fall 2013

Schedule 1: August 26 - November 1, 2013 (Stockbridge, GA) 10 weeks
Schedule 2: August 26 - October 18, 2013 (Stockbridge, GA) 8 weeks

BASIC - 2013 – South Africa

Professional Polygraph Examiner's Basic Training Program

Schedule 1: March 18 – May 24, 2013 (Pretoria) 10 weeks
Schedule 1: September 30 – December 6, 2013 (Pretoria) 10 weeks

Advanced Training / Continuing Education

Basic PCSOT 40 hour Seminar / Stockbridge, GA

November 4 – 8, 2013

Advanced PCSOT 16 hour Seminar / Stockbridge, GA

TBA
Upcoming Seminars

The annual Arkansas Polygraph Association meeting this year will be in Little Rock, Arkansas at ASP HQ. It will be held on December 3, 4, and 5th from 0800 to 1700 hours. Guillermo Witte with Academy of Polygraph Science will be presenting. Topics will include ESS, Countermeasures and a question and answer portion. Please send membership dues to Jeremy Felton at the address below; they are still $25.00. Please let him know if you plan on attending the training. If anyone has any questions, please contact Captain Jeremy Felton, Benton County Sheriff’s Office, 1300 S.W. 14th Street, Bentonville, AR 72712; Office: 479-271-1008; Fax: 479-273-0036.

The Israeli Polygraph Examiners Association (IPEA) an APA Divisional Member has scheduled their annual conference on January 9 to 11, 2014 at the Leonard Privilege Hotel, Dead Sea Shore, Israel. Conference speakers include: Major General (Ret. Navy) Yuval Tzur on the Israeli missing sunken submarine “Dakar,” and Lafayette Instruments’ Yasmin Bronkema on the new LX5000 system. An eight-hour seminar block is recognized by the American Polygraph Association as being a Continuous Educational Program. The seminar fee (which includes the hotel boarding as well) is US $ 300 for a single guest.

Registration must be received before December the 10th, 2013. For questions and registration write to IPEA Chairman Mr. Giora Nadiv: ipea.org@gmail.com. About IPEA go to: http://www.polygraph.org.il/Regulation--Ethics.htm. Hotel information: http://www.fattal.co.il/leonardo-privilege-dead-sea-hotel?RefFrom=camp-google&gclid=CNmWgK3-n7kCFQpZ3godTk8A0A.

The National Polygraph Association (NPA) will hold their annual seminar and business meeting on January 20 - 22, 2014 at the Golden Nugget Hotel and Casino in Las Vegas, Nevada. Speakers will be Guillermo Witte of The Academy of Polygraph Science, psychologist Dr. Craig Shifrin, and Neal Barker of the RCMP (retired). For hotel reservations call 1-800-634-3454 and mention the National Polygraph Association. Reservations must be made by 12-19-13 to receive seminar rate. For further information, contact Gary Davis, 866-535-8969.
Greetings APA members:

As we are quickly approaching the end of the year, I am marveling about how many things are happening when little appears to be happening.

APA has entered an Amicus brief in a case in Alaska, and I have been asked to assist with other legal matters. Of course there is always some degree of tension and controversy surrounding the polygraph. Although it is not always fun to be subject to scrutiny and criticism, it is actually helpful to our profession because it focuses our awareness of the present state of our profession. Scrutiny and criticism reminds us of our obligation to continue the process of learning, developing and improving our knowledge, skills and practices. So I hope to meet a lot of people at the local and regional conferences, and of course it is never too early to plan to attend the APA annual conference next year in Seattle.

The APA committees are evaluating the present state of the PCSOT Model Policy and operating policies, and there is still a work in progress regarding a more general policy for other forms of community supervision. Work of the research and development committee is still oriented around answering questions about the meta-analysis and teaching the lessons learned from that. A recent short evaluation was completed regarding a variant of the MGQT that was used in studies at Michigan State University. Look for information on that.

We are still in the waiting, preparation, and observation stages regarding proposed initiatives to regulate forensic sciences at the federal level. It is clear that there is a plan and intention to proceed with that initiative, though the exact form of it is still unknown. It is unclear what will be the exact form of that regulatory initiative. Also unknown is the level at which the polygraph profession will be included or excluded from the recognized forensic sciences.
Regardless of the outcome of the legislative process, the APA and polygraph profession will need to be prepared to account for the scientific status of the polygraph test. It is the intention of the Research and Development committee to continue to help ensure that the APA and the profession are prepared. Toward this end, members of the research committee have been busy teaching at local and national seminars regarding important topics that are not always included in our basic practical training as field polygraph examiners. Things like how exactly – in simple procedures – to use normative data to interpret and report the reports of a scientific polygraph, and how exactly to write the information into a brief yet high quality report of the test results. Another very interesting training topic has been the Model Policy on Examinee Suitability – which serves to anchor the rationale by which field polygraph examiners can make professionally and ethically sound decisions about when to test and when to forgo testing persons who may present with a fairly wide variety.

Most importantly, it is necessary to always remember that the most important work is that of the individual examiner and agencies, interviewing, testing and interviewing some more, to gain the most accurate understanding that is possible today regarding untruthful statements and truthful information. Toward that objective please do not hesitate to contact me if there is anything that can be done to support your efforts.

George Baranowski
Director

Hi everyone, and let me take this opportunity to wish you a most happy, healthy and prosperous holiday season. As 2013 comes to a close it’s rewarding to see the accomplishments that have come to be this past year, as well as to recognize the positive direction our profession continues to make. I have been re-appointed by President Slupski to serve as General Chair of Membership Services Committee and in turn I have asked Ben Blalock to serve as Committee Chairman. Please know that we will continue to provide the care, concern and professionalism that this committee requires.

2013 can also be seen as a year of revisions. I’m sure you have heard by
now of the outstanding job Director Jamie McCloughan and his committee have accomplished by revising the APA School Accreditation Manual. However, you can’t fully recognize the dedication Jamie had put into this project unless you saw or heard him in action. There were a number of debated issues to be resolved to get the final product completed. At the Saturday morning board meeting on September 7, just before the start of the conference in Florida, the Board of Directors voted unanimously to approve the new manual. It was a significant accomplishment.

The Membership Committee has also been on this revision kick. We have been working on the revision of the APA Upgrade Examination for Associate Members who wish to upgrade to Full Member status. This revision was past due because of the upgrades in technology, techniques and revised standards. I am happy also to announce that the Board of Directors also voted unanimously to approve the final revision effort at the meeting in September and it now stands in place, ready for those wanting to upgrade their membership. This project also took over a year of effort.

President Slupski has continued this theme of revision and has directed me to revise the APA’s Membership Application Form to comply with more current principles and philosophies. This revision will soon be presented to the board for approval. As you may have also read, President Slupski has asked Director Dutton to review the APA Constitution and By-Laws.

Regarding the board itself, I want to recognize Bob Peters and most assuredly Vickie Murphy-Carr who have left the Board this year. Bob Peters often provided good insight obviously drawn from his experience and professionalism. I will miss him on the board. Regarding Vickie, it’s difficult for me to think of her not being associated with the Board of Directors. She has provided so many points of information necessary to the progress of the APA for over 20 years.

Also, the job done by President Barry Cushman needs to be recognized. He has carried the banner outstandingly for his term. He continued to maintain the positive, professional image that the American Polygraph Association has continued to expect. Thanks Barry for a great year. I must also say
that quite a boon for the APA Board occurred when it was announced that Pam Shaw will remain on the board to fill a vacated director’s position. Pam’s leadership, intelligence and just plain remarkable common sense adds a strong asset to this Board. Still yet another great happening, and through the efforts of President Slupski, is the appointment of Mark Handler as the APA’s Website administrator. The APA Website has always been maintained in a professional efficient manner but the news of Mark Handler taking this position is brilliant. Certainly Mark is no stranger to our profession. His articles, studies, publications, you name it, are exceptional. To have Mark Handler, Ray Nelson, Donnie Dutton and Donald Krapohl all on the same APA playing field is truly outstanding in my opinion.

In regard to our new President, I personally look forward to working with him, and to following the guidance of President Chuck Slupski. I have had the pleasure of knowing Chuck over the years and from observing his contributions at ASTM Meetings and similar proceedings, I have witnessed his knowledge of our profession, his often provided insight, and his just – old fashion makes-good-sense judgment.

In moving to another issue, I’m sure many of the articles written in our magazine have given or at least should have been giving compliments to the obvious efforts of Seminar Chairman Mike Gougler and Office Manager Robbie Bennett, in the way they are able to orchestrate our conferences to this degree. This has been the third year in a row that I have heard that this year’s conference was larger than the preceding year. It keeps growing, as the APA keeps growing. But now, to an eye for 2014’s Conference in Seattle, and in addition to great speakers and other conference surprises that we’ve gotten to expect each year, Seattle itself has many surprises. Most residents feel that one of the best known features of the City is Pike’s Place Market. It’s said to be over a hundred years old and continues to draw remarkable crowds. It has this huge outdoor market at the Bay Waterfront just blocks from our hotel. It’s brimming with vendor displays of everything from fresh fish and fresh fruits to clothing, jewelry and handmade craft items. The first Starbucks Coffeehouse is there. Coffee is a big deal in Seattle. I wouldn’t be surprised if they have more coffee to
drink in Seattle than water. Wait until you see what I’m talking about. Another attraction of the city include its famous city symbol, the Space Needle.

There’s a bunch more to talk about Seattle, but there is also a little caution I want to pass on. The Seattle Sheraton Hotel is another fabulous hotel, but it only has 500 rooms guaranteed to the APA for the 2014 conference. Keep in mind that the Austin 2012 Conference had close to 700 in attendance and this year’s Orlando 2013 Conference was well over 700. The point I’m making is that if you don’t plan and book the Seattle Sheraton Hotel early you will have to then stay at an offsite property. I’ve stayed at the Sheraton last March and I can attest that it is a great hotel at a great location.

In closing I want to again thank each of you for your dedication to not only the American Polygraph Association but for your dedication to the professionalism of our profession. Remember to call or email (email is better) if you need anything.

Jamie McCloughan
Director

I hope everyone is well and having a productive finish to their year. For those of you who live in an area where winter brings snow, I hope you are prepared for what some are saying will be a historic amount of snow fall this winter. I don’t have anything to report to you regarding action this writing, as we are currently in the development stages on projects within committees and for the board. That being the case, I will discuss an area that I would like to get feedback from you on.

I have had discussions with some of you on the topic of certifying individual examiners. Although this is not something currently done on a large scale in the polygraph profession, it is a common requirement in other disciplines within the field of forensic science. Many forensic sciences are contained within a laboratory environment. Those laboratories are usually accredited by an entity that is usually both recognized and accepted by courts for its accreditation standards and process of inspecting laboratories to ensure that they meet those standards.
The accrediting body often offers accreditation of individual disciplines associated with those laboratories they accredit. The process of accrediting a discipline and the scientists who work in it requires, among other things, minimum entry qualification, regular proficiency testing and oversight of the quality of work product of each scientist. All of this requires continuous planning, implementation, and documentation. So, are we, as a profession, ready to submit to these same standards?

I must say, I am, to bring our profession in line with the other forensic science disciplines. However, another aspect of this process we must consider is the liability that comes with certifying individuals. When certification of individuals becomes a readily accepted and expected process, there often are dire consequences for those whom are unable to meet the requirements. If someone is unable to become certified, they may be unable to work in the profession until such time that they meet the standards. An inability to work, brought on by their not being able to become certified, may present situations where litigation is sought. So, implementing a process that issues individual certificates of competency is not an easy task, should we as a profession ever decide to participate in it. If we were ever to choose to proceed, the process of implementing such a program should be dealt with in a methodical way, so as to ensure the best interest of the profession.

As I indicated in the beginning of this correspondence, I would truly like your thoughts on this topic. Please email me with your thoughts, suggestions and/or concerns regarding this. Until we meet again, be safe and seek your answers in science!

Quotables

Progress is impossible without change, and those who cannot change their minds cannot change anything.

~ George Bernard Shaw
How accurate is the polygraph? A deceptively simple question. It is simple to the point of being simplistic. Oversimplified. Which is to say that the answer is not so simple. Part of the complexity is that there is no single numerical index that can adequately represent a test result for which the answer is a probability with some degree of uncertainty or range of error – and for which discussions of test accuracy can take several different dimensional views, including sensitivity, specificity, error rates and other descriptive forms. And while the question of accuracy is not so simple, the question is also not so complex that it cannot be studied and answered, albeit not in a simplistic manner.

To reduce the complexity of scientific discussions, accuracy discussions in the context of research and testing will often take the form of discussions of the error rate or probability of error (also referred to as a p-value, and commonly expressed as a decimal). The expectation to quantify the likelihood or probability of an erroneous result is among the hallmarks or standards of scientific pursuits.
Probabilities of error may well serve the expediency needs of scientific thinkers, but persons untrained in scientific methodologies may find it easier to work with a different concept – the inverse of the error rate, referred to conveniently as a confidence level (CL) with which our estimate of the probability of a correct result is commonly expressed in terms of a percentage. Because polygraph research involves the accuracy of both truthful and deceptive results, the simple unweighted average of these is among the more useful numbers we can use in attempt to describe the complex phenomena of polygraph accuracy with a single number. This can be thought of as unweighted accuracy, for which we average the accuracy of truthful results with deceptive results, while assuming uniform base-rates of guilty and innocent persons.

In the same way that we do not expect to achieve a generalizable estimate of polygraph accuracy from a single case, we also do not expect to achieve generalizable estimates of polygraph accuracy from a single study. Instead generalizable estimates of polygraph accuracy are more likely to be achieved by systematically reviewing the results from multiple studies. An even broader understanding of polygraph accuracy might be gained from a historical evaluation of the results of published scientific reviews.

**A Chronology of Scientific Reviews of Polygraph Accuracy**

Among the earliest published scientific reviews of polygraph accuracy was that of Abrams (1973), who surveyed the published literature dating to the earlier part of the 20th century, and reported a not unimpressive aggregated accuracy rate of .980.

A few years later, Abrams (1977) published the results of another review of polygraph accuracy, and then reported an estimate of .910 using more recent studies and more carefully structured study selection criteria.

Podlesny and Raskin (1978) also surveyed the available literature in attempt to quantify an answer to the questions of polygraph accuracy and reported an estimated accurate rate of .890 at that time.

Ansley (1983) also attempted to quantify the available literature on polygraph accuracy and reported the results of 1,964 laboratory cases and 1,113 field cases. He described a decision accuracy level of .968, excluding inconclusive results. Results using the relevant-irrelevant technique were reported as more accurate (.960) than those using comparison question technique (.952). Results from concealed information tests were reported as having an accuracy rate of .912.
At about that same time the Office of Technology Assessment (OTA, 1983) reported the results of laboratory studies as having an aggregated accuracy rate of .832, while the accuracy of field studies were reported as .847.

Abrams (1989) reported the results of a third survey of polygraph accuracy, and described an aggregated accuracy rate of .880 – somewhat more conservative than his earlier calculations.

Ansley (1990) published the another scientific review of the literature on polygraph accuracy, and summarized the results of 10 studies including 2,042 criminal investigation polygraphs since 1980. He reported an accuracy rate of .980 for guilty cases and .970 for innocent cases. Also reported were the results of a survey of 11 studies of blind evaluations of 922 criminal investigation polygraphs, with an overall accuracy rate of .900, including .940 for guilty cases and .890 for innocent cases.

Honts and Peterson (1997) summarized the results of high quality polygraph studies in an Amicus brief filed in U.S. Vs Scheffer, and and reported the accurate rate as exceeding .900. These results were also reported by Raskin and Honts (2002).

In a independent study funded by the U.S. Department of Defense, Crewson (2002) surveyed the results of diagnostic and screening polygraphs and compared the results to screening and diagnostic tests used in medicine and psychology. Diagnostic polygraph tests were reported to have an aggregated accuracy rate of .880 while screening tests were reported to have an accuracy rate of .740 at that time.\(^1\)

A more recent survey of polygraph accuracy was completed by the National Research Council (NRC, 2003) who described test accuracy in terms of the area under the curve (AUC) for the receiver operating characteristic (ROC). Median AUC was reported as .860 for laboratory studies and .890 for field studies.\(^2\)

---

\(^1\) All of the screening studies in Crewson (2002) were conducted using the relevant-irrelevant technique. This figure cannot be generalized to screening methods using comparison question techniques.

\(^2\) The slightly higher accuracy of field studies compared to laboratory studies has been observed on various occasions. Differences are not statistically significant but is inconsistent with the trend of observations in other fields of science for which field studies with more less tightly controlled conditions most often produce slightly lower accuracy than laboratory studies. One interpretation of the meaning of this might be superiority of field studies over laboratory research. A more conservative interpretation would be that field studies are subject to inherent bias and non-random selection processes.
Using a different approach to estimate test accuracy, Kokish, Levenson and Blasingame (2005) reported the results of an opinion survey of convicted sex offenders who were subject to probation requirements for polygraph testing. They reported that respondents described a high rate of agreement with the polygraph test results, over .900.

In a meta-analytic survey of criterion validity, the American Polygraph Association (APA, 2011) estimated the accuracy of event-specific diagnostic polygraphs as .890 with a 95% confidence range of .829 to .951. Polygraph techniques interpreted with the assumption that the criterion states of the test target questions vary independently were reported as having an aggregated accurate rate of .850 with a 95% confidence range of .773 to .926. The aggregated accuracy rate for all techniques was reported as .869 with a 95% confidence range of .798 to .940.

Figure 1 shows the results of the series of scientific reviews of published studies on criterion accuracy of polygraph tests, along with the trend-line.

**Discussion**

The mean accuracy for these scientific reviews was .900, and the median was .890. Excluding the three studies with extremely high accuracy, both the mean and median accuracy of the scientific reviews of polygraph accuracy research were .890.

While the scientific reviews included herein are perhaps not comprehensive or inclusive of all polygraph studies, they
are reasonably inclusive of most useful and visible attempts to systematically account for the evidence and variance that is inevitably present in the results of decades of studies of varying quality. The majority of the results of these studies appear to be within understandable error tolerances of each other. Although three reviews (Abrams, 1973; Ansley, 1983, 1990) are more optimistic than others, with results in the high .90s, the results of of the majority of these studies (Abrams; 1977, 1989; Raskin and Podlesney, 1979; the OTA, 1983; Honts and Peterson, 1997); Raskin and Honts, 2002; the NRC, 2002; Kokish, Levenson and Blasingame, 2005; and the APA, 2011) suggest that polygraph accuracy exists within a predictable range in the mid to high .80s extending into the low .90s.

One of the most obvious trends in this data is that studies conducted by academics with no particular interest in the polygraph have tended to produce results that are slightly less than the historical average estimates produce by researchers within the polygraph profession. This trend also appears to be correcting itself over time as researchers within the profession have begun to endeavor to apply more rigorous methodology and scrutiny to question about criterion accuracy.

A second obvious trend is that the results of field and laboratory studies have tended to agree closely. At this time there is no available evidence to suggest one form of research as superior to another. Indeed different types of research designs all have advantages and disadvantages. It is inherently beneficial to the profession to use a variety of types of research methodologies.

Another trend is that results produced by researchers within the polygraph profession and those provided by academics and researchers outside the profession have tended to both agree more than disagree, and to begin to converge more closely over time.

A fourth obvious trend is that estimates of polygraph accuracy have tended to decrease over time. While it is possible that this is a reflection of a decrease in polygraph test accuracy, it is probably not likely that the polygraph has become less accurate over time. A more likely explantation is that estimates of polygraph accuracy have simply become more realistic or more accurate. A look at the study details will show that early studies were conducted with heavy emphasis on the use of confirmed field cases – which may introduce a vulnerability to overestimation of test accuracy as a result
of the systematic exclusion of both false-negative and false-positive error case for which no confession or confirmation evidence could be obtained. It is not likely that researchers were intentionally exploiting this potential; instead it is more likely that some early research and research reviews overestimated polygraph accuracy as a result of an unrecognized sampling vulnerability. Regardless, although claims of extremely high or near-perfect accurate are not well supported, data are available at this time to support the hypothesis that polygraph testing can provide usably high levels of test accuracy.

A final observation is also interesting. Although more rigorous and scientific approaches to polygraph testing is thought to increase polygraph accuracy, the degree variance in the published evidence has made it difficult to ascertain whether intended improvements have actually manifested themselves in observable increases in test accuracy. It is can been seen that results reported by Honts and Raskin (1997) and Raskin and Honts (2002) have marginally exceeded the .900 level, but most other scientific reviews of the literature do not exceed this level.

This may be a reflection of the practice of polygraph methods based more on tradition and less on rigorous scientific models. But it may also begin to be a reflection that polygraph test accuracy is nearing a form of ceiling within which observable and measurable increases in accuracy may be difficult to obtain without rigorous adherence to scientific protocols and evidence-based practices.

Polygraph research has been ongoing for decades, and there is a great deal of information in the published literature. It is almost inevitable that the data contain some valuable information while also being somewhat noisy. In the same way that individual test results have some potential for error, research results also have some potential for error. Given the length of time and evolution of statistical and research methods, it is not surprising that there may also be some observable variability in the results of scientific reviews of the published evidence. The usual trend of aggregated data in most fields of science, measurement and statistical prediction is that aggregated testing results tend to outperform

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3 Confessions themselves may be the result of an inherently non-random decision to pursue more information, raising an important caution about the need for replication of results observed through the study of sampling data acquired through confession sampling. Moreover, if the decision to pursue confessions is based on the results of a polygraph test, then there may be inherent non-independence of the external criterion leading to the potential for self-fulfilling research results.
individual testing results and aggregated research results have tended to outperform the results of individual studies. For this reason, it is hoped that some value can be found in this brief overview of the historical data.

References


Like everyone in this business, we’ve dealt with our share of gut-wrenching cases. It’s probably safe to say that none has been more gut-wrenching than the case of a man we’ll call “Oscar,” a U.S. government employee who was in a senior position as a GS-15. Oscar was under investigation for child molestation, and Phil was called upon to interview him.

When Phil asked Oscar if he was sexually involved with the kids, Oscar scowled at him. He wagged his finger and began to speak: “Young man, I would never do that,” Oscar seethed. “That would be perverted, and I am not a pervert.”

Phil was unfazed. His response was delivered with engaging calm. “Listen,” Phil said, “I happen to have two little boys of my own. Quite frankly, if I thought you were a pervert, I don’t think I could stay in the same room with you.”

Oscar looked puzzled. He clearly didn’t expect that reaction. He expected a fight or a debate, and instead what he got was agreement. Phil immediately went back to the line of questioning.
“Now, when was the last time you were alone with these kids?”

Oscar eventually admitted that he had molested hundreds of children. When Phil asked him where he would go to find the children, Oscar’s response was chilling. He said his favorite place to go was a popular pizza-and-arcade chain that catered to kids.

When Oscar responded to Phil by saying that he would never do that, that child molestation is perverted and that he wasn’t a pervert, he was employing convincing statements. If a person is asked a question and is unable to respond with the facts because the facts are not his ally, he is very likely to respond with these statements, which are designed to convince the questioner of something, rather than to convey truthful information.

Suppose someone asked you, “Did you take the missing money?” Since you’re honest and didn’t take any money, your most likely response would be, “No!” The reason is that’s the single fact that’s most important to you to get across. The guilty person may or may not deliver the “no,” but the discomfort of the facts not being his ally will likely compel him to convey other information to convince you. “I would never do that,” he might say. “That would be dishonest, and I’m not that kind of person,” or “Ask anybody around here, look at my record,” or “I have a good reputation,” or “You think I would jeopardize my job by doing that?”

You may be thinking that this all seems rather obvious—that such behavior would raise a red flag that would be hard to miss. We can assure you, however, that unless you’re in L-squared mode and are employing the model, you’ll be vulnerable to these convincing statements, regardless of your background. The reason...
is simply that they’re so, well, convincing. They tend to be perfectly reasonable, and they can be very difficult to catch simply because they make so much sense. You’ll hear one, and you might think, “That sounds like something I would say myself if I were asked the same question.” That might well be, but the difference is there would very likely be no more than one such statement, and there would be more to your response, including a straightforward statement that you didn’t do it. The deceptive person will often give you a string of convincing statements, because he has no choice. He has no facts that are his friend.

Let’s look at a couple of examples of this behavior. Several years ago, Phil was conducting training for a group of law enforcement officers, and was discussing convincing statements when he noticed two officers chuckling in the back of the room. We tend to have a lot of fun in these classes, so Phil stopped mid-sentence, and with feigned schoolmarm-like indignation, he asked the two officers if they’d care to share what was so funny with the rest of the class. One of the officers explained that a colleague of theirs who was also in the class had been investigating a theft case in their town. A woman reported that a maintenance man had repaired a leaky pipe in her apartment while she was at work, and when she came home that day, she found that some of her jewelry was missing. The officer investigating the case interviewed everyone who had access to the apartment, including the maintenance man. When asked if he had taken the jewelry, this was his reply:

“I’ve been doing this for twenty years and I’m close to retirement. Why would I risk my pension for some stupid piece of jewelry?”

The message that’s delivered is this: “We asked you a question. We heard what you said, and what you said had no impact on where we’re going with this conversation.” The beauty of it is you deliver that message below the radar. Above the radar would be, “Wait a minute, Susan, I don’t believe you. I think you’re lying through your teeth.”

That triggers defenses, and the person shuts down. Our job is to get her to open up to us.

This tactic is enormously powerful and effective, whether a parent is speaking with a child, an employer is speaking with an employee, or a CIA officer is speaking with a terrorist.
The two officers who had been chuckling said their buddy, the investigating officer, found that response so sensible that he no longer considered the maintenance man a suspect. Phil turned to the investigating officer.

“What do you think now?” Phil asked.

“I think I’ll be talking to a maintenance man tomorrow,” the officer replied.

Around the same time, we were providing training for the South Carolina Law Enforcement Division. One of the officers in the class happened to be from the small town of Union, South Carolina, whose most famous—or, more accurately, infamous—citizen is Susan Smith. Perhaps you recall the tragic 1994 homicide case in which Ms. Smith drowned her two young sons by letting her car roll into a lake with the boys strapped inside. She initially claimed a man had hijacked her car, but confessed to the crime nine days later.

During a break in the training session following our discussion of convincing statements, the officer, who was familiar with the investigation, came up to us. “For the first time,” he said, “I think I understand how she successfully misled the investigators in that first interview.” The officer said that when Ms. Smith was asked if she had anything to do with the disappearance of her children, her response was, “I love my children. Why would I do anything to hurt my kids? I would never hurt my kids.” The officer said that at that point, the investigators, despite being seasoned professionals, believed she had nothing to do with it.

Those three convincing statements were tremendously effective, for three reasons. First, like all convincing statements, they were true or irrefutable. When she said, “I love my children,” that was probably true on some level. When she said, “I would never hurt
my kids,” that was heartbreakingly untrue. But at the time she made it, it was irrefutable.

Second, convincing statements usually incorporate emotion. In this case, the officer said that when Ms. Smith made those statements, the investigators could see tears welling up in her eyes—the emotion is what expresses the conviction. Emotion in and of itself isn’t necessarily truthful or deceptive. But untruthful people use it to enhance the deception.

The third factor is that the statements were consistent with the investigators’ bias. “In our experience, moms just don’t kill their kids,” the officer told us. “And they darn sure don’t do it in Union, South Carolina.” That was interesting.

“Where do moms kill their kids?” Phil asked.

“Well, you know,” the officer responded, “New York, L.A., Chicago.” Even police officers can make a shaky generalization that the rest of us might also find ourselves making.

Unlike qualifiers, we consider each convincing statement as a separate deceptive indicator. So, two convincing statements constitute a cluster. They’re that powerful.

You’ll find a list of suggested questions to ask your child about drug use in Appendix I.

**CONVINCING STATEMENTS**

- “No one would ever question my honesty.”
- “I have a great reputation.”
- “I’m an honest person.”
- “My word is my bond.”
- “It’s not in my nature to do something like that.”
- “I always try to do the right thing.”
- “I would never jeopardize my job by doing something like that.”
- “How could you even think I could be involved in something this serious?”
- “I have worked here for over twenty years.”
- “I love you, I would never do anything to hurt you.”
- “I can’t believe you would think I would do that!”
- “I’ve never given you any reason to think that!”
- “Why don’t you trust me?”
- “You’re accusing me just because Josh got caught and Josh is my friend!”
“Do Those Things Really Work?”

by

George H. Baranowski

How many times when you have revealed at a party or a social function that you are a polygraph examiner and the first question raised was, “Do those things really work?” or similar questions. I admit that when asked that question I feel a little annoyed, even mildly defensive at times. After all, when somebody says they there a surgeon, nobody ever asks “Does surgery really work?” Or when somebody says they are a plumber, I never hear anyone ask “Does that really work?” Sometimes those questions to us about polygraph are followed by other remarks such as, “I hear there pretty easy to beat,” or “I hear you just have to put a tack in your shoe, is that right? How about this one, “They’re not really that good because they are not allowed in court, right?” We in the profession are continually upgrading the use of technology in polygraph equipment and identifying proper techniques. The APA has put together The Meta-Analytic Survey of Criterion Accuracy of Validated Polygraph Techniques based upon published studies. The
APA has developed Model Policies for applications such as Post-Conviction Sex Offender testing plus a number of others, but despite such things, Polygraph’s credibility and reputation continue to be challenged.

Personally, I think that much of this thinking comes from entertainment’s illustration of the instrument and the testing protocol. For example, daytime television talk shows frequently portray polygraph tests that deliver “Split Call” decisions, or tests on comical issues far removed from true polygraph practices. I will give you one example: Some years ago our firm was contacted by a representative of the Rikki Lake Television Show to conduct tests on individuals in their audience. We refused of course, sighting our APA By-Laws but more because of our regard for this portrayal of polygraph testing. We found out later that the issue they wanted tested on that day, and this is no joke, was, “Are your body parts really your own?” I rest my case.

In addition, movies as well as television shows have done so many inaccurate portrayals of polygraph testing over the years that it’s almost impossible to describe the damage it has done to our reputation. At this last year’s conference in Florida, and more as comic relief, one of the vendors had an ongoing video collection of numerous movie and television clips where polygraph had been involved. You look at these and come to the conclusion that it’s no wonder the public has this view of polygraph testing because that was their exposure. I personally can remember a scene from an old television program where the subject had one of the pneumograph tubes wrapped around the man’s forehead.
We also have to blame what was occurring in the polygraph profession prior to passing of the Employee Polygraph Protection Act, before ASTM Standards, and before APA By-Laws were revised. We have all heard stories of individuals obtaining an analog polygraph instrument (or in some cases something that resembled a polygraph instrument) who had never gone to any polygraph school, never had any training whatsoever in polygraph testing, and began conducting what they were calling lie detector tests. Even those who had attended schools were in many cases running highly questionable tests.

Again, here’s a personal experience. After graduating from the Lincoln Zonn Polygraph School in Florida, I was approached by a firm in Miami to join his team of examiners. This firm had an operation in another state and another abroad as well at the time. During the interview with the owner he informed me that he had 12 examiners, mostly testing employees in factories, fast food restaurants, and other companies to assure the managers of these facilities that they were not stealing from their companies. But here was the kicker: He advised me that I would be expected to conduct around “20 to 25 tests a day!” I declined, of course, telling him as best I could that I would question the validity of a test, basing a call on the running of a single test chart, which was what he suggested when I questioned the time involved in conducting a proper test. I thanked him for the offer and left. This was a typical example of what were called “Chart Rollers” back in the day. With the advent of EPPA, these businesses withered and died in a fairly short time. Again, with that kind of past reputation, it becomes a little easier to see where some of these beliefs about polygraph tests also grew.

Another often heard disparaging comment about polygraph sounds like this, “It’s still not allowed in court because it’s not 100% accurate.” Well, there are two issues here. First, and this often surprises people when I tell them that despite the myths about this, polygraphs are admissible in court when certain guidelines are met, and these guidelines vary from state to state. For example in my state of Indiana, there is case law that allows polygraph test results in court with no problem in civil cases. Also, regarding sex offenders for example, who are on probation
for that offense, polygraph tests results and related testimony are allowed in probation violation issues because probation violations are a civil matter. Also in criminal cases, if both parties agree to the results of the test prior to the conduct of the test, these results can be admitted. This varies in all states so it’s best to do a little research.

Next, about the comment that polygraph testing is not 100% accurate, that’s true, but nothing else in forensic science is 100% accurate either, including DNA testing. As a matter of fact, my former boss, the Prosecuting Attorney used to make hay out of that issue when I would testify. His point was that polygraph studies indicated it to be somewhere between 95 and 98% accurate. But on the other hand, what some might think of as “popular” forensic sciences don’t come close. For example he would cite: “Ballistics 76% accurate, Handwriting 72% accurate, Fingerprints 59% accurate, Eyewitness Testimony 52% accurate. (per Journal of Forensic Sciences Vol. 23, 1978).

Actually, I think it would be a problem if polygraph were 100% accurate. Imagine the implications this would have in court. Imagine the effect it would have on government and on the public in general. It would undermine even the rights of individuals to be tried by a jury of their peers.

The bottom line as I see it, is we’re always going to be asked “Does polygraph really work?” What is available to us would be to change our own attitude about such inquiries. Instead of being upset and annoyed, which might be an understandable reaction, it would be better look at it as an opportunity to inform or educate the inquirer. Look at it as a chance to present polygraph today as an accurate forensic science and to enlighten the inquirer on how far polygraph testing has advanced in technology. Use this as perhaps a vehicle to discount the folly proliferated by the media and certain websites that still continue to encourage these inaccuracies. In other words, grab this as a chance to promote polygraph in the positive light that it deserves.
Introduction

In this installment of Hopefully Helpful, Walt Greene addresses—in my opinion—the top three data collection issues (and mistake we far too often bring on ourselves):

1. Controlled Breathing.
2. Controlled Breathing.
3. Controlled Breathing.

OK, you get my point. If you’ve ever attended any class I’ve presented, you likely know my opinion regarding the discussion with our examinee of breathing, and giving “Breathing Instructions.” Walt couldn’t say it any better: “Breathing warnings and instructions should be given only when we have nothing to lose.”

Let’s see what Walt has for us this time.

About the author: Walter Greene is a retired federal polygraph examiner. The opinions and comments expressed in this article do not necessarily reflect those of the U.S. Government or the American Polygraph Association.
We are taught to correct problems involving unproductive, uninterpretable charts early in the test session. Sometimes, however, I’m afraid that we create problems by mentioning breathing to our subjects far too early. Erratic or controlled breathing does not always mean countermeasures. Erratic breathing may be caused by general nervous tension (GNT), and controlled breathing may be caused by a truthful subject who is overly concerned that deception will be inaccurately indicated (see previous “Hopefully Helpful” in the Sept/Oct 2014 APA Magazine).

In any event, once breathing is mentioned to our subjects, it will most definitely impact on the rest of our test session, and probably on all future test sessions. At a minimum, it will result in what is commonly referred to as “conscious breathing,” a very troublesome situation that can be as difficult to stop as a runaway locomotive. Breathing warnings and instructions should be given only when we have nothing to lose. It is my own opinion that so-called “coached” breathing should never be given since any conclusions based on coached breathing could be effectively challenged.

If there is any doubt that our subject is deliberately practicing countermeasures, I recommend that erratic or controlled breathing be approached indirectly and with caution. For example, if such breathing occurs on the “norm” chart, I suggest that the following comment—or one similar to it—be made to the subject:

“Freddie, if you have to cough, sneeze, take a deep breath or clear your throat, please do it before the test or after the test, but not during the test.”

In some cases, such a comment may even be delayed until after the first relevant chart, just to give the subject a chance to settle down and become acclimated to the testing situation. In the meantime, we should, for comparison purposes, allow the pneumograph to run a tracing for at least 15 seconds before inflating the BP cuff at the beginning of the chart, and 15 seconds after deflating the cuff.

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1Editor’s note: A “norm” chart is used in some screening examinations as the first chart. It can involve asking a few simple questions like “Is today Tuesday?” or others for which the answer is obvious. Sometimes a “norm” chart uses no questions as all. The purpose is to allow the examinee to become accustomed to the test procedures and sensors, and for the examiner to set the gains, center the tracings, and gather physiological data without the use of possibly stress-inducing questions.
at the end of the chart. If the problem persists during the next chart, a stronger comment can be used. For example:

“Freddie, please don’t do anything to try to help your test. When you do that, it usually has the opposite effect; the tracings become distorted and your charts become totally uninterpretable. It can also be an indication that an untruthful person is trying to beat the test. So, Freddie, simply listen to the questions as if we were in a normal conversation, and then answer them truthfully.”

I recommend avoiding counterproductive instructions like, “You’re going to have to focus on the questions.” If the problem continues, it might be time to conduct a “Yes Test.” In the “Yes Test” remember that the control questions are usually eliminated. Briefly review the norms and relevent with the subject. Explain that you have to see how s/he responds when those questions are answered “Yes.” Obtain only one chart. Indications of countermeasures are in the form of distortions—usually obvious ones such as movements, deep breaths, etc.—at a relevant question with a “Yes” answer. This may indicate that the subject is trying to make his/her “Yes” answer look like a “lie response.”

Once countermeasures are reasonably indicated, they may be dealt with more directly.

For instance, “Freddie, it’s clear to me after reviewing your charts that you are controlling your breathing.” He/she should be warned to stop the activity or this phase of his/her processing cannot be completed. Then one more attempt can be made to obtain readable charts. If the activity continues, it is probably time to brief your supervisor in preparation for a Purposeful Non Cooperation warning.

There are always exceptions. There may be times when it is appropriate to give strong warnings earlier in the session. There may be times when it is appropriate to conduct an interrogation early in the session. There are other comments and approaches that can be used to correct erratic or controlled respiration.

NOTE: I’ll be providing some additional information down the road which I hope will serve as helpful reminders. Stay tuned.

2 Now called comparison questions.
The Sacrifice Relevant (SR) and the Symptomatic (SY) questions (the “S” questions) are categories of questions that were introduced by Cleve Backster in the sixties. Since then they were incorporated into most of the CQT test formats that were approved as valid test formats by the APA.

The Sacrifice Relevant (SR) Question
“…The sacrifice relevant is a question that asks the examinee if he intends to answer truthfully to every question related to the relevant issue. Its standard role is to dissipate the responses of innocent persons who frequently react to the first relevant question …”

For example:

“Regarding the theft of that money, do you intend to answer each question truthfully?”
Matte expands the scope of the question: “…It is structured as an orienting relevant question…but serves as both a Sacrifice Relevant Question which may elicit an emotionally induced sympathetic response…and as a Preparatory Question…for the introduction of the two strong …relevant questions…hence a dual purpose question.”ii

The Comparison Question (CQ) (Control Question)
Naturally when a suspect of a crime is being polygraphed, his attention will focus on the relevant question regardless of innocence or guilt which, in turn, can cause false positive results. The comparison question tries to solve the issue by asking the examinee a question in which his answer will be a lie, thus it will attract the innocent examinee to focus on that question more than on the relevant question because he is afraid to fail the test. That is why the comparison question must be similar in nature to the relevant question; otherwise the chances that it will pose a threat to the examinee are slim. Furthermore, in order to demonstrate to the examinee the importance of the comparison question and its equal importance to the relevant question, Abramsiii “…made the threat to the innocent real by informing each subject that his truthfulness to the control question is every bit as important as his honest response to the crime question” or as Matteiv introduce it to his examinees: “…it’s equally important that you be truthful to these two questions (CQ) as I presume you have been to the others we have just reviewed.”

The Paradox
On one hand examiners need to advise the examinee “…that his truthfulness to the control question is every bit as important as his honest response to the crime question…”v, while on the other hand the sacrifice relevant question refers only to the relevant questions while ignoring the comparison question, thus lessening the importance of the comparison question, which may lead to a false positive result.

An additional weakening factor can be found in some of the polygraph manufacturer question templates that have different color codes to the RQ (red) and CQ (green) and other questions types, which create a clear and visible distinction between the various types of questions that make examinees wonder and ask for explanations.
Suggested Remedy - Sacrifice Relevant Control (SRC)

In order to cover both relevant and comparison questions the SR should be rephrased and cover the comparison questions as well. For example: Do you intend to lie to any of the test questions?

The Symptomatic Question

The Symptomatic Question “…is used to identify whether or not an examinee is fearful that the examiner will ask an unreviewed question embracing an outside issue that is bothering the examinee. This mistrust of the examiner may result in the dampening out of the examinee’s responses to other test questions…vi”

Most test formats that incorporate the symptomatic question contain two of them. The first is positioned before the first CQ and RQ question and phrased as follows: “Are you completely convinced that I will not ask you an unreviewed question during this exam?” and the second, after all the CQ and RQ questions, is phrased as follows: Is there something else you are afraid I will ask you a question about, even though I told you I would not?”

Another typical daily scene in the office

Over half an hour has past, and by now you are way into the pre-test interview. As you were taught, you were able to gain rapport and establish trust with the examinee. He speaks fluently, does not seem to conceal any information, answers all of your questions with no hesitation, and is fully cooperative and at ease. Now you are moving to the next step of phrasing the test questions.
You are done with the relevant and comparison questions and suddenly, out of nowhere, you ask the examinee, “Are you completely convinced that I will not ask you an unreviewed question during this chart?” and in spite of the fact that he answered “Yes” you disregard his answer and add another question: “Is there something else you are afraid I will ask you a question about, even though I told you I would not?” Up to this moment the examinee had trusted you and had no doubt about you, but suddenly he stares at you all puzzled trying to understand where these questions came from. The questions have just triggered doubt in his mind, and so his instinctive answer is: “I did believe you until now, but I am not sure anymore.”

“When There Is Doubt, There Is No Doubt”
I guess that the symptomatic question followed the rationale of this maxim but how can you tell that the examinee is in doubt? Why assume that there is doubt? What is the basis of this assumption? Was it ever validated in one single research study that investigated the issue and found that the majority or even the minority of examinees disbelieve the examiner and are afraid that he will ask questions than were not discussed in the pre-test?

Is it justified or is there a cost-benefit to planting the poisoning seed of doubt where there had been no doubt?

Suggested remedy
No doubt there are examinees that walk into the test room with a bothersome outside issue. As well as discussing the relevant and comparison issues, the examiner can probe, and if needed, discuss the outside issue or any other issue on the examinee’s mind. If the examinee surfaces an issue it should be discussed, and the examiner should reassure the examinee that he will not ask any question regarding the outside issue. If the examiner was able to create rapport and trust, there will be no doubt in the examinee’s mind, especially after the first chart, when no further questions are asked beyond what was promised.

In those instances where the possibility of an outside issue exists, such as in a case of examining an employee who is suspected of theft and there is an opinion that he is concealing information regarding other wrongdoing, a ventilation/comparison question such as the following example
can be posed: “Is there anything else that you have done in this workplace that you are afraid I will reveal?” or “Is there anything that you have done in the past that you want to conceal?” or “Are you afraid that I’ll reveal another wrongdoing of yours?” An innocent examinee will definitely display stronger responses to these questions than to the relevant questions, while depending on the severity of the outside issue, the guilty may lead to an inconclusive test that can be further discussed and then retested.

**Post Scriptum …**

In the last two decades we’ve witnessed the maturity of our profession from practicing “Believe your chart” to a more scientific approach of “Validate your chart.” As provocative as it may sound, this article was not written from a provocative point of view but rather from this column’s motto, which is Bernhard Haisch’s axiom, “Advances are made by answering questions. Discoveries are made by questioning answers.” And so I call my fellow members to further research and validate these topics.

**References**


The knock on the door of Carrie Lee Elliott’s small apartment in Hickory, North Carolina on October 24, 1987 set off a chain of events that would forever change the life of Willie Grimes.

It was about 9:00 pm when the 69 year old Ms. Elliott was watching television in her living room. Her husband had passed away the year before, so she was alone in the apartment. She heard the knock and went to her front door, thinking it was a neighbor. As she cracked her door, a large man forced it open and entered her home. He pushed her down on the couch and raped her. He told her he had a knife in his pocket, but promised not to hurt her. After removing his shirt, he dragged her to the bedroom where he raped her again. The violent act completed, the assailant left quickly through the rear door, but he took the time to stop in the kitchen and examine the fruit in a bowl on the table. He took two bananas and an apple, but left behind several pieces of fruit he had touched, including a banana that bore his fingerprints.

About the Author

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Ms. Elliott described her assailant to police as a black male with a very large build, 6’0 tall and weighing 200-225 pounds. She said he had “bushy” hair, needed a shave and smelled of alcohol. However, she did not describe him as having a large mole on his face, a large scar on his chest or missing the tops of two fingers on his right hand, all prominent features of Mr. Grimes. Later that night, she was shown a photo lineup of six pictures. One of the pictures was of the police department’s prime suspect, a man from the area who was known for assaulting females and heavy drinking; Grimes picture was not included. Ms. Elliott was unable to pick her assailant from the lineup.

The crime scene was processed by a technician who recovered numerous hair fragments from Elliott’s bed sheet and latent fingerprints from the banana left on the kitchen table. Two banana peels found behind her apartment were not collected and an apple core that was recovered was brought back to the police station and thrown in the trash by the lead investigator. It was never processed for prints or biological evidence. The police had no way of knowing how important these items were to the future identification of the rapist because in 1987 the use of DNA for genetic fingerprinting was in its infancy.

Two days after the assault, Elliott spoke with her neighbor and told her about the incident. The woman told Elliott that she believed she knew the name of the rapist, but would not reveal it to anyone other than the police. Unknown to Elliott, her neighbor was a paid informant for the police department who would benefit financially if she could produce a suspect in the case. It was not until after she talked to the informant that Elliott added the information that her attacker had a large mole on his face. The informant, who was paid $1000, told her contact at the police department that Willie Grimes fit the assailant’s description. A few hours later, Elliott was shown a photo lineup of six pictures. She picked Grimes out of the lineup, saying that he “looked like” her assailant. An arrest warrant for Grimes was issued based on the lineup results.

As soon as he learned of the warrant, Grimes voluntarily went to the Hickory Police Department to speak with detectives. He was informed of the charges and arrested. He adamantly proclaimed his innocence, asked for a polygraph examination, and never invoked his Miranda rights. The detective failed to conduct a formal interview of Grimes and never arranged an in-person lineup to determine whether Elliott could accurately identify him as her assailant.
In fact, the best that Elliot could ever do in identifying Grimes as the man who raped her was to say that he “looked like” that man. During the trial, when asked to identify her assailant in the courtroom, she mistakenly identified Grimes’ attorney, who is not even African-American.

Despite the efforts of his appointed attorney, no one from the police or District Attorney’s Office interviewed any of the credible alibi witnesses, all of whom swore that Grimes was miles away from Elliott’s apartment when she was raped.

The results of the forensic examination of the evidence collected from Elliot’s apartment identified “one negro head hair” that could have originated from Grimes and two latent fingerprints recovered from the banana left in Elliot’s kitchen that positively did not belong to Grimes. Oddly enough, the fingerprints were not compared to the prints of the original suspect or to any other possible suspects.

On July 8, 1988, a jury found Willie Grimes guilty of two counts of first degree rape and one count of second degree kidnapping. At sentencing, Grimes received a consolidated life sentence for his rape convictions and an additional nine years for his second degree kidnapping conviction.

The early years of prison were tough for Grimes. Every day he lived with the reality that he was in prison for something he knew he did not do. The system had failed him and he showed it in his attitude and actions. After five years of turmoil, he met a spiritual man who took Grimes under his wing and showed him the way to inner peace. From that point on, he concentrated his energies toward proving his innocence with appeals and motions he prepared himself. He tried to find help in every organization and group he could contact, but did not meet with success.

Finally, Grimes applied to the North Carolina Center on Actual Innocence, which began an investigation into his case.

The North Carolina Center on Actual Innocence (Center), which was established in 2000, is an independent non-profit organization that coordinates case investigations by Innocence Projects at North Carolina’s law schools. It is manned by a professional staff, but uses volunteers from the participating law schools for investigative and reporting duties. The Center receives over 500 requests per year from inmates claiming
innocence; however, only a few qualify for an in-depth review by the Center. Although the Center believed in Grimes’ innocence, they had been repeatedly told that all the evidence—including the fingerprints, hairs, and rape kit—no longer existed, leaving them with no avenues to pursue. It was believed that all the evidence had been destroyed in December 1990.

Established by the North Carolina General Assembly in 2006, the North Carolina Innocence Inquiry Commission (Commission) is the first of its kind in the nation. It is charged with providing an independent and balanced truth seeking medium, separate from the appeals process, for credible post-conviction claims of actual innocence. Once exonerated by the Commission process, the person is declared innocent and cannot be retried for the same crime.

The Center’s executive director gave the Commission Grimes’ case file in 2006 to be used as a mock case to train the commissioners on the new process.

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In October 2011, the Commission staff, with the cooperation of the Hickory Police Department, combed through hundreds of case files from the time period of the rape in search of evidence or documents relating to Grimes’ case. During their review, it was discovered that the prints had been transferred back to a law enforcement investigative file. The prints were run through AFIS, which resulted in a match with the original prime suspect in the case. Fate had finally smiled on Willie Grimes.

On April 2-4, 2012, the full Commission conducted a hearing on the evidence collected during the investigation. The members agreed unanimously to refer the case to a three judge panel, which was the final step in the process. The panel, made up of three Superior Court judges appointed by the Chief Justice of the North Carolina Supreme Court, would decide the fate of Willie Grimes.

Grimes asked the Center’s executive director, who represented him throughout the Commission investigation, to also represent him before the three judge panel. In September 2012, she contacted me and requested a polygraph examination of Mr. Grimes. Although there was significant evidence supporting his innocence, she wanted to leave no stone unturned in preparation for the innocence hearing before the three judge panel.

One of the first questions the director asked me was what effect 25 years would have on Mr. Grimes’ ability to take a polygraph examination. It was a good question and I gave it great consideration. I felt that probably not one day in the past 25 years had passed without Mr. Grimes’ thinking of the crime and what it had done to his life. I was convinced that no amount of time would interfere with his ability to recall if he did or did not rape Carrie Elliott; however, I was concerned about his recollection of specific details. I was also concerned about the emotional level that Mr. Grimes must be experiencing now that the hearing was drawing so close; it was his last chance to clear his name and set the record straight. This was definitely not a case for the Concealed Information Test or even an MGQT that explored various components of the crime.

My general philosophy of polygraph testing is to make the examination succinct, simple, and focused. I felt that this approach was especially called for in this case to avoid a possible Inconclusive or False Positive result. I chose the Federal You Phase format using the following questions:
1. Is Today Friday? (Yes)

2. Regarding the rape of Carrie Elliott in Oct 1987, do you intend to answer every question truthfully? (Yes)

3. Are you afraid I will ask you a surprise question on this test? (No)

4. On the night Ms. Elliott was raped, did you drink alcohol to the point that you were impaired or high? (No)

5. Did you ever force Ms. Elliott to have sex with you? (No)

6. While in prison, after you were saved, did you engage in any illegal activity? (No)

7. Did you force Ms. Elliott to have sex with you in Oct. 1987? (No)

8. Do you often lie to close friends and family about important things? (No)

9. Is there something we have not discussed that you are concerned I will ask you a question about? (No)

1a. Is your last name Grimes? (Yes)

1b. Do you live in NC? (Yes)

After collecting three charts, I hand scored the examination using standardized rules specific to the format and reached a total score of +12, which resulted in a final conclusion of No Deception Indicated. As a secondary analysis I scored the charts using the Objective Scoring System 3, with similar results.

I took special note of Mr. Grimes’ calm temperament and confident manner throughout the entire polygraph process. There were no observable verbal or non-verbal cues that are generally associated with deception. He was completely cooperative throughout the examination and appeared to be a man at peace with himself.

The three judge panel convened in Catawba County, North Carolina from October 1, 2012 to October 5, 2012. During the five day hearing, a number of witnesses were called including the original prime suspect who was now in custody for an unrelated past rape of a minor female. Through his attorney, he invoked his Fifth Amendment rights and did not testify. He also had previously refused to take a polygraph examination. The treatment of the polygraph evidence was somewhat unique. The panel allowed
me to present a case for polygraph and testify regarding the results; however, they refused to admit it as evidence and stated for the record that they would take the testimony under advisement and may or may not consider it when making their final ruling.

On Friday, October 5, 2012 the defense rested its case as did the state represented by the District Attorney of Catawba County. When resting his case, the District Attorney stated that “the state cannot argue any conclusion other than for innocence in the case of Willie Grimes.”

After a very short period of deliberation, the three judge panel found Mr. Grimes innocent of all charges. The decision of the judges prompted an eruption of cheers and applause from the courtroom.

Paraphrasing the words of Rev. Martin Luther King, one of the presiding judges echoed the thoughts of those who followed the case when he said,

*Free at last, free at last, thank God almighty, thank Jehovah. Willie James Grimes is free at last.*

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**Chart 1**
GLITCH IN WIDELY USED POLYGRAPH CAN SKEW RESULTS
By Marisa Taylor | McClatchy Washington Bureau

WASHINGTON — Police departments and federal agencies across the country are using a type of polygraph despite evidence of a technical problem that could label truthful people as liars or the guilty as innocent, McClatchy has found.

The technical glitch produced errors in the computerized measurements of sweat in one of the most popular polygraphs, the LX4000. Although polygraphers first noticed the problem a decade ago, many government agencies hadn’t known about the risk of inaccurate measurements until McClatchy recently raised questions about it.

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Commercial radio reception began transmitting in the mid 1920’s. Amos and Andy gave way to the Lone Ranger, Sky King and Sergeant Preston of the Yukon in the 1950’s. If reception was poor or ‘static’ caused distortion a simple adjustment to the radio dial by a person of average intelligence usually fixed the problem.

With the evolution of television starting in the late 1940’s, reception was not always optimal. ‘Rabbit Ears’ or roof-top antenna often needed adjustment and if it was raining or snowing adjustment did not help. It was obvious to the viewer of average intelligence antenna adjustment was necessary or inclement weather temporarily precluded viewing. Technical problems such as ‘snow’ or ‘lines’ were easily recognized by a person of average intelligence and corrected with adjustments to the instrument.

By the early 21st century most people of average intelligence owned and operated a personal computer, notebook or desktop. In the workplace, most people of average intelligence could operate a computer dedicated to work production. If the screen went blank, a power failure was most often the cause of the malfunction. A person of average intelligence could identify the problem and solve it by either waiting out the power outage or checking the connection to the power outlet.

Today, polygraph examiners of average intelligence employ a computer program installed on a notebook or desk top computer for the purpose of recording human psychophysiological response to a controlled stimulus. This computer program, written by programmers of average intelligence, displays three channels of human event; tidal volume of the human lungs, cardiovascular activity of the human heart and electrodermal activity created by sweat gland discharge.

Technical glitches in the electrodermal recording are easily recognizable by polygraph examiners of average intelligence and can be corrected with a simple adjustment to the instrument or by checking the connection to the power outlet. If a mid-chart malfunction is noted, the resultant graph would not be included in test data analysis; truthful people would not be identified as liars nor the guilty identified as innocent.

Some writers of anti-polygraph diatribe write from a glitch in logic attributable to less than average human intelligence. A simple adjustment to their brain or connection to a power outlet probably won’t help them very much.
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
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  - 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)
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