Announcing the 2014 - 2017 Annual Seminar Locations, p. 33
Contributors to this issue

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Deadlines

This issue closed on May 12, 2012.


Submission of Articles

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APA Offers Expert Testimony Video by F. Lee Bailey Complimentary to APA Affiliated Organizations

The APA Board of Directors, at the request of one of the APA’s affiliated state organizations, has approved providing a complimentary copy of the 2 DVD Set “Polygraph Evidence - Moot Court” and “Expert Witness Testimony” by F. Lee Bailey. These DVD’s were professionally filmed at a presentation to attorneys and examiners at the New Mexico Polygraph Association on February 17, 2011. The first disk is a moot court regarding admissibility and/or the evidentiary weight to be given polygraph results. Mr. Bailey, joined by APA General Counsel Gordon Vaughan, examined New Mexico polygraph examiner James Wilson and counsel made argument regarding both sides of this issue. The second disk is advice from Mr. Bailey on how to be an effective expert witness with emphasis on polygraph expert testimony.

These DVDs ordinarily sell for $100. The DVDs were used in a presentation on Polygraph Admissibility and Expert Testimony at last year’s APA Annual Seminar in Austin, Texas and in subsequent presentations at polygraph schools and seminars held by APA affiliated organizations. Comments by those who attended the seminar in New Mexico or who have viewed the discs have overwhelmingly endorsed them as helpful for examiners who are called on to testify regarding polygraph or who may anticipate the same.

Because of the number of available DVD sets and the cost of production, each APA affiliated organization may request one complimentary set for use by their organization. The request should be made by an officer of the affiliated organization to the APA National Office. Discs otherwise remain available for purchase from the National Office.
Editor’s Corner
Donald J. Krapohl

Among the spam, business reminders, thank-you notes, hate mail, and solicitations for assistance getting gold out of Nigeria, editors’ email boxes regularly receive queries about topics that have caught the interest of readers. Recently I was sent a question regarding literature that supported screening polygraph. Apparently, vendors of voice-based devices were out again in force trying to affect legislation in certain states that recognized these devices. During my readings I ran across this statement about polygraph screening: “Some of the potential alternatives show promise, but none has yet been shown to outperform the polygraph. None shows any promise of supplanting the polygraph for screening purposes in the near term.” So was the conclusion of the US National Academies of Science report on the polygraph (p 173), a project commissioned 10 years ago this year. That same report showed that the voice stress is not valid for deception detection.

This re-reading reminded me that though critics of polygraphy, including the voice stress folks, use selected passages to that report to discredit our field, there is much in the report that we can, and should, use to better inform the public. Let me encourage you to take a second look at that report, so to be better informed of what it says in our favor, and what it says are the limitations of the other technologies. You can download a PDF version for free. Go to: http://www.nap.edu/catalog.php?record_id=10420.

And as a final reminder, the APA Magazine is still seeking short articles (~1500 words) about interesting cases. If you have any questions, please contact me at APAkrapohl@gmail.com

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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 - May 31:** 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._

**June 15:** Last day to submit a candidate statement of up to 500 words for publication in the _APA Magazine_ and on the APA website.

**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.
In Memoriam

Vincent Rawlins

The APA regrets to announce the passing of member Vincent Rawlins on April 23, 2012. Vincent had several bouts of cancer treatment over the years and succumbed to weakness after a seven-hour operation. Vincent was trained as an examiner in 2005 in South Africa (SA) with the American International Institute of Polygraph. He practiced in SA for several years before moving to the United Kingdom (UK) with his English wife Jackie. Vincent has three daughters and family in SA. Vincent worked in the UK as a private examiner and was a full member of the British Polygraph Association and was secretary for a two-year spell. He was an avid motorcycle rider and played golf with what he said was a low handicap. Vincent had previously been involved in banking and flying helicopters in the SA bush and was a former soldier in the SA army. All of the examiners in the UK have expressed their sorrow at the sad news of Vincent’s death. We would like to extend to his family our deepest sympathy at this time.

Submitted by Terry Mullins

*** THE POLYGRAPH QUESTION ***

Q: Who developed the historical “lie detection” technique that consisted of the collection of physiological data during four distinct periods: quiet period, free narrative period, cross examination period, and final quiet period?

a) Dr. William Marston  
b) Dr. John Larson  
c) Dr. Paul Trovillo  
d) Dr. Stan Abrams

(answer on page 71)
Polygraph Examiner

Academy for Scientific Investigative Training

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

Advanced Polygraph
November 29-30 - 16, 2012

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

Advanced PCSOT
July 30 - 31, 2012

Academy of Polygraph Science

Basic Examiner Course
July 9 - August 31, 2012
September 10 - November 2, 2012
January 7-March 1, 2013 (Fort Myers)
April 1-May 24, 2013 (Saint Louis)
September 16-November 8, 2013 (Fort Myers)

PCSOT
November 5-9, 2012
March 4-8, 2013 (Fort Myers)
November 11-15, 2013 (Fort Myers)

Examiner Refresher Course
November 26-30, 2012
March 11-15, 2013 (Fort Myers)
November 18-22, 2013 (Fort Myers)

Arizona School of Polygraph Science

Basic Examiner Course
May 7 - June 29, 2012
September 24 - November 16, 2012
May 6, 2013 - June 28, 2013

PCSOT
May 14 - 18, 2012

Advanced PCSOT
May 19 - 21, 2012

Backster School of Lie Detection

Basic Examiner Course
June 25 - August 17, 2012*
September 10 - November 2, 2012

PCSOT
August 20 - 24, 2012

Advanced PCSOT

Annual Polygraph Examiner Work Conference
December 3 - 7, 2012

*Galt Correctional Training Facility, Galt, CA
Training Schedule

Marston Polygraph Academy

Basic Examiner Course
April 16 - June 13, 2012
August 6 - October 3, 2012

PCSOT
June 18 - 22, 2012

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

Maryland Institute of Criminal Justice

Basic Examiner Course
April 2 - May 25, 2012
September 17 - November 9, 2012

PCSOT
November 12 - 16, 2012

National Center for Credibility Assessment

Basic Examiner Course
April 24 - July 25, 2012
August 14 - November 15, 2012

New England Polygraph Institute

Basic Examiner Course
September 10 - November 16, 2012

PCSOT
June 4 - 8, 2012

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

Veridicus International Polygraph Academy

Basic Examiner Course
February 4 - April 12, 2013

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

The purpose of learning is growth, and our minds, unlike our bodies, can continue growing as we continue to live.

- Mortimer Adler
Look Closer...  
You’re Not Just Buying a Polygraph

The best instrument delivers the best results

Untouchable quality with unbeatable pricing!

Polygraph Professional Suite™ Silver Solution
- 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

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.

Limestone Technologies INC.
Credibility Assessment • Innovative Screening Solutions

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NORTH AMERICA: 866.765.9770 (toll free)
INTERNATIONAL: 011.613.634.2594
E-mail: sales@limestonetech.com

www.limestonetech.com
Upcoming Seminars

The Florida Polygraph Association (FPA) announces a one-day (8 hour) training course to be held at the Marriott Suites Clearwater Beach on Sand Key, 1201 Gulf Boulevard, Clearwater Beach, FL 33767 on Friday, June 1, 2012 commencing at 0800 hrs. The course is entitled, “Are You a Wizard?” and will be presented by Special Agent Wayne Porter, FDLE Agent, who is one of only 70 Criminal Profilers in the U.S. and a known expert on Interviews, Interrogations and Sex Crimes.

Further information regarding this course can be obtained by contacting the FPA Treasurer, John Thorpe at ltthorpe@iag.net.

The Texas Association of Law Enforcement Polygraph Investigators will be holding its Annual Training Seminar on June 11-15, 2012 at the Granbury Hilton Garden Inn and Granbury Conference Center. The Seminar will include interview training and several relevant polygraph topics including: “Sexual Deviance in the New Millennium” that will be presented by Dr. Lawrence J. Simon. This Training includes numerous real-life video presentations & images, depicting the various characteristics of the Paraphilias and sexualized violence via the internet and other means. Dr. Simon is one of the foremost experts on sexual deviance, and author of the book(s) Murder by Numbers: Perspectives on Serial Sexual Violence & Mortal Desires: True Accounts of Sexual Deviance. Hotel reservations can be made online – at www.granbury.hgi.com ensuring to put TAL in the “group/convention code” box. More details are available at TALEPI.org.

The APA 47th Annual Seminar/Workshop will be held in San Diego, California on September 16-21, 2012. See pages 14-21 of this magazine for further information.

New Jersey Polygraphists 2012 training seminar will be held at the Trump Plaza Hotel and Casino in Atlantic City, October 10-12, 2012. Speakers will be Dr. John Kircher and Pam Shaw. For more information visit our website www.njpolygraph.net, email NJP at Callmps@aol.com or call 973-931-2028.

The APA will sponsor a one day PCSOT Continuing Education Seminar on November 7, 2012. at the Hilton Virginia Beach Oceanfront, 3001 Atlantic Avenue, Virginia Beach, VA 23451. See page 23 for registration form.

The APA and Virginia Polygraph Association (VPA) will co-sponsor a continuing education seminar on November 8-9, 2012 at the Hilton Virginia Beach Oceanfront, 3001 Atlantic Avenue, Virginia Beach, VA 23451. Seminar information and registration form can be found on pages 24-25 of this issue.
As has been announced, the APA’s 47th Annual Membership Meeting and Seminar is scheduled at the San Diego Bayfront Hilton from Sunday, September 16, 2012, through Friday, September 21, 2012.

The popularity of this Seminar has exceeded all expectations and previous early reservation trends. As of this writing all rooms at the San Diego Bayfront Hilton have been reserved. This, despite the fact that the APA contracted for 425 rooms per night on peak nights. There is ample meeting space for over 600 attendees. Unfortunately the Hilton is unable to offer additional rooms. However, the APA is in the process of negotiating (we anticipate a contract will be in place by the time you read this article) for overflow rooms at a hotel within easy walking distance from the Hilton at or near Federal Government lodging per diem rate of $133 per night plus taxes and fees. Robbie Bennett at the National Office is currently maintaining a waiting list for placement in cancelation rooms at the Hilton and overflow rooms at the nearby hotel.
Do not let the absence of available rooms at the Hilton dissuade you from attending the 47th Annual Seminar. There are inevitably some cancelations for rooms at the host hotel and we anticipate that the experience at the overflow hotel will be equal to the quality of the Hilton.

Mike Gougler, Seminar Chair, has put together a great group of accomplished speakers on a variety of timely issues including, but not limited to, validated techniques, PCSOT, interrogation, counter measures, ethics and standards of practice, question formulation, instrumentation and legal updates. A schedule is available on the APA web site (www.polygraph.org). As at the Austin, Texas, seminar last year the Seminar will include real-time translation for our Spanish-speaking members.

To find out about overflow hotel arrangements and/or to get on the waiting list contact Robbie Bennett at the National Office. Also, if you have booked a reservation and determine you need to cancel that reservation please contact Robbie Bennett before canceling as we will be able to reoffer the room to a member on the waiting list at the per diem rate. That opportunity may be lost if you cancel with the hotel before contacting Robbie.

Additionally, for those of you who are sports fans, San Diego Padres (baseball) Petco Park is across the road from the Bayfront Hilton. The Padres will play an afternoon game on Sunday, September 16, 2012. Unfortunately they then go on the road for the remainder of the week. Additionally, the San Diego Chargers play football games in town on September 16 and 23 against the Tennessee Titans and Atlanta Falcons respectively. Qualcomm Stadium is accessible by the Metro Transportation System. Tickets should be available on the respective team websites.
COME JOIN US  
TUESDAY EVENING  
SEPTEMBER 18, 2012  

DINNER CRUISE  

SOUTH OF THE BORDER BUFFET  

Trí Color Tortilla Chips with Homemade Salsa  
Classic Mexican Caesar Salad  
Grilled Chicken, Beef & Vegetarian Fajitas  
(Guacamole, Grated Cheeses, Sour Cream, Black Olives, Shredded Lettuce, Green Onions, Fresh Tortillas)  
Spicy Serrano Mexican Slaw  
Sonora Refried Beans  
Spanish Rice  
Fresh Baked Cookies, Chocolate Brownies & Churros  
$30 per person (discounted price)  

BOARD AT 5:30 PM  
DISEMBARK 8:00 PM  

Please detach and return to the APA National Office, P O Box 8037, Chattanooga, TN 37414 (email: manager@polygraph.org  
fax: 423-894-5435 phone: 1-800-272-8037)  

Name: __________________ # Tickets:_____  
Credit Card:_____________________________ (Visa, MasterCard, American Express)  
Exp: ____________ CVV2:_________  

#14 APA Magazine 2012, 45(3)
ADVANCED RESERVATION REQUIRED  
AMERICAN POLYGRAPH ASSOCIATION  
HILTON SAN DIEGO BAYFRONT, ONE PARK BOULEVARD, SAN DIEGO CA 92101

(All room reservations must be made individually through the Hotel’s reservation department by calling 1-800-445-8667 (Ask for the group rate for APA)

APA FED ID # 52-1035722
Plan now to attend the APA 47th Annual Seminar/Workshop, SEPTEMBER 16 – 21, 2012
Room rate: $133.00 Single/Double occupancy, plus taxes (currently $16.78 tax) ($149.78 for one night) SELF PARKING - $10.00 PER/DAY

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

CUTOFF DATE for hotel reservations is 08/14/12 or until APA’s room allotment is fulfilled. Number of rooms is limited. Individual departure dates will be reconfirmed upon check-in. (72 HOUR CANCELLATION)

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

Registration Hours – Sunday, 9/16/12 (10:00 am-6:00 pm)
On-Site-Monday, 9/17/12 (8:00 am -12:00 Noon)
Seminar Sessions-Monday-Friday, 9/17/12 – 9/21/12

Complete the form below, attach check, VISA, MC or AE information payable to the APA and mail to:
APA National Office, PO Box 8037, Chattanooga, TN 37414-0037
Or FAX to: 423/894-5435
to arrive no later than 08/31/12 for applicable discount. Payment information and registration received after 08/31/12 will be charged the on-site fee.

NAME
ADDRESS___________________________
CITY/STATE________________________
ZIP_________________
NAME OF GUEST(S)___________________
CHILDREN/AGES____________________
NAME BADGE (CALLED BY)_____________
GUEST (CALLED BY)_________________

PRE PAID BY AUGUST 31, 2012
$350 – Member/Applicant _____
$350 – CAPE Members _____
$475 – Member/Apppl W/Guest _____
$125 – Additional Guest _____
$500 – Non-Member _____
$625 – Non-Member W/Guest _____

FEE RECEIVED AFTER AUGUST 31, 2012
$400 – Member/Applicant _____
$400 – CAPE Members _____
$525 – Member/Apppl W/Guest _____
$175 – Additional Guest _____
$550 – Non-Member _____
$675 – Non-Member W/Guest _____

ADDITIONAL $50.00 FOR WALK-INS

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

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

DATE OF ARRIVAL____________________ DATE OF DEPARTURE____________________
VISA ( ) MC ( ) AE ( )__________________________________________ (CVV2) EXP:
(CVV2 is a 3 digit number found on the back of your VISA or MC card or a 4 digit number on the front of the AE). 2012
SIGNATURE__________________________________________________________________ 2012

DINNER CRUISE
TUESDAY SEPTEMBER 18
BOARD 5:30 PM
DISEMBARK 8:00 PM

South of the Border Buffet: Chips, Salsa, Classic Mexican Caesar Salad, Grilled Chicken, Beef & Vegetarian Fajitas (Guacamole, Grated Cheeses, Sour Cream, Black Olives, Shredded Lettuce, Green Onions, Fresh Tortillas), Spicy Serrano Mexican Slaw, Sonora Refried Beans, Spanish Rice, Cookies, Brownies, Churros

# Tickets _____ @ $30.00 = ______________
BUSINESS PHONE_____________________

APA Cancellations Refund Policy:
Cancellations received in writing prior to 08/31/12 will receive a full refund. Persons canceling after 08/31/12 will not receive a refund but will be provided with the handout material.

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

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

(The registration fee includes professional instruction, seminar materials, AM and PM Refreshment Breaks)
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 – 5:00
PCSOT Sexual History and Maintenance Examinations
David Robinson, PhD
### OPENING CEREMONIES

- **Call to Order** – Pam Shaw, APA President
- **Master of Ceremonies** – Michael C. Gougler, Director 2012 Seminar Program Chair
- **Presentation of Colors** – San Diego Police Department
- **The National Anthem** – Det. Gary Hassen
- **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 -** Chief, William Lansdowne, San Diego Police Department

### 9:00 – 9:15 Break Sponsored by:

### 9:15 am – Noon General Session: Validated Techniques Update – Raymond Nelson

### 12:00 – 1:00 Lunch (On Your Own)

### 1:00 – 3:00

#### CLASSROOM A
- **Using Personality Disorders to Enhance Confessions**
  - Michael Gougler
  - Tiffany Niemann, MA LPCI

#### CLASSROOM B
- **EPPA**
  - T.V. O’Malley
  - APA Past President

#### CLASSROOM C
- **Step into the Future with Text-Speech Assisted Polygraph Testing**
  - George Baranowski
  - APA V.P. Private

#### CLASSROOM C
- **Polygraph Information Network/PLEA**
  - James Hall
  - Department of Defense

### 2:45 – 3:00 Break Sponsored by:

### 3:00 – 5:00

#### CLASSROOM A
- **What the PLC Examiner Needs to Know about Conducting DLC Tests**
  - Dale Austin
  - NCCA

#### CLASSROOM B
- **Polygraph and the Law: A Review of Recent Cases**
  - Gordon Vaughan
  - APA General Counsel

#### CLASSROOM C
- **FAINT Interview Technique**
  - Nathan J. Gordon
  - APA Board Chairman

#### CLASSROOM D
- **LEPET**
  - William (Bill) Gary
  - APA VP Government

### APA ISSUES IN THE DIFFERENT FIELDS OF POLYGRAPH

#### 5:00 – 6:00

#### CLASSROOM A
- **PRIVATE**
  - Nathan J. Gordon
  - George Baranowski
  - Vickie T. Murphy-Carr
  - Charles E. Slupski
  - Raymond Nelson
  - Michael C. Gougler
  - Marty Oelrich

#### CLASSROOM B
- **GOVERNMENT**
  - William (Bill) Gary

#### CLASSROOM C
- **LAW ENFORCEMENT**
  - Pamela K. Shaw
  - Chad Russell
  - Barry Cushman
  - Walt Goodson

#### CLASSROOM D
- **INTERNATIONAL**
  - Frank Horvath, Ph.D
  - Department of Defense 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

<table>
<thead>
<tr>
<th>CLASSROOM A</th>
<th>CLASSROOM B</th>
<th>CLASSROOM C</th>
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<tbody>
<tr>
<td><strong>8:00 – 12:00</strong></td>
<td><strong>8:00 – 10:00</strong></td>
<td><strong>8:00 – 10:00</strong></td>
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<tr>
<td><strong>Eliciting Information in the Pre-Test Interview</strong></td>
<td><strong>EDA Monitoring: A Fresh Look at an Old Idea</strong></td>
<td><strong>AFMGQT Technique</strong></td>
</tr>
<tr>
<td>Stanley Slowik</td>
<td>Donald J. Krapohl APA Editor</td>
<td>James Hall Department of Defense</td>
</tr>
</tbody>
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| **10:00 – 12:00** | **10:00 – 12:00** | **10:00 – 12:00** |
| **Testing the Psychopath** | **Federal ZCT** | Charles E. Slupski APA Director |
| Michael Lynch Marston Academy of Polygraph | | |

9:45 – 10:00  Break Sponsored by:

12:00 – 1:00  Lunch (On Your Own)

| 1:00 – 3:00 | 1:00 – 3:00 | 1:00 – 3:00 |
| **Blind Acquaintance Test: Advantage Law Enforcement** | **Examinee Suitability** | **Evaluation of Polygraphic Data: Comments on Assumptions and Practices** |
| Chad Russell APA Treasurer | Marty Oelrich APA Director | Frank Horvath, PhD Department of Defense |

### APA ANNUAL BUSINESS MEETING
3:00 – 5:00
CLASSROOM A

### DINNER CRUISE
SOUTH OF THE BORDER BUFFET

MEET AT THE REAR OF HOTEL 5:00 PM
BOARD 5:30 PM
DISEMBARK 8:00 PM
### APA Magazine 2012, 45(2) 19

#### WEDNESDAY, September 19, 2012

<table>
<thead>
<tr>
<th>Time</th>
<th>Classroom A</th>
<th>Classroom B</th>
<th>Classroom C</th>
<th>Classroom D</th>
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</thead>
<tbody>
<tr>
<td>8:00 – 12:00</td>
<td>Countermeasures</td>
<td>PCSOT Test Question Formulation and Testing within Domestic Violence Programs</td>
<td>8:00 – 10:00 Polygraph and the Law of Confessions Gordon L. Vaughan APA General Counsel</td>
<td>10:00 – 12:00 NAS Update Marty Oelrich, APA Director Barry Cushman, APA President Elect</td>
</tr>
<tr>
<td></td>
<td>Chad Russell APA Treasurer</td>
<td>Charles E. Slupski APA Director and Robert Lundell, Chair, APA PCSOT Committee</td>
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<tr>
<td>9:45 – 10:00 Break – Sponsored by:</td>
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<tr>
<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
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<tr>
<td>1:00 – 3:00</td>
<td>Federal TDA William (Bill) Gary APA V.P. Government</td>
<td>Maximizing the Pre-Test Interview T.V. O’Malley APA Past President</td>
<td>The PCSOT Interview Raymond Nelson APA Director</td>
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<td>3:00 – 3:15 Break – Sponsored by</td>
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<tr>
<td>3:15 – 5:45</td>
<td>POLYGRAPH INSTRUMENTS WORKSHOP</td>
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<tr>
<td></td>
<td>Classroom A AXCITON SYSTEMS</td>
<td>Classroom B LAFAYETTE INSTRUMENTS</td>
<td>Classroom C LIMESTONE TECHNOLOGY</td>
<td>Classroom D STOELTING INSTRUMENTS TBD</td>
</tr>
<tr>
<td></td>
<td>Bruce White</td>
<td>Chris Fausett</td>
<td>Jamie Brown</td>
<td>TBD</td>
</tr>
</tbody>
</table>

**APA MEMBERSHIP EXAMINATION**

**CLASSROOM A**
- 8:00 – 12:00 Countermeasures
  - Chad Russell
  - APA Treasurer

**CLASSROOM B**
- 8:00 – 12:00 PCSOT Test Question Formulation and Testing within Domestic Violence Programs
  - Charles E. Slupski
  - APA Director
  - Robert Lundell, Chair, APA PCSOT Committee

**CLASSROOM C**
- 8:00 – 10:00 Polygraph and the Law of Confessions
  - Gordon L. Vaughan
  - APA General Counsel
- 10:00 – 12:00 NAS Update
  - Marty Oelrich, APA Director
  - Barry Cushman, APA President Elect

**CLASSROOM D**
- 8:00 – 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

**CLASSROOM D**
- 3:00 – 3:15 Break – Sponsored by

**POLYGRAPH INSTRUMENTS WORKSHOP**

**CLASSROOM A**
- AXCITON SYSTEMS
  - Bruce White

**CLASSROOM B**
- LAFAYETTE INSTRUMENTS
  - Chris Fausett

**CLASSROOM C**
- LIMESTONE TECHNOLOGY
  - Jamie Brown

**CLASSROOM D**
- STOELTING INSTRUMENTS
  - TBD

**APA Magazine 2012, 45(2) 19**
### Thursday, September 20, 2012

<table>
<thead>
<tr>
<th>Time</th>
<th>Classroom A</th>
<th>Classroom B</th>
<th>Classroom C</th>
<th>Classroom D</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 – 12:00</td>
<td>Inside the Mind of the Sex Offender</td>
<td>Emerging Technologies</td>
<td>Where Did I Go Wrong?</td>
<td>School Inspector’s Training</td>
</tr>
<tr>
<td></td>
<td>Troy Timmons, MA Amarillo, Texas</td>
<td>Jennifer Vendemia University of South Carolina</td>
<td>Skip Webb U.S. Army CID</td>
<td>William “Bill” Gary APA VP Government</td>
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<td>9:45 – 10:00</td>
<td>Break – Sponsored by</td>
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<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
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<td>1:00 – 5:00</td>
<td>Empirical Scoring System</td>
<td>DLST</td>
<td>R&amp;I Screening Technique</td>
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<tr>
<td></td>
<td>Walt Goodson APA V.P. Law Enforcement</td>
<td>Mark Handler AAPP Research Committee</td>
<td>Dale Austin NCCA</td>
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</tr>
<tr>
<td>2:45 – 3:00</td>
<td>Break – Sponsored by</td>
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<tr>
<td>3:00 – 5:00</td>
<td>Empirical Scoring System (Cont’d)</td>
<td>3:00 – 5:00 Utah Technique</td>
<td>3:00 – 5:00 Global Analysis</td>
<td>3:00 – 5:00 PCSOT Instructor’s Training</td>
</tr>
<tr>
<td></td>
<td>Walt Goodson APA V.P. Law Enforcement</td>
<td>Mark Handler AAPP Research Committee</td>
<td>Dale Austin NCCA</td>
<td>Charles E. Slupski APA Director</td>
</tr>
</tbody>
</table>

**6:30 pm BANQUET**

Darlene Ellison – Keynote Speaker
Award-Winning Author of “The Predator Next Door”
### FRIDAY, September 21, 2012

<table>
<thead>
<tr>
<th>7:30 AM – 8:00 AM</th>
<th>Coffee Break</th>
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<tbody>
<tr>
<td><strong>CLASSROOM A</strong></td>
<td><strong>CLASSROOM B</strong></td>
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<tr>
<td>8:00 – 10:00</td>
<td>8:00 – 10:00</td>
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<tr>
<td>Concealed Information Test</td>
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<tr>
<td>Dale Austin NCCA</td>
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<tr>
<td>8:00 – 10:00</td>
<td>False Confessions</td>
</tr>
<tr>
<td>Mark Handler</td>
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<tr>
<td>AAPP Research Committee</td>
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<tr>
<td>10:00 – 12:00</td>
<td>10:00 – 12:00</td>
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<tr>
<td>Interview Route Maps</td>
<td></td>
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<tr>
<td>Dale Austin NCCA</td>
<td></td>
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<tr>
<td>10:00 – 12:00</td>
<td>Ethics</td>
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<tr>
<td>Troy Timmons, MA</td>
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<tr>
<td>Amarillo, Texas</td>
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<tr>
<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
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<tr>
<td>1:00 – 3:00</td>
<td>1:00 – 3:00</td>
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<tr>
<td>A Case Study in Ethics</td>
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<tr>
<td>William K. Teigen</td>
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<tr>
<td>Past APA VP Private</td>
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<tr>
<td>1:00 – 3:00</td>
<td>Semi-Structured Interviewing</td>
</tr>
<tr>
<td>Brian Vaughan</td>
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<tr>
<td>Texas DPS Polygraph School Director</td>
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<tr>
<td>3:15</td>
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<tr>
<td><strong>CLOSING REMARKS</strong></td>
<td></td>
</tr>
<tr>
<td>APA President, Barry Cushman</td>
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</tbody>
</table>
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.

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…
THE AMERICAN POLYGRAPH ASSOCIATION (APA)  
CONTINUING EDUCATION SEMINAR  
HILTON VIRGINIA BEACH OCEANFRONT, VA  
WEDNESDAY, NOVEMBER 7, 2012  
ADVANCED REGISTRATION IS REQUIRED

APA FED ID # 52-1035722

WEDNESDAY  
NOVEMBER 7, 2012  
8:00 AM - 5:00 PM

LODGING
HILTON VIRGINIA BEACH OCEANFRONT  
3001 ATLANTIC AVENUE  
VIRGINIA BEACH VA 23451

ROOM RATE: $89.00 S/D- PLUS 13% TAX
To make Hotel Reservations:
CALL : 1-800-445-8667 or 757/213-3000
Individual Reservations - Cut-off date: 10/08/12

ONE DAY ONLY
$50.00
PRE-PAID BY OCTOBER 20, 2012

**ADVANCED REGISTRATION REQUIRED
1-800-272-8037 OR 423-892-3992
FAX 423/894-5435

**IN ORDER TO HAVE ADEQUATE SEATING, ADVANCED REGISTRATION IS REQUIRED**

CONTINUING EDUCATION

SEMINAR

POST CONVICTION SEX OFFENDER TESTING (PCSOT)

CONTINUING EDUCATION CREDITS
When you attend this seminar, you receive up to 8 CEUs (Continuing Education Units) of continuing education credit approved by the American Polygraph Association and the Federal Certification Program for Continuing Education and Training.

CANCELLATION AND REFUND POLICY:
Cancellations received, in writing, before October 20, 2012, will receive a full refund. Persons canceling after October 20, 2012, will not receive a refund but will be provided with the handout material.

TAX DEDUCTIONS
All expenses of continuing education (including registration fees, travel, meals and lodging) taken to maintain and improve professional skills are tax deductible subject to the limitations set forth in the Internal Revenue Code.
(The registration fee includes professional instruction, seminar materials, AM and PM Refreshment Breaks, and Lunch)

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

TO REGISTER FOR THE SEMINAR, PLEASE COMPLETE AND MAIL THIS FORM TO:  
APA NATIONAL OFFICE, P.O. BOX 8037, CHATTANOOGA, TN 37414-0037  
OR FAX IT TO 423-894-5435

Print Legibly or Type the Following

NAME: __________________________________________    BUSINESS PHONE:_________________________

ADDRESS: ____________________________________________________________________________________

NAMETAG-CALLED BY: _____________________________________________________________

( ) CHECK MADE PAYABLE TO: AMERICAN POLYGRAPH ASSOCIATION IS ENCLOSED

( ) CHARGE $___________ TO MY: ( )VISA   ( )MASTERCARD   ( ) AE

NUMBER ___________________________________________________  EXP. ____________________

SIGNATURE _____________________________________________________________

CES-Virginia Beach, VA (11/7/12) (We can't possibly reach everyone who would be interested in taking part in this seminar. Please help us by making photocopies of this page for your co-workers and business associates. Thanks for your assistance) (2012)
# THE AMERICAN POLYGRAPH ASSOCIATION (APA)
## CONTINUING EDUCATION SEMINAR
### CO-SPONSOR – VIRGINIA POLYGRAPH ASSOCIATION

**ADVANCED REGISTRATION IS REQUIRED**

<table>
<thead>
<tr>
<th>APA FED ID # 52-1035722</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>THURSDAY and FRIDAY</strong></td>
</tr>
<tr>
<td><strong>NOVEMBER 8-9, 2012</strong></td>
</tr>
<tr>
<td><strong>8:00 AM - 5:00 PM</strong></td>
</tr>
<tr>
<td><strong>HILTON VIRGINIA BEACH OCEANFRONT</strong></td>
</tr>
<tr>
<td><strong>3001 ATLANTIC AVENUE</strong></td>
</tr>
<tr>
<td><strong>VIRGINIA BEACH VA 23451</strong></td>
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<tr>
<td><strong>To make Hotel Reservations:</strong></td>
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<tr>
<td>Call the 1-800-445-8667</td>
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<tr>
<td><strong>Or 757/213-3000</strong></td>
</tr>
<tr>
<td><strong>$89 (S/D) or Ocean Front rooms $119.00</strong></td>
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<tr>
<td><strong>Plus 13% local tax plus $1.00 Lodging tax</strong></td>
</tr>
<tr>
<td><strong>Individual Reservations. Cut-off date 10/08/12</strong></td>
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<td><strong>(Cancellations accepted up to 72 hours prior to arrival)</strong></td>
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</table>

**REGISTRATION FEE**

| **PRE-PAID BY OCTOBER 20, 2012** |
| $200 APA Member/Applicant |
| * $200 VPA Member |
| $225 Non-Member |

| **FEE RECEIVED AFTER OCTOBER 20, 2012** |
| $250.00 APA Member/Applicant |
| * $250.00 VPA Member |
| $300.00 Non-Member |
| * Must be a paid-up member of VPA. |

**ADDITIONAL $50.00 FOR WALK-INS**

| **** ADVANCED REGISTRATION REQUIRED **** |
| 1-800-272-8037 OR 423-892-3992 |
| FAX 423/894-5435 |

**CONTINUING EDUCATION SEMINAR:**

| **VALIDATED TECHNIQUES** |
| **INTERNET-PRE TEST** |
| **ETHICS/LEGAL UPDATE** |

**CONTINUING EDUCATION CREDITS:**

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

**CANCELLATION AND REFUND POLICY:**

- Cancellations received in writing before **OCT 20, 2012** will receive a full refund. Persons canceling after **OCT 20, 2012** will not receive a refund but will be provided with the handout material.

**TAX DEDUCTIONS**

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(The registration fee includes professional instruction, seminar materials, AM and PM Refreshment Breaks).

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

**IN ORDER TO HAVE ADEQUATE SEATING, ADVANCED REGISTRATION IS REQUIRED.**

---

**TO REGISTER FOR THE SEMINAR, PLEASE COMPLETE AND MAIL THIS FORM TO:**

APA NATIONAL OFFICE, P.O. BOX 8037, CHATTANOOGA, TN 37414-0037

OR FAX IT TO 423-894-5435

Print Legibly or Type the Following

| NAME: ___________________________ | BUSINESS PHONE: ___________________________ |
| ADDRESS: ____________________________________________________________________________ |

| NAME TAG-CALLED BY: ____________________________________________________________________ |

| ( ) CHECK MADE PAYABLE TO: AMERICAN POLYGRAPH ASSOCIATION IS ENCLOSED |
| ( ) CHARGE $____________ TO MY: ( ) VISA ( ) MASTERCARD ( ) AE |
| BE SURE TO INDICATE THE CVV2 CODE. IT IS THE 3 DIGIT CODE ON THE REVERSE SIDE OF VISA/MASTERCARD OR 4 DIGIT NUMBER ON FRONT OF AMERICAN EXPRESS CARD. |
| __________________________________________________________ CVV2________EXP. _____________ |

**SIGNATURE**

CES-Virginia Beach, VA (Nov 8-9, 2012) We can’t possibly reach everyone who would be interested in taking part in this seminar. Please help us by making photocopies of this page for your co-workers and business associates. Thanks for your assistance 2012
### SCHEDULE

**THURSDAY, NOVEMBER 8, 2012**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 AM – 8:15 AM</td>
<td>OPENING CEREMONIES</td>
<td>ALAN MOORE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PRESIDENT VPA</td>
</tr>
<tr>
<td>8:15 AM – 5:00 PM</td>
<td>VALIDATED TECHNIQUES</td>
<td>MICHAEL C. GOUGLER</td>
</tr>
<tr>
<td></td>
<td></td>
<td>APA DIRECTOR</td>
</tr>
<tr>
<td>9:30 AM – 9:45 AM</td>
<td>BREAK</td>
<td></td>
</tr>
<tr>
<td>12:00 NOON – 1:00 PM</td>
<td>LUNCH</td>
<td></td>
</tr>
<tr>
<td>2:30 PM – 2:45 PM</td>
<td>BREAK</td>
<td></td>
</tr>
<tr>
<td>5:00 PM</td>
<td>REVIEW OF DPOR AND VIRGINIA STATE REGULATIONS</td>
<td>MEMBER OF THE VPA</td>
</tr>
</tbody>
</table>

**FRIDAY, NOVEMBER 9, 2012**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 AM – 12:00 NOON</td>
<td>PRE-TEST INTERVIEWING AND THE INTERNET</td>
<td>LEE MALKOW</td>
</tr>
<tr>
<td>9:45 AM – 10.00 AM</td>
<td>BREAK</td>
<td></td>
</tr>
<tr>
<td>12:00 NOON – 1:00 PM</td>
<td>LUNCH</td>
<td></td>
</tr>
<tr>
<td>1:00 PM – 5:00 PM</td>
<td>ETHICS/LEGAL UPDATE</td>
<td>GORDON L. VAUGHAN, ESQ.</td>
</tr>
<tr>
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<td></td>
<td>APA GENERAL COUNSEL</td>
</tr>
<tr>
<td>2:45 PM – 3:00 PM</td>
<td>BREAK</td>
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</table>

**NOTE:**

“The presentations of the speakers and the materials at this seminar are designed to provide general information on the seminar topics presented in an effort to help polygraph professionals maintain their professional competence. The views of the speakers and contents of the materials presented have not been approved by the Board of Directors of the American Polygraph Association (APA) and, accordingly, should not be construed as representing the policy of the American Polygraph Association. The presentations and materials provided at this seminar are provided with the understanding that the APA is not engaged in rendering professional or legal services.”
The 2012 APA Annual Awards

This year you make the call!

Yes, you read that correctly. Based on the success of the electronic election process, this year it will be the membership of the American Polygraph Association who will elect by electronic ballot the nominee they feel is the most deserving of these awards. It will work like this. Below is a listing and a description of each of the American Polygraph Association Awards to be presented at the 2012 Annual Conference Banquet. Nominations for these awards must be submitted to the Awards Committee no later than July 15th, 2012. The submission letters, containing the name of the nominee along with a short statement regarding the rationale for this candidate’s nomination will appear in the APA Magazine and on the APA website. The names of the candidates will then be posted and the membership will be asked to vote in the same fashion as our electronic election process. The votes will then be tallied by members of the Awards Committee and the results will remain confidential until the night of the 2012 Conference Banquet. All electronic votes must be in no later than August 16th, 2012.

The American Polygraph Association Awards:

William L. and Robbie S. Bennett Memorial Award: For unrelenting efforts and display of ability in the interest of the American Polygraph Association

Al & Dorothea Clinchard Award: For extended, distinguished, devoted and unselfish service in behalf of the American Polygraph Association.

Cleve Backster Award: Honoring an individual or group that advances the polygraph profession through tireless dedication to standardization of polygraph principles and practices.

Leonarde Keeler Award: For long and distinguished service to the American Polygraph Association.

David L. Motsinger Horizon Award: In recognition of a new shining star in the profession or Association who early in their career demonstrates loyalty, professionalism and dedication to the polygraph profession (Less than 10 years).

John E. Reid Award: For achievement in research, teaching and writing of the polygraph profession.

NOTE: The winner of the President’s Award is chosen by the President, and therefore will not be included in the electronic voting.
Congratulations to Mrs. Robbie Bennett in celebration of her 27th year as the APA National Office Manager! Robbie has been running the day-to-day operations of the Association since 1985 and has deftly handled the many demanding duties that come with that job. In addition, she has managed the Annual Seminar every year, and with her keen attention to detail she has kept 19 APA Presidents and 27 Boards out of serious trouble. If you have ever called the National Office for something, you already know how efficiently she handles your requests. As Robbie begins her 28th year as our National Office Manager the APA Board wants to express its appreciation for her exceptional service to the Association and to its members.

Thanks, Robbie!
Hello fellow members. The summer is quickly approaching and just beyond summer is our annual seminar, slated for September in San Diego, CA. I hope that each of you will be able to attend! Things have come together well for the seminar agenda and we have been able to secure a dinner cruise for our Tuesday night event. It is sure to be a great week, so please come join us!

In a short couple months we will be sending formal notification of electronic voting procedures and candidate selection information. Please be on the lookout for this information as I would like for us as an association to reach our highest number of voters since implementing the electronic voting process. The motive is not just about numbers, it’s about seeing a greater representation of the will of the members. It’s about being involved and caring about the direction of the association, and caring enough to select your next group of representatives.

Don’t forget that our award recipients will be submitted and voted upon electronically this year too. Please be on the lookout for repeated announcements and encouragement from George Baranowski to participate. As a reminder, award recipients will have their membership dues waived for the following year, so it’s a nice way to bring recognition as well as financial compensation to our peers. Please consider nominating someone you believe has been doing good work in the field!

In the spirit of recognition, I would like to take a moment and recognize our National Office Manager, Ms. Robbie Bennett! As of early May 2012 she has been with the APA for 27 years! Yes, you read that right…27 years! In those years she has proven herself faithful, extremely dedicated and passionate about the quality of our profession. If you have ever needed anything from the APA office, chances are you’ve talked with Robbie and she’s assisted you in a most expedient fashion. Next time you interact with Robbie, whether by phone, email or in person, please be sure to thank her and congratulate her for her long-time service to our association! Thank you Robbie!

And lastly, in my previous report I outlined the numerous projects assigned to the various APA Board members. Those projects are progressing well and some are now complete. Please read the various Board member reports that follow for status updates. In sum, I am proud of the work that is being done by your Board and am confident that we will have many additional accomplishments to report on by the annual seminar.

I wish you a wonderful summer and I look forward to seeing many of you in San Diego!
George Baranowski  
VP Private

You think this is change?

When the American Polygraph Association Meta-Analysis preliminary report of Validated Techniques was first published, there were some who voiced distress, concern, anxiety, fear, outrage, anger and even indignation and some did so quite vocally. First, most all of what was feared turned out to be unwarranted, as cooler heads were able to explain what the Meta Analysis represented and it became even clearer when more correct interpretations of this report were communicated.

But no doubt a good amount of this anxiety had to do with a fear of the possibility of “change.” However as even philosophers have stated, “Change happens, that’s why it’s called change.” Change happens all the time and usually for sound reasons, and we all know that. Here’s another one that sounds like it came from a philosopher that really seems to be right on point to this matter, and it is, “If change doesn’t kill you, it’ll make you stronger.” OK, so it’s a reach, but here’s what I really wanted to share with you.

A friend of mine who retired from the Indianapolis Police Department many years ago shared with me a department bulletin that was uncovered from their police archives. It’s dated March 5, 1885. As a point of interest this was about the same time that the gunfight at the OK Corral occurred. Reading this bulletin leads one to believe that the good old days weren’t really all that good and thank God change occurred. The bulletin included the following instructions.

1. Each officer will bring a bucket of water and a scuttle of coal for each shift
2. Make your pens carefully. You may whittle nibs to your individual taste.
3. Officers will be given an evening off each month for courting purposes upon written request.
4. If an officer can show proof he attends church regularly, he will be given an extra evening off each month.
5. Each officer should lay aside from each pay a goodly sum so that he will not become a burden to society in his declining years.
6. Any officer who smokes Spanish cigars, uses liquor to excess or frequents pool and dance halls will give good reason to suspect his integrity and honesty.
7. Any officer who performs his duties faithfully and without fault for five years will be given an increase of 5 cents per day, city funds permitting.

The arrest statics in the bulletin from 1885 showed that the same old crimes were being committed and about as often as they are now. Remember the population then in Indianapolis was only 105,000. Their records in 1885 document 400 arrests for prostitution, 188 for gambling, 6 for murder, 128 for assault, 4 for rape, 405 for larceny, 20 for robbery and 1,980 for “drunkenness.”

There were also some unusual figures as well that I thought were interesting. It was
obvious that police officers in 1885 had a few problems that we don't see today. In that year for example, there were four arrests for playing hand organs (harmonicas) in the street. 27 for letting livestock run at large, 16 for feeding a horse on an improved street and 13 for leaving a horse unhitched. The one I thought was the most fascinating however, was listed as two arrests for “Committing a common nuisance in a tunnel.” That one kind of causes your imagination to think of all kinds of things.

Change happens.

Mike Gougler
Director

Fellow professionals,

Our San Diego seminar is only 3 months away. The schedule has been finalized and is available in the *APA Magazine* and on the website. The Tuesday night dinner cruise promises to be a great venue for relaxation and catching up with old friends and making new ones. The hotel rooms are going fast, so don't delay, make your reservations now. Please visit the hospitality room during the seminar to enjoy the networking experience.

I just returned from a pre-conference visit in San Diego. I was able to check out some entertainment possibilities for the membership. There is a trolley tour of the city with unlimited on/off access for $27.00 per person (well worth it). The San Diego Zoo is nationally renowned and very interesting. There is a harbor tour that will be part of our Tuesday night dinner cruise that was enjoyable and entertaining. Finally, for the sports enthusiast, you can tour Petco Park—Home of the Padres, for $11.00 adult or $8.00 if you are 60+ years old. Come to San Diego for both excellent training and a great social experience.

Please remember to send in your nominations for the APA awards. This year the membership decides who receives the awards. Let your voice be heard.

The election of officers will soon take place. The voting will again be conducted electronically. Please become involved in the election process as we want the officers to truly be a representation of the membership’s wishes.

Included in this magazine is an article relating to future APA seminar sites through 2017. The Board has sought diversity in the location sites to maximize the training experience for the members. There are some very popular destinations represented in the next five years. Plan early to attend.

There will be two constitutional changes that will be addressed at the annual business meeting. The first is changing the Secretary position to ex-officio; the other is the creation of an ex-officio position of permanent seminar chair. The Board endorses both of these proposals.

I have enjoyed serving you over the past eight years. I have been fortunate to be part of many worthwhile projects during my tenure as a member of the board. Being involved in the last two seminars as chair, the PCSOT model policy, applicant screening model policy and the Standards of Practice Committee has been very rewarding. I must say however, that being chairman of the AD-Hoc committee for
validated techniques may have been the most rewarding of all. Having seen the profession for almost 30 years from the inside, I truly believe we are headed in the right direction. I consider it a privilege and honor to represent you.

Raymond Nelson
Director

Fellow polygraph examiners:

The past two months, like the previous, have been spent responding to inquiries and questions, and providing training, about the meta-analysis and validated techniques. We are also continuing to reiterate the difference between APA standards of practice and the meta-analysis. Of course, interest in the meta-analysis has been high, and the response from both within and outside the profession has been almost universally favorable. For those who have had concerns about the meaning and potential impact of the increased emphasis on validity we have been able to answer nearly all questions to everyone’s satisfaction. The short of it is that the meta-analysis is neither an official list of validated techniques, nor a standard of the APA. The meta-analysis is simply a list of studies for which we are presently certain that we can defend them in response to any reasonable scientific question or inquiry. Of course, all professionals are free to use any technique that they are prepared to defend with published and replicated evidence. Also, nothing prevents anyone from conducting their own analysis of the scientific literature. The APA desires only to avoid the pain and discomfort of having to attempt to defend a polygraph technique without published and replicated evidence, with nothing more than the strength or force of an individual or personality as a basis for validity. The meta-analysis exists only to relieve others from the burden of tedious work that can more easily be provided as a service to professionals by the association.

Plans are continuing to take shape for additional efforts from the APA research committee including a summary of the Reid technique, completion of studies on the RI technique, and additional studies on the Backster exploratory technique. We are also aware of interest in studies on the Marcy and Arther techniques. All told, a great amount of effort and time will be required to complete this work, and the APA research committee will be grateful for any assistance from others interested in becoming involved or participating in the projects. As always, members of the APA research committee are available to answer questions and provide training or instruction, either individually or collectively regarding all matters related to the science of polygraph testing and recent developments.

The value of all the recent effort is already beginning to be felt. Most APA member examiners are finding that they are already using methods with published evidence of validity. Some are making subtle changes in techniques and procedures to remain current with the latest developments. We have had contact with investigative reporters interested in completing stories on the polygraph. Our goal, if new publications occur, will be to gain more favorable sentiments among media persons, and make a more favorable impression to scientific thinkers than ever before.

The ultimate goal of the APA and the APA research committee is not to have every
exam, or any exam, in court. The goal is simply to win those cases that go to court. With that in mind, the APA meta-analysis has already been discussed in two legal proceedings in which I was involved, one involving a city police department in Oklahoma, while defending an internal affairs exam that was attacked by a well-known opponent of polygraph testing, and the other involving a law enforcement screening exam in Colorado, that was to be attacked by another well-known scientific-minded opponent of the polygraph. Both cases have the potential to create precedence that could affect the broader profession. Although examinees and critics seem to always state that the polygraph is inadmissible in court, in reality we do occasionally have to discuss or defend our work or an examination in a legal proceeding. Our goal is to win every case. This is also the goal of our opponents, and we can expect they will argue and attack with increasingly focused energy as the stakes get higher (when individual rights and liberties are at risk). One important reminder about courtroom testimony is that credibility cannot be earned by stating things that are obviously not possible (e.g., perfect test), and is earned by sticking to the facts and accounting for ourselves in the common ways that forensic scientists are expected to do. Though we still have work to do, our facts are increasing in order and it is our goal that they will be increasingly convincing when necessary.

Other related activities in recent months, though I am less involved than others, have included the situations in Louisiana, in which the proponents of voice stress are seeking to have that pseudo-scientific technology approved as an alternative to polygraph testing for persons sentenced to post-conviction supervision programs. Having a sound scientific basis will only help our argument against, and differentiate polygraph testing from, technologies that lack an adequate foundation of validation data. We will face continuing and perhaps increasing challenges, including the potential for the eventual regulation of all fields of forensic science at the national level. Our objective is to ensure that our methods, our evidence, and our policies are both sound and impressive to those that would make decisions to include or exclude polygraph testing as a recognized discipline that is worthy and deserving of respect and among both the forensic sciences and legislators who may make decisions about the forensic sciences.

Summer is approaching and before we know it September will be upon us and it will be time again for the APA annual conference. The conference last year was a great experience with good presentations and terrific opportunities to meet other professionals and become involved in the profession outside our individual agencies and workplaces. The most important thing of all is that our organization do everything it can to ensure the long term success of its individual members and the profession as a whole. In that way we will be of maximum service to our customers, communities and countries. I am continuing to assist Director and Past President Mike Gougler with the coordination of translation services for conference participants from Latin-America and other spanish-speaking countries. Todavía estamos buscando traductores voluntarios y patrocinadores de la conferencia (we are still seeking translators and sponsors for the conference).

As always, please do not hesitate to call or email me if you need any information or assistance.

Hope to see you all in September.
APA Board Of Directors Approves 2014, 2015, 2016 and 2017 Annual Seminar Locations

In addition to the previously announced 2012 APA Annual Seminar at the San Diego Bayfront Hilton and the 2013 Annual Seminar at the Orlando Hilton Bonnet Creek, the APA Board of Directors is excited to announce that it has entered into contracts with hotel properties for APA Annual Seminars for 2014, 2015, 2016 and 2017. The venues selected were based on considerations of member requests and feedback, locations where the APA has not held prior annual seminars, as well as perceived value and overall seminar experience for APA members. The cities and hotels selected are: 2014 Seattle, Washington – Seattle Sheraton; 2015 Chicago, Illinois - Palmer House Hilton; 2016 Baltimore, Maryland – Baltimore Hilton; 2017 Las Vegas, Nevada - Marriott Las Vegas Resort and Spa.

The APA has again been able to negotiate federal government per diem lodging rates or less (Chicago and Baltimore) for all attendees. In addition, each contract provides for complementary in-room internet and complimentary or significantly discounted fitness center and spa admittance, as well as many other amenities and benefits.

Significantly, each of these cities, with the exception of Las Vegas, have been venues that the APA has not held Annual Seminars due to the historical unavailability of properties willing to agree to concessions that would permit the APA to maintain the relatively low seminar fees and lodging rates. A combination of a depressed convention market and competitive and/or multi-year negotiation with the properties – as well as some luck - has resulted in obtaining the very favorable concessions from the properties to allow the APA to hold these seminars in these premier venues at top tier hotels.

The APA Board of Directors has, in the last several years, made a conscious attempt to locate seminar sites at major venues, within walking distance of restaurants, shopping and entertainment and with hotel properties that offer premier meeting, lodging and other facilities. At the same time the Board has insisted on rates and concessions from properties that assist the organization in keeping the seminar fees lower than most any professional organization that offer similar week long seminars. It has also insisted that the hotel provide a uniform lodging rate for both government and private members at or below prevailing government per-diem.

The APA continues to look for ways to enhance both the educational and
overall experience of membership at these annual seminars. Based on suggestions from membership we have added as part of current and future seminars pre-seminar Sunday afternoon sessions, interpreting services for our Spanish speaking members, and a hospitality suite. While it is believed the quality of speakers and presentations have always been high, the Board is looking at formalizing speaker selection criteria that will help insure content and presentation quality accountability on timely, diverse and professionally important topics. If you have suggestions for improvement of the annual seminar please pass these on to a Board member and/or the seminar chair.

A summary of highlights of the newly contracted hotels and seminar dates follow. It is not too early to get these on your calendar.

**Seattle, Washington**  **September 7- 12, 2014**

In 2014 the APA is headed to the “Emerald City” and the Seattle Sheraton. The Seattle Sheraton is located in the center of Seattle’s vibrant downtown and is at the hub of extensive mass transportation (with nearby light rail to and from the airport) and next to the Seattle convention center. In addition to an in-house coffee shop, bar and restaurant the Sheraton is within short walking distance of dozens of restaurants – from grab and go to gourmet - several shopping malls and venues, entertainment venues including two multi-plex movie houses, live theater and symphony, art museums, bars and live music clubs. Within a few minutes walk of the hotel is the monorail with quick access to the Seattle Space Needle. Also within walking distance is the famous Pike Place Market and the extensive Seattle wharfs and ferry connections. Amusement
parks of the Seattle Center and downtown sports venues for NFL and Major League Baseball are a short cab drive away. The property has over 1,200 new or recently renovated rooms and the meeting space is large, well appointed with ample pre-function space for exhibitors and coffee breaks. The 35th floor pool and two level fitness center is newly renovated with expansive views of the city. This venue would be a great occasion to bring a spouse as there are, in addition to the many activities near the hotel, numerous day trips including Mt. Rainer, local wineries, and boat excursions.

Chicago, Illinois  August 30 - September 5, 2015

For 2015, the APA Board sought a particularly special venue to celebrate the APA’s 50th Annual Seminar and selected one of the premier venues in the United States and inter-nationally – the Chicago Palmer House Hilton. Those of you familiar with the Palmer House or who may go online to view this property will likely be surprised that the APA was able to obtain a guaranteed room rate substantially below the current prevailing federal government per-diem and similar to rates in other venues the APA has held annual seminars. (The fact is that the convention sales manager is the grandson of a long time and prominent APA member and went the extra mile to bring the APA to this property for this special seminar.) The original Palmer House opened on September 26, 1871 and burned down thirteen days later in the Great Chicago Fire. It was rebuilt and underwent through the years was again rebuilt and underwent a complete renovation between
2007 and 2009. The hotel maintains its grand traditions in architecture and service. The guest list for the hotel includes presidents and royalty. The Palmer House is located in the heart of the Chicago theater district and within walking distance of restaurants, shopping, museums and entertainment venues. The meeting space, like the hotel, offers its own version of classic charm but at the same time provides the space and amenities expected of a major convention hotel. The APA Board is already in discussion regarding ways to, in addition to providing this special venue, commemorate this 50th Annual Seminar.

**BALTIMORE, MARYLAND**  
*August 28 – September 2, 2016*

In 2016 the APA will travel to the recently constructed Baltimore Hilton, located in Baltimore’s Inner Harbor, and a short walk to the restaurants, shopping, museums and entertainment of the Inner Harbor. The hotel is adjacent to Camden Yards, home of the Baltimore Orioles. If it has been awhile since you were in Baltimore you will find that it is not your father’s Baltimore.

Like most major property venues anywhere near Washington D.C., standard room rates are very high and the federal lodging per diems - though much reduced from standard rates - are high still. After considerable discussion and negotiation and the open desire of the property to host our organization, the APA was able to secure a guaranteed lodging rate at well below the current federal government per diem for this venue. With the other concessions made by the hotel it would be difficult for a member to come close to duplicating the value that members and their guests will receive at this property while attending this annual seminar.
Finally, for 2017, the APA will return to Las Vegas. Las Vegas is consistently one of the most popular venues for APA Annual seminars. This time, however, the APA has selected one of the premier resorts in the Las Vegas area - The Marriott Las Vegas Resort and Spa. This resort is located in the stunning Red Rocks Canyon area approximately 15 minutes from the strip. The hotel is a first class destination resort with all of the activities and amenities that go with such a location: swimming, golf, tennis, running and bicycling trails, and available assorted spa treatments. The 50 acres of the resort include waterfalls, whirlpools, and eleven restaurants from casual to fine dining.

While located away from the strip you are not removed from the gaming experience unique to the town. The resort has its own large casino. There are other casinos in surrounding properties and the APA has arranged for frequent and free shuttle service to and from Las Vegas strip locations. Because the APA Annual Seminar has grown to an average of well over 500 attendees the APA will occupy most of the resort – providing for a better opportunity for networking than at the mega strip hotels.

Details for each of these locations will be presented at the General Membership meeting at the upcoming Annual Seminar in San Diego and in future issues of this magazine.
Hi everyone and welcome to Part 3 of our presentation Are You Ready to Start a Private Practice. This actually marks the final chapter of our three-part series for this year. As we have stated previously, the American Polygraph Association has of course always been aware that there are examiners who have ended, or are making plans to end their careers as polygraphers for police departments or governmental agencies and have had ideas of, or given thoughts to, starting a private practice.

As just a quick review of topics covered in issues that appeared previously, we talked about the importance of Self Confidence that includes confidence to make decisions quickly, independently and often under pressure. This kind of coolness in such decision making as a private examiner is quite different from working for an agency or department. An error made while working for a department is most likely regarded simply as that, an error. As such an examiner, you’re still going to get paid on payday. Of course, nobody can continually to make errors and keep his position. But an error in your private practice may be exceptionally perilous to the survival of your business reputation and of course your income. Put it another way, the test done for a department or agency is not looked upon personally, but rather this test, (good or bad) was done by the “department or agency.” But as a private examiner the test was conducted by you, not an organization, agency or department. You’re selling

*This article is the third 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 vpprivate@polygraph.org. The views expressed are those of the author, and do not necessarily represent those of the American Polygraph Association.
yourself with every test you conduct, with every report that you write. After all, you’re now the sole income and you’re the one that pays all the bills that keeps the doors open and the lights on.

We also talked about in previous issues about the need for “High Energy Level and Changes in Attitude.” This energy includes sometimes running long, inconvenient hours and there’s nobody around anymore to turn in an overtime slip. I should also include something about a related issue toward these changes in attitudes. For example; in law enforcement and government work, the griping about the work, the job, the pay, the boss, your supervisors, and your equipment is predictable. When you work for somebody else you’re almost expected to complain. But in your own private practice you are the boss, it’s your equipment, it’s your hours, the only one around to gripe about is yourself.

We mentioned “Experience” and what we talked about previously is to either have or obtain the knowledge and experience in the kind of polygraph work you intend to conduct. We talked about exploring the market you want to find for yourself, and realizing that this market may be completely different from the type of polygraph testing experience that you bring to your practice. The example we gave was if you ran tests predominately for espionage and sabotage on a daily basis, the market for that skill is not all that significant in the private sector. As a matter of fact, in my 30 years in private practice I have never had a spy sitting in my waiting room to be tested on that issue. We encourage you to explore the market that you can fill. This could mean obtaining additional training; additional certification and it may also call for changes in attitudes towards the type of examinations you will now be conducting.

We spent a good deal of time also talking about the importance of “Support and Passion.” The support of course talks about the support of your family in this new adventure, realizing that your life is going to change in a number of ways. It’s also best to have realistic expectations of the time and money that will be required. It takes time to grow a business. Nobody is going to be knocking your door down because you hung a shingle outside your office space, or put your phone number in the local phonebook. It will take some time and a good deal of PR. It sort of all centers on the concept of what’s been described as passion. It’s important to have that passion for your business that it requires. This also includes a passion for the profession.

However, probably the most essential issue in this entire series was the discussion of “Adequate Resources.” One of the two most common reasons that new businesses fail is that the owner underestimates how much money it’s going to take to get the business off the ground. It will seem that the need for equipment never ends. If you just say something like “we need office supplies,” and even though that sounds like a single item, it actually includes a vast amount of items within
that broad description, that includes paper, envelopes, pens, pencils, light bulbs, waste baskets, stamps, tissues, cleaning supplies, printer ink, file folders, and probably a bunch of other stuff I can’t even think of right now. We’ll call that “office supplies.” Now let’s take a look at “office equipment.” This of course includes your polygraph equipment: Computer, printer, movement sensors, polygraph chair, cameras, recording equipment and whatever other accouterments you need to conduct a test, but then you’ll have to add things that most new examiners don’t consider. We’re talking about telephones, desk(s), desk chairs, fax machines, copiers, file cabinets that can lock, waste baskets and trash cans. Then you have to give thought to sufficient space, a waiting room and all the things that waiting rooms need like chairs, lighting, wall decorations, a place to hang up your coat, etc. Other concerns may have to deal with location, remodeling, painting, and sufficient parking.

Here are a few thoughts about

**ADVERTISING.**

People obviously have to be told who you are, what you do and where you are located. I have to say that productive advertising has changed over the 30 years we’ve been doing this and we have experimented with a good amount of avenues, some productive, some turned out to be a bomb. I’d say a good professional website is absolutely a must today. This is followed by a listing in the phone books in your areas. We tried rather expensive ads in such things as the Indiana Attorney’s four-inch thick directory, specifically since we were the only polygraph firm listed. We tried it for two years with zero results. The two sources named, website and phone book were effective, but overall I’d say the most effective was “word of mouth.”

Also, I think the most unusual challenge for the new private examiner has to do with

**COMPETITION.**

Your competition is usually from two sources. One, believe it or not, will be other private examiners in your area. It is an unfortunate part of life. This is not as much a concern in some parts of the country as others because there is usually enough testing business to go around. But that’s not the case in other communities where examiners have been known to fight for clients, and at almost any cost. They have been known to engage in acts that have included fee-cutting to character assassination. To survive, a competitive spirit is a must but the trick is how to be professionally competitive while at the same time not being aggressive, unprofessional and above all maintaining the highest degree of ethical practice and behavior. I feel the best advice includes always conducting the best test possible, and this is a big one. The most effective presentation you can exhibit that can show off your professionalism for everyone to see is in the polygraph report you present. In other words, let your work, the polygraph report that you generate, do the hawking and the marketing of your professionalism. Forget those two page reports that might have been acceptable in the past and start thinking like a
professional examiner and not just a technician.

That’s one source of competition. The other source will be the kinds of apparatuses that are thought of as credibility-challenged, such as voice stress or anything similar that might come on the horizon. There is certainly enough information written in APA journals and magazines that easily give you the necessary information to address this.

In providing some new topics for this our final segment, I felt a must would be a discussion of what I’ve been calling

**ETHICAL SELF-AWARENESS.**

Ethics is sometimes hard to define. For some people, “What is ethical is the same as what is legal: if what I do is not in violation of the law, then it’s ethical.” However, there are a good many things which are legal, not punishable by law, but are still not good, true, and just. Things such as misleading advertising, manipulative salesmanship (which some unfortunately would classify as good business), and the maligning of another’s character by suggestion and innuendo may all be legal but certainly a challenge to call it ethical. I don’t believe that simply considering ethics and legality to be identical with each other as giving the new private examiner much guidance in ethical behavior. As we all know there are some in our profession (and some out of our profession) who seem to thrive on privately and publicly bashing other examiners at every opportunity. To be ethical is to be honest, fair. Now this doesn’t seem to be a problem in the lives of those individuals as a private citizen, family member, church member or friend; but it somehow becomes different when they are at work. It’s like saying ethics are for evenings, and weekends, but competition and success at any cost are daytime work values. It’s like saying ethics were an overcoat that could be removed when you go to the office, and put back on when leaving to go home. This discussion seems to run into a desirable perspective that goes hand-in-hand with ethics, and that’s being regarded as a “Professional.” Just what does it mean to be a professional? The popular understanding of a “professional” is a person who has a rare skill or rare ability, and because of that it is believed that this person makes incredible sums of money. For example we have professional athletes and professional entertainers. But being a professional historically has meant more than just being well paid. Money has not always been the key to professional identity and for sure, the presence of vast sums of money will never have the ability to automatically make someone a professional.

The final topic I’d like to impart in this series of “So you want to start a private practice,” I’m going to call

**DRESSING THE PART.**

When I worked for the Prosecuting Attorney’s Office in what seems like a previous lifetime ago, I had the fortune to be sent to classes and seminars about reading people from body language, speech, and dress. As a result I even gave classes about these issues
at the Law Schools of Notre Dame and Valparaiso, giving assistance to law students regarding jury selection using such concepts. What I took from these courses influenced me in many ways; take for instance how certain clothing can be influencing. Unlike the contents of a wallet, clothing is highly visible and is brimming with indications of the wearer’s background. Dressing for success works. In some of the earliest experiments to demonstrate the link between clothes and status, they investigated the willingness of pedestrians to copy a jay-walker breaking the law by crossing the street against the red light. When the offender was dressed in a suit, many, almost everyone followed his lead. But when the same guy was shabbily dressed, nobody was tempted to do the same. There are many experiments like this one using someone dressed in a suit as opposed to someone who was not that achieved the same result.

The bottom line that I learned was the thing that matters is dressing in a way that matches the impression you wish to convey. Think about this for a moment: When individuals want you to believe them and to have confidence in them, how do they dress? How do lawyers dress for court, how does the defense lawyer dress his client at a jury trial, how does every TV newscaster dress, even the guy doing the weather. They wear suits and ties. Even TV detectives wear suits and ties. Experiments have shown that newscasters in what might be called “casual office dress” were not taken seriously. Unless you worked for the FBI or other federal agency, most police departments don’t require shirts and ties, suits and sport coats anymore. Dressing the part means…

1. Wearing clothes which are right for the impression you are seeking to make.

2. Avoiding anything which might contradict that impression.

3. Considering every aspect of your appearance, from your hair length for males to the amount of make-up for women.

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... you are what you wear. Clothing has the power to influence not only how others perceive you, but also the way you regard yourself.
You are what you wear. Clothing has the power to influence not only how others perceive you but also the way you regard yourself. It is of interest that for some reason, female examiners seldom have this problem with professional dress. It’s as if they sense how a professional should appear.

I would like to leave this topic with a true personal story from my time with the prosecuting attorney’s office. One of my assignments was to interview jurors after a trial to gather information, such as what approach by the prosecutor during the trial helped them make their decision, or what was effective and what was not. One juror that I interviewed, who was dressed in a polo shirt and slacks himself throughout the trial, told me, “The defense attorney was more professional than the prosecutor.” This surprised and confused me. In asking him what he meant by this, he said, “The defense attorney was more professional because under his suit he was wearing a long sleeve dress shirt and the prosecutor was wearing a short sleeve dress shirt.” Since neither lawyer removed their coats at any time during the trial, I asked him how he knew that. He said “Well when the Defense Attorney pointed you could see his sleeve, but when the prosecutor pointed…no sleeve.” When I got home that day, I threw away all my short sleeved dress shirts and I’ve never worn one again.

For the right person, starting and running a private polygraph business can be a rewarding experience with endless challenges and opportunities. Also seeking advice from sources such as a CPA is desirable for so many reasons. (And you might take note how they are dressed.)
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)
Amongst the various types of psychological countermeasures practiced by examinees, there is the “eat the cake and have it” type. This group of deceptive examinees display a demeanor of cooperation and willingness to be tested in order to avoid the suspicions that accompany the refusal to take the test, while on the other hand their pre-test statements and answers are purposely made in such a manner that may disqualify them from being tested.

The “Flatterer” Type

The examinee was all eager and willing to cooperate. During the pre-test she did not fail to mention that she requested to be polygraphed “… because I am a law abiding citizen who is very appreciative of your dedication and hard work.” Yet, during the pre-test, once the examiner discussed the “hot spots” in order to phrase the relevant questions as well as others, her answers were hazy, lacked commitment and used expressions such as: “I wish I could help you but unfortunately: … I don’t remember / recall what happened” … or “… As far as I recall / to the best of my knowledge” … or “… I don’t know / I have no idea (information / knowledge).” It seemed like a trap wherein the examinee put up a fully cooperative act while on the other hand her ambiguous answers prevented the examiner from phrasing questions with unequivocal answers - a situation that may void the test.

Although traditional relevant questions cannot be asked, an exploratory test that will
determine whether this is a genuine case of amnesia or a fake one can be conducted in order to further assist the investigation.

If the examinee answers “I don’t remember” to the relevant questions, the following “bypassing” questions can be asked:

- Are you lying when you say that you don’t remember? or
- Do you actually remember what happened? or
- Do you say that you don’t remember as an excuse / in order to avoid being tested?

If the examinee answers “… to the best of my knowledge” or “… as far as I recall” to the relevant questions, the following “bypassing” questions can be asked:

- Other than what you have told me, do you have more information?
- Other than what you have told me, do you conceal any information?

If the examinee answers “I don’t know” to the relevant questions, the following “bypassing” questions can be asked:

- Are you lying when you say that you don’t know?
- Do you actually remember what happened?
- Do you say that you don’t know as an excuse / in order to avoid being tested?

Obviously the results of such tests only resolve the question as to whether the examinee is actually a dodger, and presuming that the examinee is deceptive regarding the matter under investigation is only a speculation.

The “Ambivalent” Type

These are examinees who during the test question phrasing phase answer to the relevant or comparison questions “Yes or No.” For example, when asked, “Have you stolen the money?” they answer “Yes or No.” When asked why they answer in such a way, they wonder and explain, “But you’ve just told me to answer yes or no to the questions.” If you think that this examinee is a genuine moron, repeat and expand your explanation. That will usually solve the problem. But, if you suspect that s/he is just trying to avoid being tested simply say: “By ‘yes’ you mean that you did steal the money?” which usually solves the problem and extracts a “No” answer.

The “Pious” Type

Another type of examinee is the “I cannot lie” or “No way that I will lie” when instructed to do so either on the Directed
Lie Comparison Question (DLQC) or in the Acquaintance Test. With such examinees the DLQC solution is simple: Upon stating that they have never lied the examiner should simply say, “So I guess that if I will ask you in the test, ‘Have you ever lied?’ you will answer ‘No.’” If the examinee affirms the answer, a probable lie comparison question has just been created. For the Acquaintance Test a Silent Answer Test should be given.

The Trained AKA “Sophisticated Type”

This examinee is described by Matte as: “…the examinee (that) has been trained in forensic psychophysiology or the examinee (that) has been routinely polygraphed in the past.” Matte quotes the solution to such examinees and cites the DoDPI’s old version of the General Question Test (GQT) which uses a “disguised control question” phrased in the following manner: “Have you lied to me in any way since we have been talking today?” This question should always be the last question in the test. When analyzing the chart the “Most significant reaction of each disguised control question is compared against all relevant (questions) using a 7-position numerical scale.”

The “Confirming” Type

These examinees are very “popular” amongst the workplace sexual harassment suspects. If asked, for example, “Have you touched her breast?” they will answer “Yes” and immediately explain that it was an accidental and unintentional touch without any sexual connotation. In such cases the “bypassing” questions should be:

- Did you accidentally touched her?
- Are you lying in your statement?
- Have you had any sexual thoughts on your mind while touching her?

A word of caution

Whenever you face such an examinee who tries to fool you, ignore your emotions and keep in mind that a polygraph test is a quest for the truth and not an ego competition. Therefore do not stretch the test technique boundaries over its limits in the expense of your examinee and consider canceling the test.

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2 Ibid, Matte.
In 2007 the APA published the 18th Edition of the *Polygraph Law Quick Reference Guide* (QRG). This guide, for many years was single-handedly prepared by Norm Ansley, former Editor of APA publications. Approximately 12 years ago I began to assist Mr. Ansley with this publication. The *Quick Reference Guide* provides brief summaries case law addressing admissibility and use of polygraph in each of the 50 states, the United States Supreme Court, and in each of the 12 federal circuits. It also includes color keyed information regarding polygraph admissibility and licensing. The following is the 2012 Supplement to the QRG. (There is also a 2010 Supplement which was part of the materials provided to 2010 APA Annual Seminar attendees.) Many of these cases will be the subject of the Legal Update presentation at the 2012 Seminar.

Currently in preparation is the 19th Edition of the QRG, hoped to be published in time for the 2012 Annual Seminar. As noted by Mr. Ansley in his introduction to the QRG, the *Guide* is a reference book for examiners and attorneys. It is intended as a starting point for those with interest in polygraph law in their jurisdiction of interest. It is not, nor is it intended to be, an exhaustive compilation of all law and cases pertaining to polygraph. Also, as cases and law on polygraph continue to be made, the prudent reader will seek to update the cases and law that the guide references.

Gordon Vaughan, Esq.
APA General Counsel
POLYGRAPH
QUICK REFERENCE GUIDE TO THE LAW
18th Edition

2012 Supplement
(Cases from January 20, 2010, through March 16, 2012)

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Prepared by Gordon L. Vaughan & Johanna M. Borchard

The author gratefully acknowledges the invaluable assistance of Johanna M. Borchard, J.D. in the research and preparation of this outline.
ARIZONA

State of Arizona v. Machado, 230 P.3d 1158 (Ariz. Ct. App. 2010) (Results of unstipulated polygraph exam taken by defendant at the request of police, including polygraph examiner’s determination that no deception was indicated by the defendant when he said he did not shoot the victim, was inadmissible at a murder trial because the state had not stipulated to the admission of the test results.)

FLORIDA

Rodriguez v. State of Florida, 39 So.3d 275 ( Fla. 2010) (Failure to disclose adverse polygraph results of witness was not a Brady violation as there was no evidence indicating that such polygraph results would lead to admissible substantive or impeachment evidence.)

State v. Brown, 77 So.3d 693 (Fla. Dist. Ct. App. 2011) (Trial court erred in both requesting that witnesses and parties submit to polygraph examinations and in reviewing their results prior to ruling on defendant’s motion for a new trial. Unreliability of polygraph examinations and the influence they had on the trial court constituted an abuse of discretion.)

GEORGIA

Battles v. State, 719 S.E.2d 423 (Ga. 2011) (Court admitted stipulated polygraph evidence and instructed the jury as follows:

There has been certain evidence admitted during the trial concerning a polygraph test and the polygraph examiner’s opinions and conclusions as to its results. Polygraph evidence is considered opinion evidence and is governed by the law concerning opinion evidence as has been given to you. A polygraph examiner’s opinion can only be used to indicate whether, at the time of the polygraph examination, the defendant believed that he was telling the whole truth. You are not bound by the polygraph examiner’s conclusions, and the examiner’s testimony is not controlling on the issue and may be entirely disregarded by you. It is for you to decide what weight, if any, should be given to the evidence concerning the polygraph exam, its results, and the examiner’s opinions and conclusions.)

Beaudoin v. State, 714 S.E.2d 624 (Ga. App. 2011) (Stipulated polygraph evidence is admissible where stipulation was entered into knowingly and voluntarily. Stipulation may be signed without advice or presence of counsel.)
Brown v. State, 692 S.E.2d 386 (Ga. App. 2010) (Court rejected defendant’s argument of ineffective assistance of counsel based on claims that the attorney should not have allowed him to take a stipulated polygraph exam which resulted in a finding of deception, finding that defendant took the polygraph exam voluntarily and against the advice of his attorney.)

Harris v. State, 707 S.E.2d 908 (Ga. App. 2011) (Where defendant was deceptive to stipulated polygraph, defendant was not entitled to funds to retain a polygraph expert to testify regarding the inherent unreliability of polygraphs in general. Defendant had voluntarily entered into an express stipulation that the results of the test would be admissible, and failed to identify the potential expert by name in the motion. Additionally, the trial court properly rejected defendant’s argument of ineffective assistance of counsel on the basis of his attorney’s agreement to stipulate to the admissibility of the polygraph results.)

Jones v. State, 714 S.E.2d 590 (Ga. App. 2011) (A polygraph expert who had six years’ experience as a polygraph examiner and had conducted 296 polygraphs was qualified by the Court, even though he lacked experience testifying as an expert witness, had never been qualified as an expert and had testified as to polygraph matters in a criminal case only once in federal court. Such lack of court experience is reasonably implied to be a function of the area of expertise involved, since testimony concerning polygraph examinations may only be introduced into evidence under limited circumstances.)

IDAHO

Osborn v. Butler, 712 F. Supp. 2d 1134 (D. Idaho 2010) (Court dismissed civil suit against polygraph examiner and others that alleged that defendants violated defendant’s constitutional rights to due process in submitting mis-scored polygraph exam that was later used in a presentencing report regarding an unrelated matter. The Court held that, despite admission by examiner that he did not follow AAPP protocol, he stood by his scoring and conclusions and no evidence was presented that the examiner was wrong. Also, plaintiff had the opportunity to refute the polygraph exam results at the resentencing hearing.)

ILLINOIS

People v. Logan, 954 N.E.2d 743 (Ill. App. Ct. 2011) (Polygraph evidence is admissible to rebut the inference that an inculpatory statement and grand jury testimony were the product of police coercion. An oral limiting instruction is sufficient to inform the jury that the results of the polygraph examination are not relevant, that they will remain unrevealed, and the jury is “not to speculate or guess what the polygraph results are.”)
INDIANA

**A.H. v. State**, 941 N.E.2d 559 (Ind. Ct. App. 2011) (Incriminating result of stipulated polygraph as sole evidence supporting allegation of sexual deviance, while probative, is not substantial enough to constitute proof beyond a reasonable doubt of defendant’s guilt when not supplemented by other probative evidence.)

KENTUCKY

**Meece v. Commonwealth**, 348 S.W.3d 627 (Ky. 2011) (Admissions made to polygraph examiner are admissible where defendant in murder prosecution knowingly and voluntarily agreed to take a polygraph examination, and waived *Miranda* rights.)

LOUISIANA

**Harrell v. Dept. of Health and Hospitals**, 48 So.3d 297 (La. App. 2010) (Civil Service referee fact-finder had discretion to admit defendant’s polygraph tests into evidence through a licensed polygraph expert and conduct cross-examination of the same. He did not abuse discretion in rejecting unrebutted testimony of defendants’ polygraph expert that one defendant’s denial of the allegations did not indicate deception, nor in declining to assign any weight to the testimony of the expert and/or the results of the polygraph test after allowing the evidence to be admitted.)

MAINE

**State v. Lavoie**, 1 A.3d 408 (Me. 2011) (Court admitted incriminating statements made during and after voluntary polygraph examination by defendant in sexual offense case. No evidence supported defendant’s claim that his confession was involuntary because he was a healthy adult not under the influence of any medications or substances, and neither detective present during the exam was in uniform or had a visible weapon. Polygraph examiner’s statement that “the computer’s ability to record physical responses is ‘foolproof’” does not constitute unlawful police coercion.)

MICHIGAN

**Dillard v. Farm Bureau Insurance Company**, 2010 WL866150 (Mich. App. 2010) (Court held that trial court erred in admitting evidence of insured’s non-deceptive polygraph in a civil case involving insurance fraud. While admission of such evidence is not per se grounds for reversal, the Court found reversal appropriate as Michigan followed per se rule of inadmissibility of polygraph results and that since plaintiff’s credibility was the primary issue, it was more probable than not that a different outcome would have occurred in the absence of the erroneous admission of the polygraph evidence.)
United States v. Finfrock, 2010 WL 727223 (W.D. Mich. 2010) (Incriminating statements made during FBI polygraph exam were not involuntary where defendant left connected to polygraph instrumentation components during long break between charts and during initial post-test interview. Defendant was advised she could discontinue polygraph at any time and leave.)

NEW JERSEY

State v. Mervilus, 12 A.3d 258 (N.J. Super. Ct. App. 2011) (Court reversed conviction of defendant where state was permitted to introduce results of stipulated polygraph as examiner gave testimony designed to convince the jury that polygraph tools were infallible and communicated that the tests are designed to separate the “innocent” from the “guilty.”)

NEW YORK

People v. Jackson, 70 A.D.3d 1385 (N.Y. App. Div. 2010) (Results of polygraph exam indicating defendant sex offender was innocent of charges made a subject of his imprisonment, taken by defendant before release from prison, were properly excluded from consideration in determining his risk level under Sex Offender Registration Act in another state because the polygraph results are considered unreliable, and were directly contrary to his admissions of guilt at trial.)

NORTH DAKOTA

Sorenson v. Slater, 806 N.W.2d 183 (N.D. 2012) (Polygraph evidence was not admissible in paternity and child support matter as it was not stipulated nor was an adequate scientific foundation established.)

PENNSYLVANIA

Commonwealth v. Handfield, 34 A.3d 187 (Pa. 2011) (Court limited cross-examination of prosecution witness to preclude the results of a witness’s deceptive polygraph examination.)

Commonwealth v. Knoble, —A.3d—, 2012 WL 1021039 (Pa. 2012) (Probationer who agrees to submit to polygraph examinations as condition of probation may raise his Fifth Amendment privilege prior to submitting to the examination or when answering polygraph questions regarding uncharged criminal actions; however the right must be invoked or it is waived.)

TEXAS

Leonard v. State, 2012 WL 715981 (Tex. Crim. App. 2012) (Reversing lower appellate court, the Court held that polygraph evidence is admissible in a revocation hearing on defendant’s discharge from a sex
offender treatment program involving community supervision if it qualifies as the basis for an expert opinion under Texas Rules of Evidence 703 and 705(a). Such evidence is permissible because revocation hearings are administrative proceedings, in which there is no jury and the judge is not determining the guilt of the original offense.)

**McGee v. State**, 342 S.W.3d 245 (Tex. App. 2011) (Defendant’s *Miranda* rights were not violated during polygraph examination because he was not in custody at the time the examination was conducted, and therefore the warnings were not necessary.)

**VIRGINIA**

**Lee v. Southside Virginia Training Center**, 2010 WL 34592(Va. App. 2010) (Defendant’s written admission of abuse of at least one resident of state facility for severely mentally retarded individuals, made after she was informed that she had failed a polygraph exam, was admissible at her grievance hearing. Although results and analysis of polygraph examinations are inadmissible in a state grievance proceeding, this exclusionary rule does not apply to voluntary statements made to a polygraph operator, as long as no reference is made to the polygraph exam itself.)

**EIGHTH CIRCUIT**

**U.S. v. Montgomery**, 635 F.3d 1074 (8th Cir. 2011) (Applying Federal Rule of Civil Procedure 403, the Court excluded evidence of a polygraph examination in which defendant’s responses were “not indicative of deception.” Results from a unilateral polygraph examination have little probative value, and “the defendant has no adverse interest at stake because a polygraph examination administered without notice to and participation by the government carries no negative consequences, and probably won’t see the light of day if a defendant flunks.”)

**NINTH CIRCUIT**

**Ortiz v. Uribe**, 671 F.3d 863 (9th Cir. 2011) (A polygraph examiner’s empathic and parental role exhibited while giving instructions regarding the conduct of a polygraph examination does not, by itself, create sufficient psychological pressure to overcome a suspect’s will and render his confession involuntary.)

**TENTH CIRCUIT**

**U.S. v. Begay**, 631 F.3d 1168 (10th Cir. 2011) (A district court has the authority to modify conditions of supervised release after imprisonment for violent crimes including sexual abuse of a child, and imposing a polygraph testing condition is not an abuse of discretion.)
Abstract

A cohort of 18 public safety polygraph examiner trainees at the Northeast Counterdrug Training Center Polygraph School used the Empirical Scoring System (ESS) to evaluate 22 confirmed event-specific criminal investigation polygraph examinations. Student examiners were divided into groups of solo evaluators and team evaluators. No significant differences were found between the accuracy rates of group and individual scorers using the ESS. The data were used as a training tool to provide feedback to individuals and groups regarding strategies that may improve performance on test data analysis tasks. The authors recommend continued interest in the use of scoring exercises that involve confirmed case samples in the training curriculum for PDD examiners.
Introduction

Test data analysis (TDA) skills, although increasingly structured, continue to depend heavily on the ability of psychophysiological detection of deception (PDD) examiners to make effective judgments regarding both the meaning and interpretable quality of the data. While TDA activities can be increasingly automated, PDD examiners have continued to employ manual TDA methods. This often stems from concerns about potential problems when using automated scoring with data of sub-optimal quality, and from ethical concerns about the removal of human expert judgment from decisions that may affect national security, community safety, or individual liberties. TDA skills therefore remain an important aspect of PDD examiner training. Effective TDA skills are expected to contribute to improved decisions about the meaning of PDD examination results to risk adjudicators and risk managers, and the need for additional interviewing or investigation following a PDD examination. Ineffective TDA skills are expected to contribute to less effective professional decision making.

Handler, Nelson, Morgan and Martinez (2011) conducted a pilot study having eight student examiners first score this same data set individually, and then rescore it as a group using a jury-style approach. The jury-style results (91% unweighted accuracy with 5% inconclusives) outperformed seven of the eight individual scorers. This provided some support for the hypothesis that a “team approach” would produce better results than most individual scorer results. One potential confound during that study, however, was that the group re-scored the data after already having scored it individually, albeit without any feedback. It is possible that the observed increase in accuracy was the result of a practice effect involving a second exposure to the sample data. Additionally, it is also possible the social dynamics of a jury-style scoring exercise would allow opportunity for more assertive or confident students to exercise a greater influence over the results whereas smaller groups would tend to increase individual involvement and contribution to the decision processes.

The current project sought to test the hypothesis that two-person team scorers would outperform solo evaluators. A second objective of this project was to study the value of feedback on TDA skill development, using dimensional profiles of TDA accuracy, including sensitivity, specificity, false positive and negative errors, and inconclusives by group. It was expected that team scoring would lead to increased accuracy and that evidence-based feedback would aid trainees in TDA skill development.

Method

Participants

A cohort of 18 police polygraph trainees in their fifth week of polygraph training at the Northeast Counterdrug Training Center, an American Polygraph Association accredited school, participated in the study. Three female and fifteen male participants were employees of state and local public safety organizations, and were training to deploy to field environments in which PDD exams are used in the context of criminal investigations, post-convicted sex offender testing and for the purpose of integrity.
and background screening of public safety applicants. Six participants were randomly assigned to the “solo” evaluator group and the remaining 12 were assigned to one of six two-person “team” evaluator groups. Team group assignment was based on their seating locations which were randomly assigned at the start of their polygraph school.

**Data Collection**

Participants were instructed for four hours in the use of the Empirical Scoring System (ESS) (Nelson, Handler, Shaw, Gougler, Blalock, Russell, Cushman & Oelrich, 2011). Following that instruction, students were requested to evaluate a matched archival sample of 22 confirmed polygraph examinations that were randomly selected from the Department of Defense confirmed case archive. Eleven (11) of the cases were conducted on examinees who were later confirmed as deceptive; the other 11 examinations were conducted on examinees who were later confirmed as non-deceptive to the investigative issue of concern. All examinations were conducted using the Federal You-Phase Zone Comparison Test (Nelson, 2011; Nelson, Handler, Blalock & Cushman, 2011c). Participants were asked to provide numerical scores only, and to refrain from making categorical decisions about the test results. Decision rules and cut-scores established via normative data, reported by Nelson et. al (2011), were used to calculate the profiles. Instructors who proctored the data collection phase were blind regarding the guilty status of each case.


**Results**

Table 1 shows the mean and standard deviations (shown in parenthesis) for the accuracy profile dimensions for the solo and team scorers and for their combined results. The mean unweighted decision accuracy for the combined group was 89% excluding 9% inconclusives. The mean unweighted decision accuracy for the all solo groups was 88%, excluding 8% inconclusives. The mean unweighted decision accuracy for the team group was 92% excluding 11% inconclusives. One-way ANOVAs showed that differences in accuracy were not significant for the solo and team scoring activities \[F (1,43) = 0.5, (p = 0.483) \], nor were differences in inconclusive rates \[F (1,43) = 2, (p = 0.165) \].

<table>
<thead>
<tr>
<th></th>
<th>Accuracy</th>
<th>Inc.</th>
<th>Sensitivity</th>
<th>Specificity</th>
<th>False Negative</th>
<th>False Positive</th>
<th>Deceptive Inc.</th>
<th>Truthful Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOLO</td>
<td>.88 (.03)</td>
<td>.08 (.02)</td>
<td>.90 (.04)</td>
<td>.73 (.05)</td>
<td>.05 (.03)</td>
<td>.18 (.04)</td>
<td>.06 (.03)</td>
<td>.09 (.04)</td>
</tr>
<tr>
<td>TEAM</td>
<td>.91 (.03)</td>
<td>.14 (.03)</td>
<td>.88 (.04)</td>
<td>.70 (.06)</td>
<td>.03 (.02)</td>
<td>.12 (.04)</td>
<td>.10 (.04)</td>
<td>.19 (.05)</td>
</tr>
<tr>
<td>Combined</td>
<td>.89 (.02)</td>
<td>.11 (.02)</td>
<td>.86 (.03)</td>
<td>.71 (.04)</td>
<td>.04 (.02)</td>
<td>.15 (.03)</td>
<td>.08 (.03)</td>
<td>.14 (.03)</td>
</tr>
</tbody>
</table>

**Discussion**

Participants in this study produced results that were similar to those achieved by previous studies on the ESS (American Polygraph Association, 2011). No differences were observed between the solo and team scorers which precludes us from rejecting the null hypothesis of this experiment. Simple and elegant procedural models de-emphasize the subjective aspects of TDA tasks and the ESS appears to provide PDD examiner trainees with a scoring model that can be implemented effectively following a relatively short period of instruction.

An important result from the activities of this study was the ability to guide student TDA learning at a more informed and individualized level than would be obtained without the use of a sample of confirmed examinations. Scores and results from individual examiners and teams were used to identify and address particular areas of concern regarding scoring effectiveness. Some participants were less assertive than others when assigning scores to comparison questions and that produced greater response magnitude to relevant questions, resulting in deficiencies in test specificity to truth-telling for these participants on truthful cases. These “risk aversive” participants were subsequently
provided additional instruction regarding the importance of scoring both relevant and comparison questions with equal consideration. Other participants were overzealous in applying scores in the respiration channel, resulting in some errors that appeared to be attributable to inconsistencies in respiratory data. As a result, additional instruction was provided regarding the scoring and interpretation of respiration data. Several other minor concerns and weaknesses were identified and individually tailored recommendations were given to the trainee participants in an effort to improve their TDA skills before they become solidified into habits or routines that could affect the results of field examinations. Participants seemed to appreciate the individualized feedback and this evidence-based training approach was thought to result in a greater tendency to embrace the recommendations. A limitation of this study was that a similarly suitable sample of confirmed examinations was not available to evaluate changes or improvements in TDA skill that may have resulted from the instructional needs identified by the study activities. Continued interest is recommended in the ESS and in the use of confirmed case samples as a method for TDA skill assessment and training needs assessment with PDD examiner trainees.

References


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
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- Save Polygraph Files and all other documents as PDF formats

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www.lafayettepolygraph.com

Phone: (765) 423-1505
What is the level of statistical significance or probability of error that was calculated for the scores of this examination? What are the alpha boundaries at which a result will be considered significant? Are the examination data scored using an evidence-based method or an experimental method without published and replicated evidence? Is the level of significance calculated through normative or ipsative methods? Are error and accuracy estimates calculated using inferential or Bayesian statistical principles? What is the impact on the error estimate of this examination if the base-rate or incidence rate of the target behaviors is unknown or different from what was assumed while scoring and calculating the confidence level for this examination? What statistical methods are used to account for the impact on the statistical significance differences that result from the use of multiple subtotal scores?
As the emphasis on evidence-based practices increases in all fields of social, medical and forensic science, professionals faced with the need to defend a polygraph test result in a court or evidentiary hearing will increasingly be presented with an array of scientific questions. These, and other, scientific questions are most likely to be asked of examiners or experts attempting to defend the merits of polygraph examination results, either individually in courtroom or evidentiary proceedings, or in the context of legislative discussions pertaining to decisions about polygraph programs.

The least opportune moment to first encounter scientific questions will be during a evidentiary proceeding, while being questioned by the opposing counsel. It will be prudent instead to become familiar with scientific questions and the application of scientific testing principles to polygraph examination data in advance of any legal proceeding. Perhaps more importantly, incorporation of the conceptual language of scientific testing into the common vernacular of polygraph professionals will help to improve the stature of the profession and the esteem regarded the polygraph profession by professionals in related scientific disciplines.

The Empirical Scoring System (ESS) (Nelson, Handler, Shaw, Gougler, Blalock, Russell, Cushman & Oelrich, 2011) is an evidence-based model for test data analysis of comparison question test (CQT) methods, for which normative data have been published for both event-specific diagnostic and multi-issue screening polygraphs. The goal of the ESS is to empower field examiners, experts, and program administrators to answer scientific questions. Like evidence-based methods in other fields of science, the ESS includes only those assumptions and procedures for which there is published scientific evidence of support. ESS results are statistical estimates of the probability of error can be easily calculated for any numerical score, in the form of a p-value that describes the level of statistical significance. Because it is not common - in medicine, psychology, educational testing, or field polygraph testing - for field practitioners to manually calculate the level of statistical significance for a test result, the ESS includes normative reference tables (also known as lookup tables, normative lookup tables, or simply normative tables) that can be used to quickly determine the probability of error or level of confidence for an individual test result.

Step 1

Locate the normative reference table.

The first step to determining statistical significance will be to locate the normative reference table for the type of examination that was conducted. Different examination techniques will have different distributions of scores (i.e., means and standard deviations of deceptive and truthful scores among the population and sample cases). Normative data tables in Nelson et al., (2011) for ESS scores of ZCT examinations with two and three relevant questions, and for multiple issue screening examinations with two, three and four relevant questions. Table 1 shows the normative reference data for deceptive and truthful results of diagnostic polygraphs with three relevant questions.
Table 1. Normative reference table for ZCT exams

<table>
<thead>
<tr>
<th>Truthful (NSR) Cutscores</th>
<th>Deceptive (SR) Cutscores</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Column 1</strong></td>
<td><strong>Column 2</strong></td>
</tr>
<tr>
<td>-1</td>
<td>0.159</td>
</tr>
<tr>
<td>0</td>
<td>0.130</td>
</tr>
<tr>
<td>1</td>
<td>0.106</td>
</tr>
<tr>
<td>2</td>
<td>0.085</td>
</tr>
<tr>
<td>3</td>
<td>0.067</td>
</tr>
<tr>
<td>4</td>
<td>0.052</td>
</tr>
<tr>
<td>5</td>
<td>0.040</td>
</tr>
<tr>
<td>6</td>
<td>0.030</td>
</tr>
<tr>
<td>7</td>
<td>0.020</td>
</tr>
<tr>
<td>8</td>
<td>0.017</td>
</tr>
<tr>
<td>9</td>
<td>0.012</td>
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<tr>
<td>10</td>
<td>0.008</td>
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<td>11</td>
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<tr>
<td>12</td>
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<td>13</td>
<td>0.003</td>
</tr>
<tr>
<td>14</td>
<td>0.002</td>
</tr>
<tr>
<td>15</td>
<td>0.001</td>
</tr>
<tr>
<td>16</td>
<td>&lt;.001</td>
</tr>
</tbody>
</table>

Determine the required alpha boundaries and cutscores.

The second step will be to determine the cutscores that will be required to classify the test result and examinee’s answers as either deceptive or truthful. This is accomplished by locating the *a priori* alpha boundaries (determined prior to testing) within the normative reference table, and selecting the corresponding cutscore in the nearby column. *Alpha*, sometimes denoted with the greek letter $\alpha$, is the statistical term for cutscore. Scores, in scientific and statistical analysis, are commonly expressed in terms of a p-value ($p$) which refers to a probability of error. In this way scientific thinkers have a common way of describing and understanding the strength.
and meaning of test results, without having to know the exact details of how the scores are determined in every different form of scientific testing.

Alpha boundaries are commonly set at .05 in the social and behavioral sciences, and this corresponds to a tolerance of 5%, or a maximum permissible error rate of 5%. Alpha boundaries are also set at .01, indicating a tolerance for error at 1%, and .10, indicating a 10% maximum tolerance for error. Polygraph testing with CQT formats will require the use of two alpha, one for deceptive and one truthful classifications. Recommended alpha levels for the ESS are .10 for truthful classifications and .05 for deceptive classifications.

The cutscore for truthful classifications can be obtained by using the left two columns of Table 1, corresponding to truthful test scores. Locate the largest value in column 2 that is still smaller than .10; then look in the corresponding row in column 1 to see the corresponding cutscore. A grand total cutscore of +1 will provide an error rate of .106, which is larger than .10. A cutscore of +2 will provide an error rate of .085, which is less than .10. A cutscore of +3 will provide an error rate of .067, which is smaller than .10 but is also smaller than .085. Therefore +2 is the optimal cutscore to achieve less than 10% errors when making truthful classifications, while also reducing inconclusive results to a minimum level. If greater accuracy or fewer errors is required, simply select the cutscore corresponding to .05 (+5) or .01 (+10). Although errors may be reduced by using more conservative alpha boundaries, there will be a corresponding increase in the rate of inconclusive results for truthful persons when doing so.

The cutscore for deceptive classifications can be obtained by using the right two columns (columns 3 and 4) of Table 1, corresponding to deceptive test scores. Locate the largest value in column 4 that is smaller than .05; then look in column 3 to find the corresponding cutscore. A cutscore of -4 will provide an error rate of .043, which is less than .05. A cutscore of -3 provides an error rate of .058 (5.8%) which is more than .05. A cutscore of -5 would provide an error rate of .032, which is satisfactory but will produce more inconclusive results than a cutscore of -4.

Although test results for event-specific examinations are determined at the level of the test as a whole, subtotal scores can also be used to make deceptive classifications. Because the grand total score generally provides the most accurate results, subtotal scores should be used when the result is inconclusive using the grand total score. Use of the subtotal scores with event-specific diagnostic exams amounts to this question: do any of the individual test questions produce a subtotal score that is equivalent to scores normally produced by the grand total? Or, is any one of the individual questions doing the work normally done by the grand total?

The level of statistical significance for the individual subtotals is determined by comparing each of the subtotal scores to the normative distributions (reference tables) for grand total scores. Because a decision is made about each individual subtotal scores, and
because the number of opportunities to achieve a statistically significant result is equal to the number of subtotal scores, error rates become compounded when doing this. The actual error rate can be determined by multiplying the desired alpha level by the number of relevant questions (3 relevant questions in a ZCT format). This phenomenon is known as **inflation of alpha** or **inflated alpha**, and will result in an increase or excessive rate of false-positive errors (.05 x 3 = .15). The solution, named after the statistician Bonferroni (Abdi, 2007), is applied, in the form of a Bonferroni correction to the alpha or Bonferroni corrected alpha, by dividing the desired alpha level by the number of decisions to be made (.05 / 3 relevant questions = .017). The statistically optimal cutscore for decisions based on subtotal scores can then be located in columns 3 and 4 of Table 1. Find the largest value in column 4 that is smaller than the Bonferroni corrected alpha (.017) and locate the corresponding cutscore in column 3. A cutscore of -6 would provide a corrected alpha level of .023 that is larger than .017. Use of this alpha/cutscore will allow the use of subtotal scores to reduce inconclusive results and increase test sensitivity to deception while also constraining false false-positive errors to less than 5% (.017 x 3 relevant questions = .05).

Recommended default alpha levels for ESS scores of ZCT examinations are thus: grand total scores of +2 or greater are truthful (α < .10), while grand total scores of -4 or lower (further from zero) are deceptive (α < .05). If the grand total score is inconclusive, deceptive classifications can be made when any subtotal score is -7 or lower.

As a practical matter, many field examiners will find that alpha boundaries and cutscores are the same for many examinations. As a result, they may find it unnecessary to determine alpha boundaries and cutscores for each examination, and will instead simply remember and apply established cutscores corresponding to desired alpha levels as determined by their agency or customers.

### Step 3

Determine the level of statistical significance for the test scores.

The third step, when using normative reference tables, is to determine the actual level of statistical significance for the grand total and subtotal scores. If the grand total score is greater than zero, simply locate the score in column 1 of Table 1 and identify the corresponding p-value (p) in column 2 to determine the probability of error. The result is statistically significant, allowing a truthful classification of the test result if the p-value is less than alpha (p < α), which will always be the case if the score is greater than or equal to the truthful cutscore.

If the grand total scores is less than zero, simply locate the score in column 3 of Table 1 and identify the corresponding p-value (p) in column 4 to determine the probability of error. Again, the result is statistically significant, this time allowing a deceptive classification of the test result if the p-value is less than alpha (p < α). This will always be the case if the score is less than or equal to the deceptive cutscore.
When the grand total score is inconclusive, each subtotal score should be compared to the deceptive cutscore for subtotal scores, using the subtotal determined with the Bonferonni corrected alpha. The result is statistically significant, allowing a deceptive classification of the entire examination if the p-value is less than alpha ($p < \alpha$) for any of the subtotal scores. This will always be the case if any of the subtotal scores is less than or equal to the required cutscores for deceptive classifications based on subtotal scores.

Examples 1 through 4 show different patterns of numerical results that can occur using a ZCT format, along with the level of significance for each subtotal and grand total score. Example 1 shows scores for which the grand total is statistically significant for truth-telling. Example 2 shows scores for which the grand total is statistically significant for deception. Example 3 shows scores for which the grand total is inconclusive while a subtotal score is statistically significant for deception. Example 4 shows the scores for an inconclusive test result. Note that p-values are not provided for truthful subtotal scores because truthful determinations are not made using subtotals scores of ZCT examinations.

<table>
<thead>
<tr>
<th>Example 1.</th>
<th>Question 1</th>
<th>Question 2</th>
<th>Question 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>+1</td>
<td>+1</td>
<td>+1</td>
</tr>
<tr>
<td></td>
<td>+3 ($p = .067$)</td>
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<td></td>
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<tr>
<th>Example 2.</th>
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<tr>
<td>-2</td>
<td>-2</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>-5 ($p = .032$)</td>
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<td></td>
<td></td>
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<tr>
<th>Example 3.</th>
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<th>Question 3</th>
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<tbody>
<tr>
<td>+2</td>
<td>+3</td>
<td>-8</td>
<td></td>
</tr>
<tr>
<td>-3 ($p = .058$)</td>
<td></td>
<td></td>
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<tr>
<th>Example 4.</th>
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</thead>
<tbody>
<tr>
<td>+1</td>
<td>+1</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>+1 ($p = .106$)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Interpret the test scores.

The fourth step when using normative reference data is to interpret the test result for the referring professionals. Interpretation of the test result is intended to answer this question: what can be reasonably said in human language regarding the numerical scores obtained during this exam? This interpretation will often be written into the language of the examination report, and tends to become part of the standard lexicon and vocabulary of both polygraph professionals and consumers of polygraph examination results.

Test results are most effectively reported in terms of both a categorical determination of passing or failing (e.g., deception indicated, no deception indicated, significant reactions, or no significance reactions) along with sufficient numerical and statistical information that another professional or scientific thinker could understand the scientific meaning of the test data and result. It is therefore helpful to include minimal information about the numerical subtotal and grand total scores, along with the level of statistical significance for those scores.

Referring to example 1, the following interpretation can be provided:

Using the ESS, an evidence-based, normed, and standardized protocol for test data analysis, the grand total score of +3 equals or exceeds the required cutscore of +2 for truthful classifications. The level of statistical significance, is calculated at $p = .067$, which is equal to or less than the required alpha boundary ($\alpha = .10$), and indicates that a only small proportion of deceptive persons (6.7%) will produce an equal or greater test score. These results support the conclusion that there is no deception indicated by the physiological responses to the test stimulus questions during this examination.

Referring to example 2, the following interpretation is offered:

Using the ESS, an evidence-based, normed, and standardized protocol for test data analysis, the grand total score of -5 equals or exceeds the required cutscore of -4 for deceptive classifications. The level of statistical significance, is calculated at $p = .032$, which is equal to or less than the required alpha boundary ($\alpha = .05$), and indicates that only a small proportion of truthful persons (3.2%) can be expected to produce an equal or lower test score. These results support the conclusion that there is deception indicated by the physiological responses to the test stimulus questions during this examination.

Referring to example 3, the following interpretation is offered:

Using the ESS, an evidence-based, normed, and standardized protocol for test data analysis, the strongest subtotal score of -8 equals or exceeds the required subtotal cutscore of -7 for deceptive classifications. The level of statistical significance, is calculated at $p = .011$, which is equal to or less than the required Bonferonni alpha boundary ($\alpha = .017$), and indicates that a only small proportion of truthful persons (3.3%) can be expected to produce an equal or lower test score.
These results support the conclusion that there is deception indicated by the physiological responses to the test stimulus questions during this examination.

(Note that the alpha boundary is described with Bonferroni correction, and that the percentage (3.3%) is expressed after multiplying the p-value by the number of subtotal scores.)

Referring to example 4, the following interpretation is offered:

Using the ESS, an evidence-based, normed, and standardized protocol for test data analysis, the grand total score of +1 does not equal or exceed the required cutscore of +2 for truthful classifications, nor does the strongest subtotal score of -1 equal or exceed the required subtotal cutscore of -7 for deceptive classifications. The level of statistical significance for the grand total score, is calculated at $p = .106$, which exceeds the required alpha boundary ($\alpha = .10$), and the level of statistical significance for the strongest subtotals score is calculated at $p = .099$, which exceeds the required alpha boundary ($\alpha = .017$). As a result of these non-significant numerical scores, the test result is inconclusive and no opinion can be offered regarding truth-telling or deception in response to the stimulus question during this examination.

Although numerical scores are of little actual use to referring professionals, many professionals may be familiar with the interpretation and reporting of scientific test results. Inclusion of both numerical scores and statistical results in an examination report can assist quality assurance reviewers to more expediently support examinations that are interpreted correctly and more expediently identify examinations that may not have been interpreted correctly. More importantly, withholding of statistical information from the interpretation and reporting of scientific test results encourages over-confidence and simplistic thinking regarding the test result. The impact and damage of lackadaisical and unscientific attitudes regarding scientific test results is often not felt until the need to defend the test result in a courtroom setting or scientific discussion, at which time an elevated level of discomfort and unfamiliarity will be experienced and demonstrated, leading to a loss of credibility and confidence for all involved. Though most examinations do not end up central to courtroom or legal discussions, every examination should be conducted in a manner for which the examiner will prevail in the event of any need to defend the test result in response to questions about the evidence-based validity and statistical accuracy of the individual test result.

Scoring of polygraph examinations has traditionally been accomplished using ipsative procedures in which an individual’s responses to relevant questions were compared only to responses to comparison stimuli. Differences in response were encoded numerically using integer scores and the results have been compared, in the past, using heuristic rules and traditional cutscores that were determined to work though not based on statistical analysis or normative data. The result has been that statistical classifiers for most manual scoring protocols have been determined through Bayesian models that are non-resistant to differences in
base-rates or unknown base-rates. The ESS, using many of the procedural skills as other scoring methods, provides an evidence-based norm-referenced model for which a statistical classifier can be calculated (or determined) using normative data. The advantage of this is that statistical error estimates for the ESS are resistant to differences in or unknown base-rates. As the trend towards evidence-based practices continues in all fields of behavioral, medical and forensic science, we can expect that the days in which subjective impressions and individual prowess or experience will continue to wane in importance as the basis of scientific confidence when interpreting polygraph test results. Instead practitioners of scientific polygraph testing will be increasingly obliged to answer questions about test accuracy using norm-referenced evidence-based methods.

References


Quotables

There are only two mistakes one can make along the road to truth; not going all the way, and not starting.

- Buddha
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Veracity Assessment Services, LLC, a small disabled veteran owned business, is currently seeking resumes from retired federal examiners for potential job opportunities as contract polygraph instructors at the National Center for Credibility Assessment (NCCA).

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