

Division III: APA Standards of Practice (Effective 01/20/2007)

3.1 Statement of Purpose

A polygraph examination, properly administered by a well trained and competent polygraph examiner using a valid testing and analysis protocol is the most accurate means known to science for determining whether a person has been truthful. To promote the highest degree of accuracy, the APA establishes for its membership the following Standards of Practice. Moreover, all examinations are required to be conducted in compliance with governing local, state, and federal regulations and laws.

3.2 Definitions

3.2.1 Evidentiary Examination: A polygraph examination, the written and stated purpose for which, agreed to by the parties involved, is to provide the diagnostic opinion of the examiner as evidence in a pending judicial proceeding. This is not intended to prevent admission as evidence of a confession obtained during the examination.

3.2.2 Paired-testing: Polygraph examinations conducted in tandem on two or more individuals regarding a single central contested fact to which all examinees must know the truth thereof. Paired testing is used by voluntary stipulation between the testifying parties to resolve disputed facts. Paired testing must be conducted under the same standards as an evidentiary examination.

3.2.3 Investigative Examination: A polygraph examination for which the examination is intended to supplement and assist an investigation and for which the examiner has not been informed and does not reasonably believe that the results of the examination will be tendered for admission as evidence in a court of record. Types of investigative examinations can include applicant testing, counterintelligence screening, and post-conviction sex offender testing, as well as routine multiple-issue or multiple-facet criminal testing. Investigative examinations are required to be conducted with a testing and analysis technique that has been validated through published and replicated research.

3.2.4 Effective January 1, 2012 (previous passage deleted January 1, 2012) Validated Testing Technique: A polygraph technique for which exists a body of published and replicated studies demonstrating an average accuracy of:

3.2.4.1 90% or greater for evidentiary examinations, excluding inconclusive results, which cannot exceed 20%.

3.2.4.2 86% or greater for paired-testing examinations, excluding inconclusive results, which cannot exceed 20%.

3.2.4.3 80% or greater for investigative examinations, excluding inconclusive results, which cannot exceed 20%.

3.2.5 Specific Issue Polygraph Examination: A single-issue examination, generally administered in conjunction with an investigation.

3.2.6 Standards of Practice: The generally accepted principles for the best/most appropriate way to conduct a polygraph examination. These principles are required to be observed and followed in conducting, analyzing, documenting, and reporting polygraph examinations. Standards are mandatory and may be accompanied by enforcement sanctions.

3.2.7 Guidelines: Recommended practices for the conduct, analysis, documentation and reporting of polygraph examinations. They differ from standards in that standards are mandatory whereas guidelines convey better practices. Within the standards of practice, guidelines are explicitly set forth as recommendations.

3.3 Polygraph Examiner

3.3.1 A polygraph examiner is required to meet the training and educational requirements of his or her category of membership as set forth in Division V of the By-Laws.

3.3.2 Evidentiary examinations are required to be conducted only by Full or Associate members.

3.3.3 Polygraph examinations of sex offenders as a condition of treatment, probation or parole are required to be conducted by members who have completed specialized training consistent with guidelines found in section 3.11.

3.3.4 A polygraph examiner is required to, where applicable, be licensed (or certified) by the regulatory organization of his or her jurisdiction.

3.3.5 Examiners are required to accurately represent their Category of APA membership, their Academic credentials, their Licensure, and their certification status.

3.4 Polygraph Examinee

3.4.1 The examiner is required to make reasonable efforts to determine that the examinee is a fit subject for testing. Basic inquiries into the medical and psychological condition of the examinee as well as any recent drug use must be made where allowed by law. Mental, physical or medical conditions of the examinee that should be observable to, or that should be reasonably known by the examiner, are required to be considered in conducting and evaluating the examination.

3.4.2 During the pretest interview, where allowed by law, the examiner is required to specifically inquire of the person to be examined whether or not he or she is currently receiving or has in the past received medical, psychological or psychiatric treatment or consultation.

3.4.3 If an examiner has a reasonable doubt concerning the ability of an examinee to safely undergo an examination, a release from the examinee and his or her physician is required.

3.5 Instrumentation and Recording

3.5.1 Polygraph examinations are required to be conducted with APA approved instrumentation and are required to record, at a minimum, the following channels or components:

3.5.1.1 Respiration patterns recorded by pneumograph components. Thoracic and abdominal patterns are required to be recorded separately, using two pneumograph components.

3.5.1.2 Electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue.

3.5.1.3 Cardiograph to record relative changes in pulse rate, pulse amplitude, and relative blood volume.

3.5.1.4 A motion sensor is required for evidentiary examinations. This technology is recommended for investigative examinations.

Effective January 1, 2012, this section is replaced as follows (previous passage deleted January 1, 2012): A motion sensor is required for all examinations.

3.5.1.5 Other physiological data may also be recorded during testing, but may not be used to formulate decisions of truthfulness or deception unless validated in replicated and published research.

3.5.2 Physiological recordings during each test are required to be continuous, and are required to be of sufficient amplitude to be easily readable by the examiner and any reviewing examiner. Pneumograph and cardiograph tracings between one-half inch and one inch in amplitude will be considered of sufficient size to be easily readable.

3.5.3 The polygraph instrument is required to be given a functionality or calibration test consistent with manufacturer recommendations and in compliance with state and federal law. A functionality or calibration test is required to be administered prior to all evidentiary examinations. These tests, where applicable, are required to be maintained by the examiner for not less than one year.

3.6 Test Location and Conditions

3.6.1 Conditions under which testing occurs are required to be free from distractions that would interfere with the ability of the examinee to appropriately focus during the examination process.

3.6.2 Examiners conducting polygraph examinations for public viewing are prohibited from rendering opinions regarding the truthfulness of the examinees on the basis of that examination. It is recommended examiners attempt to ensure that reenactments of polygraph examinations are clearly conveyed as such to viewers. Should the examiner determine that the reenactment will not or has not been clearly conveyed as a reenactment; the examiner is required to immediately notify the Manager of the APA National Office.

3.7 Preparation

3.7.1 An examiner is required to, prior to the examination, dedicate sufficient time to identify the issues and any potential problems in any area of testing.

3.8 Pretest Practices

3.8.1 The examiner is required to obtain information sufficient to identify the examinee.

3.8.2 The examiner is required to obtain the consent of the examinee prior to testing. It is recommended the consent of the examinee be obtained after there is a reasonable understanding of the polygraph process, including the duration, the issues to be covered, and the instrumentation to be used.

3.8.3 Sufficient time is required to be spent during the pretest interview to ensure that the examinee has a reasonable understanding of the polygraph process and the requirement for cooperation.

3.8.4 Sufficient time is required to be spent to discuss the issues to be tested and to allow the examinee to fully explain his or her answers.

3.8.5 Sufficient time is required to be spent to ensure the examinee recognizes and understands each question. Attempts by the examinee to rationalize should be neutralized by a pretest discussion in which the examinee demonstrates he or she understands the test questions to have the same meaning as does

the examiner. Questions are required to be asked in a form that would prevent a reasonable person, facing a significant issue, from successfully engaging in a rationalization process.

3.8.6 The examiner is required not display or express bias in any manner regarding the truthfulness of the examinee prior to the completion of testing.

3.9 Testing

3.9.1 A member polygraph examiner is required to use a validated testing technique. Examinations are not permitted to materially deviate from the protocols of a validated testing technique. Where examinations deviate from the protocols of a validated testing technique it is recommended the deviations be noted and justified in writing.

3.9.2 A stimulation test or acquaintance test is required for all evidentiary and initial PCSOT examinations. A stimulation or acquaintance test is recommended for all initial examinations for any specific issue or investigative examination.

3.9.3 For the resolution of specific issues, a validated testing technique must be used.

3.9.4 Questions are required to be asked with clarity and distinctiveness.

3.9.5 Questions are required to be balanced in terms of length and impact for each category of questions utilized. Questions used in the assessment of truth and deception are required to be followed by time intervals of not less than 20 seconds from question onset. When approved validated research supports the use of another time interval, that time interval will be acceptable.

3.9.6 Examiners are required to collect a sufficient number of charts so as to acquire sufficient data for proper evaluation, in conformance with a validated testing technique.

3.9.7 Nothing in these standards is intended to prevent the use of new or unvalidated testing techniques for purposes of research.

3.9.8 Standardized chart markings, recognized and utilized within the polygraph profession shall be employed.

3.9.9 An audio/video recording of the pretest and in-test phases is required to be made and maintained as part of the examination file for as long as required by regulation or law, but for a minimum of one year for all evidentiary and paired-testing examinations. Audio/video recording is recommended for PCSOT examinations

3.9.10 A member polygraph examiner is prohibited from conducting more than four investigative or three evidentiary examinations in one day, and no more than five examinations of any type in one day. On rare occasion, exigent circumstances may warrant a waiver of this requirement.

3.10 Scoring

3.10.1 Examiners conclusions and opinions are required to be based on quantitative or numerical scoring for all evidentiary examinations and for all specific issue investigative examinations. The scoring method and decision rules shall have been validated through published and replicated research demonstrating that they are valid and reliable, and appropriate for the type of examination.

3.10.2 Examiner notes of the test evaluation are required to have sufficient clarity and precision so that another examiner could read them.

3.10.3 Examiners are prohibited from disclosing the results of the examination until the analysis has been completed.

3.10.4 Examiners are required to maintain the confidentiality of their work conducted under privilege until a release by the client is obtained.

3.10.5 An examiner subject to a quality control evaluation of a case is required to fully disclose all relevant information regarding the case under review. Any doubts as to relevancy are required to be resolved through disclosure.

3.11 Standards for Post-Conviction Sex Offender Testing (PCSOT)

3.11.1. PCSOT examiners are required to satisfy the provisions set forth in the Standards of Practice for investigative examinations as well as the following mandatory standards:

3.11.2 Minimum Training: A minimum of 40 hours of specialized instruction through PCSOT certification training approved by the APA, beyond the basic polygraph

training course requirements, is required for those who practice sexual offender testing.

3.11.3 Written Examination: Passing a final written examination, approved by the APA or its designated representative is required prior to receiving a diploma for the training. The written examinations are required to be properly controlled and protected to prevent exposure of the test questions or answers to any unauthorized persons.

3.11.5 Maintaining of Written Examinations: The instructors of the approved course are required to maintain a copy of the final written examination. Upon completion of the 40-hour PCSOT course instructors are required to administer the examination to those students who qualify for the final examination. Upon completion of the examination the instructor are required to submit the tests to the APA National Office for scoring verifications.

3.11.6 Recording Requirements: All PCSOT polygraph examinations submitted for quality control are required to be audio/visually recorded in their entirety. When required for quality control purposes these recordings will be made available. All recorded physiological data is required to be retained as part of the examination file as long as required by regulation or law, but for a minimum of one year.

3.11.7 Conflict of Interest: PCSOT examiners who are therapists/treatment providers shall not conduct polygraph examinations on an individual that they directly or indirectly treat or supervise.

3.11.8 PCSOT examiners who are probation or parole officers shall not conduct a polygraph examination on any individual that they directly or indirectly supervise.