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Limestone
TECHNOLOGIES
Charting the future...
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Deadlines

This issue closed on January 23, 2009.
Deadline for March/April issue is March 21, 2009.

Submission of Articles

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Contents

Membership News

5 APA Board of Directors
6 Applicants for APA Membership
7 APA Upgrades to Full Member
7 Certificate of Advanced Specialized Training
7 New School Accreditation Request
8 In Memoriam
9 Financial Contributors
44 Application for Certificate of Advanced and Specialized Training

Training & Seminars

9 Polygraph Examiner Training Schedule
10 Upcoming Seminars
12 APA 44th Annual Seminar/Workshop - Information and Registration Form
46 Polygraph Schools Accredited by the APA

From the Board

14 President’s Message
15 Board of Directors’ Reports

Regular Features

32 Polygraph in the News
35 ASTM Update — Committee E52 Meeting - Summarized Minutes, by Marty Oelrich
38 Tech Talk—Teaching New Examiners Old Tricks, by Ben Blalock
40 Legal Speak — Case Review: Montana Supreme Court Upholds Polygraph Testing as Part of Post Conviction Sex Offender Testing, by Gordon Vaughn

Special Features

22 2009 APA Elections - Candidacy Letters
THE TRUTH WILL SET YOU FREE TO EXPLORE CAREER OPPORTUNITIES.

The Troy University Polygraph Center is a program within Troy University established with the purpose of preparing students for careers as polygraph examiners.

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1117 Perimeter Center West, Suite N101, Atlanta, GA 30338
(770) 730-0033/1-866-426-1068
Atlanta@troy.edu
American Polygraph Association Receives 2008 Best of Chattanooga Award

“I am pleased to announce that American Polygraph Association has been selected for the 2008 Best of Chattanooga Award in the Polygraph Service category by the U.S. Local Business Association (USLBA). “

-Ashley Carter
USLBA

The USLBA "Best of Local Business" Award Program recognizes outstanding local businesses throughout the country. Each year, the USLBA identifies companies that we believe have achieved exceptional marketing success in their local community and business category. These are local companies that enhance the positive image of small business through service to their customers and community.

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APA Magazine 2009, 42(1) 5
Applicants for APA Membership

Doreen J. Aghajanian     Glenwood, Maryland
David C. Arbuthnot     Simons Town, South Africa
Fanny Astorquiza     Bogota, Colombia
Carolyn Y. Bartee     Los Angeles, California
Ryan P. Belleau      Sanford, North Carolina
William P. Berryman     Sanford, North Carolina
Eve E. Kingsley Booth     Brookeville, Maryland
Louis B. Bothma     Simons Town, South Africa
Erasmus Brand      Pretoria, South Africa
Amy R. Brown     Ellicott City, Maryland
Brion S. Buchanan     LaPlata, Maryland
Jan D. Coetzee     Pretoria, South Africa
Kevin J. Culp      Bristol, Pennsylvania
Edwin M. Donnelly, III     San Antonio, Texas
Joseph A. Duah     Alhana, South Africa
Marcia J. Feucht     Hurst, Texas
Paul S. Fouche     Johannesburg, South Africa
Michael V. Francis     Greensboro, North Carolina
Lucia Galvez     Bogota, Colombia
Sydney J. Garvey, Jr.     Houston, Texas
Garrett A. Giusto     Chesapeake, Virginia
Matthew R. Gunnarson     Ypsilanti, Michigan
Barend D. Hanekom     Pretoria, South Africa
Angela D. Haney     Lithonia, Georgia
Phillip J. Hinkle     Phelan, California
Kurt D. Horch      Dubuque, Iowa
David T. Hutchens     Tempe, Arizona
Hugo Islas      Mexico City, Mexico
Joseph J. Jordan     Mexico City, Mexico
Cara L. Kent      Midland, Virginia
Grant Kidd, Jr.     Parkersburg, West Virginia
Hyuk Kim          Somerset West, South Africa
George W. Larbey     College Park, Georgia
Jimmy J. Lasota     Seoul, Korea
Indrid V. Mena     Strafford, Missouri
Edda M. Noboa      Monroe Township, New Jersey
Leo A. Oligmueller, Jr.     Bogota, Colombia
Paul M. Percoco     Bogota, Colombia
Michael C. Puralewski     Greensboro, North Carolina
Steven R. Quan     Staten Island, New York
Carlos E. Ramos Raths     Frederickburg, Virginia
Angel Rodriguez     Mission Viejo, California
Juan F. Rodriguez     Mexico City, Mexico
Francisco Salgado     Hazlet, New Jersey
Yiannis Saveriades     Pinson, Alabama
Lisa M. Holtz-Schneider     Bogota, Colombia
Kelly M. Schulze     Nicosia, Cyprus
David T. Serfustini     Richmond Hill, Georgia
Lerato C. Shabangu     Tampa, Florida
Mesa, Arizona
Kagisoz, South Africa
Applicants for APA Membership (cont.)

Timothy J. Shanahan
Lizette Snyman
Marius Stander
Gary A. Valko
Hendrik W. Van Der Watt
Izak A. Van Zyl
Carlos M. Villantoy
Laurie-Dawn Vinson
David J. Wilmes
Christian J. Zuniga

Rochester, New York
Dendron, South Africa
KZN_Durban, South Africa
Parker, Colorado
Wilro Park, South Africa
Mpumalama, South Africa
Bogota, Colombia
Edenvale, South Africa
Somerset, Wisconsin
Clifton, New Jersey

APA Upgrades to Full Member

Robert J. Anderson
Scotty R. Gipson
Nicholas Hall
Marty Oelrich
Mark J. Osborne
Laurie A. Peschke
Corey J. Quinlan
Becky J. Wanless
Peter N. Wanless

Certificate of Advanced & Specialized Training

William J. Allen
Thomas G. Brunswick
Kenneth E. Nelson
Juan J. Perez-Garcia

New School Accreditation Request

National Academy of Training and Investigations in Polygraph Analysis, Mexico City
Behavioral Measures Institute

presents

Post-Conviction Sex Offender Testing (PCSOT) Seminar Announcement

In 2009 The American Polygraph Association (APA) PCSOT Committee recommended guidelines and standards for conducting post conviction sex offender testing (PCSOT), added newly defined tests for addressing post-conviction issues, and prepared newly revised standards for the APA’s certification and re-certification of PCSOT examiners. BMI Director, Eric J. Holden, M.A., L.P.C., is chairing this model development committee and will instruct seminar attendees about these recommended tests and procedures. The faculty and guest instructors of Behavioral Measures Institute are widely regarded as outstanding instructors and practitioners, and will bring new information to participants to help conduct and defend their work.

Please note that some revisions and additions are still being considered by this Committee, and that the APA Board has not yet given final approval or endorsement of these recommended guidelines and standards. Nevertheless, we believe the long and hard work of this Committee has produced concepts, procedures, and methods for conducting PCSOTs that are appropriate. These standards will be the foundation for teaching this seminar.

Monday, March 30, 2009 through Friday, April 3, 2009
8:00 A.M. – 5:30 P.M. in Dallas, Texas

BMI is proud of its reputation for providing focused, intense, and enjoyable learning experiences. This seminar will provide an opportunity to learn PCSOT testing and the growth that PCSOT has enjoyed in the United States and internationally. This training will provide students with the necessary tools to improve their professional product through the use of state of the art teaching technology.

This seminar brings together noted experts in specialties associated with testing, treating, and assessing risk to re-offend with populations of sexual and other offenders currently incarcerated, in civil-commitment settings, on probation and parole, and whose behaviors represent “high risks” to public safety.

For a complete schedule, registration form, and payment instructions, please visit our website at:
http://www.behavioralmeasures.com/institute.html

Monday-Wednesday - 20 hour CEU = $300
Wednesday-Thursday - additional 10 hour CEU = $125 (Total $425)
Thursday-Friday - additional 10 hour CEU = $125 (Total $550)

We suggest you bring a laptop with you in order to receive the most benefit from the seminar. We have free WiFi available at our site.
# Polygraph Examiner Training Schedule

## Academy for Scientific Investigative Training
- March 9 - May 1, 2009
- May 11 - July 3, 2009
- September 21 - November 13, 2009

## PCSOT
- May 4 - 8, 2009
- November 16 - 20, 2009

## Advanced PCSOT
- September 16 - 18, 2009

## Forensic Assessment Interviewing & Interrogation Techniques (FAINT)
- March 23 - 27, 2009
- May 25 - 29, 2009
- October 5 - 9, 2009

## Academy of Polygraph Science
- March 2 - April 24, 2009 (Chicago Area)*
- September 8 - October 30, 2009 (Largo, FL)*

*based on enrollment

## American International Institute of Polygraph
- March 16 - May 22, 2009 (South Africa)
- April 20 - June 26, 2009
- April 20 - June 12, 2009
- June 1 - July 24, 2009 (Lafayette, IN)
- September 8 - November 13, 2009
- September 8 - October 30, 2009
- September 28 - December 4, 2009 (South Africa)

## PCSOT
- July 27 - 31, 2009 (Lafayette, IN)

## Arizona School of Polygraph Science
- April 13 - June 19, 2009
- September 7 - November 13, 2009

## Backster School of Lie Detection
- June 8 - July 31, 2009
- September 14 - November 6, 2009

## Defense Academy for Credibility Assessment
- April 28 - July 29, 2009
- August 18 - November 19, 2009

## Horowitz-Ginton Credibility Assessment Academy
- April 6, 2009 - December 18, 2009 (part-time)
  - May 4 - July 3, 2009
  - November 2 - December 31, 2009

## Advanced Training
- March 16 - 20, 2009
  - July 6 - 10, 2009
  - October 19 - 23, 2009

## Marston Polygraph Academy
- April 13 - June 13, 2009 (San Bernardino, CA)
  - July - September, 2009 (Tacoma, WA)

## Maryland Institute of Criminal Justice
- September 21 - November 13, 2009

## PCSOT
- March 9 - 13, 2009

## Interview-Interrogation Course
- February 9 - 10, 2009
- May 11 - 12, 2009

## Troy University Polygraph Center
- April 6 - May 29, 2009
  - August 31 - October 23, 2009

## Advanced Training
- Polygraph Update & Chart Analysis
  - November 2 - 6, 2009
- Advanced Polygraph Techniques
  - November 16 - 20, 2009
- Applicant Testing
  - November 30 - December 4, 2009
- Interview & Interrogation
  - December 7 - 11, 2009
Upcoming Seminars

The American Polygraph Association will hold its 44th Annual Seminar/Workshop on August 2-7, 2009 at the Sheraton Music Hotel in Nashville, TN. Details and registration forms are on pages 14-15 of this issue.

Announcing the 2009 American Polygraph Association Continuing Educational Seminars (CES):

Albuquerque, New Mexico, February 12-14, 2009
Virginia Beach, Virginia, November 5-6, 2009

For additional information, please call the APA National Office, 800-272-8037.

The Tennessee and Kentucky Polygraph Associations present the 2009 Polygraph Seminar on March 24-26, 2009 in at the Mainstay Suites in Pigeon Forge, Tennessee. A special room rate of $72 is available for seminar attendees. Reservations must be made by February 21st by calling the hotel at 865-428-8350 and asking for the polygraph association rate. The cost of the seminar is $175 before February 28th and $200 at the door. (Do not mail after February 28th).

This Seminar will provide 20 hours of training. Tentative speakers are Milton “Skip” Webb, Pam Shaw and Jimmie Swinford. For more information, or to register for the seminar, contact Lt. Jeff White, Springfield Police Department, 802 Willow Street, Springfield, TN 37172; by phone at 615-382-2226 or via e-mail at jawhite86@yahoo.com.

The American Association of Police Polygraphists will be holding their 32nd Annual Seminar on May 4-8, 2009 at the Harvey's Lake Tahoe Hotel and Casino in Lake Tahoe, Nevada. A special room rate is available for attendees who make their reservations by April 1st. Seminar fee is $250 for members and $350 for non-members (paid before April 1st). For further details or to register, contact the AAPP National Office at (888) 743-5479 or visit www.policepolygraph.org.

The Northwest Polygraph Examiners Association will hold it’s 2009 Summer Seminar in Newport, Oregon on June 22 – June 26th, 2009 at the Agate Beach Inn. Reservations can be made by calling the Agate Beach Inn at (541) 265-9411. A special rate of $89 for single or double rooms, and $175 for suites has been negotiated. The cost of the seminar is $250 for members and $350 for non-members, and includes thirty four hours of APA approved CE training, daily coffee bar, three hosted meals, admittance to our annual banquet, and admittance to our now infamous hosted hospitality room each night where you can meet and mingle with our members. Come talk polygraph with some of the best examiners in the world!

General information about the seminar, including registration information, is available on the NPEA web site at www.nwpea.net. A special web site containing more detailed information about the seminar will be created by March 1, 2009. All polygraph examiners are welcome to attend. Come meet our members. Extra curricular activities for members, non-members, and their guests include our Annual Texas Hold’em Poker Tournament, the Kreg Hawkins Memorial Golf Tournament, an organized Whale Watching trip, and our annual BBQ “by the sea.” For out of area examiners, round trip transportation from the Portland, Oregon International Airport will be available.
GET YOUR GRAND OLE OPRY TICKETS NOW!!

Tickets must be purchased through the APA. Everyone who purchases a ticket will be taken to the Cock of the Walk Restaurant for dinner before the show compliments of the APA.

**When:** Tuesday, August 4, 2009.

**Cost:** $36 per ticket.

**Deadline to order tickets:** June 22, 2009

Be sure to mark the number of tickets you want on the seminar registration form

**MUST BE RETURNED BEFORE THE JUNE 22 DEADLINE!!**

---

**The Arizona School of Polygraph Science**

Approved by:
- American Polygraph Association,
- American Association of Police Polygraphists,
- Various State Licensing Boards and meets ASTM Standards for Polygraph Schools

Licensed and approved by:
- Arizona State Board for Post-secondary Education

**Founded 1985**  Arizona Incorporated 1986

Laura W. Perry  Director
Joe Perry  Operations Manager

---

**Calling ALL Cooks!**

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Email your favorite tried and true recipe (or one from your spouse or significant other!) to:

Secretary Murphy-Carr at: secretary@polygraph.org

…..to share with other APA members in future editions of *The Magazine!* Be sure to include any tips, historical notes, as well as your name, city, state & country.
ADVANCED RESERVATION REQUIRED
AMERICAN POLYGRAPH ASSOCIATION
SHERATON MUSIC CITY HOTEL
777 McGAVOCK PIKE, NASHVILLE TN 37214

(All room reservations must be made individually through the Hotel’s reservation department by calling 888-627-7060 or 615-885-2200 (Ask for the APA group rate)

APA FED ID # 52-1035722
Plan now to attend the APA 44th Annual Seminar/Workshop, AUGUST 2 – 7, 2009.
Room rate: **$119.00 Single/Double occupancy, plus taxes (currently 15.25% tax) FREE PARKING

CUTOFF DATE for hotel reservations is 06/30/09 or until APA’s room allotment is fulfilled. Number of rooms are 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: Keith Gaines - 803/751-5885
Each registered person will be provided handout material; ID badge and tickets to all APA sponsored events.
IMPORTANT: The pre-registration discount is good only if payment is received on or before JULY 22, 2009.

Registration Hours-Sun. 8/2/09, 10:00 am - 5:00 pm
On-Site-Mon. 8/3/09, 8:00 am-12:00 noon
Seminar Sessions-Monday-Friday, August 3 – 7, 2009

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 07/22/09 for applicable discount. Payment information and registration received after 07/22/09 will be charged the on-site fee.

NAME__________________________
ADDRESS__________________________
CITY/STATE____________________ZIP________
NAME OF GUEST(S)________________
NAME BADGE (CALLED BY)__________
BUSINESS PHONE____________________ZIP________
CHILDREN/AGES__________________
GUEST (CALLED BY)________________

PRE PAID BY JULY 22, 2009
$350 – Member/Applicant _______
$475 – Member/App W/Guest _______
$125 – Additional Guest _______
$500 – Non-Member _______
$625 – Non-Member W/Guest _______

FEE RECEIVED AFTER JULY 22, 2009
$400 – Member/Applicant _______
$525 – Member/App W/Guest _______
$175 – Additional Guest _______
$550 – Non-Member _______
$675 – Non-Member W/Guest _______

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

*AN APA NAME TAG IS MANDATORY FOR ALL SESSIONS AND ADMISSION TO ALL APA SPONSORED EVENTS
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).
SIGNATURE __________________________ 2009
Welcome to Nashville, the music city and the gateway to the South. From the Grand Ole Opry to the home of President Andrew Jackson, the history and heritage is revealed in music, museum and the natural beauty of the Cumberland Plateau. Convenience and service are paramount at this hotel. The area is saturated with fun and exciting locations for family, including area attractions, shopping, dining, and golf to name a few. In addition, Nashville International Airport is only five minutes away via a complimentary roundtrip shuttle service offered on the hour and half-hour.

Each room has a private balcony or patio and elegantly appointed with a few added amenities.

- 24 hour guest service available
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Nashville, TN 37214

TUESDAY, AUGUST 4, 2009
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(PAID FOR BY APA FOR THOSE PURCHASING GRAND OLE OPRY TICKETS)

SHERATON MUSIC CITY HOTEL

FOLLOWED BY A TRIP TO THE GRAND OLE OPRY

(TICKETS MUST BE PURCHASED THROUGH APA NATIONAL OFFICE - ORDER FORM IN NOVEMBER/DECEMBER MAGAZINE)
President’s Message

Michael Gougler

Fellow members,

We have just returned from our January Board of Directors meeting in Nashville, TN. The hotel is a beautiful facility to host a training seminar. The hotel provides a free shuttle to and from the airport and is within 2-3 miles of the Opryland mall. The hotel will also provide a free shuttle to the Opryland area.

We are excited about our Tuesday night outing to the Grand Ole Opry. Some of your board members attended an Opry show during the trip and will tell you it is well worth the price of admission. Remember, APA is providing a meal before the show for all those who purchase Opry tickets! There are many activities in Nashville to keep the members entertained during the evening hours.

Keith Gaines and the Seminar committee are diligently working to provide exciting topics for our members. Again, remember to support the entertainment events to help ensure their continuation in the future.

The PCSOT committee is fine tuning the Model Policy after additional input. Vice President Pam Shaw expects to present the policy for a vote during the March 31st teleconference. As with any standard or model policy, it is necessary to collaborate, compromise, and gain consensus. It is a very tedious process. I commend all for their patience and cooperation.

The School Accreditation committee, under the leadership of Barry Cushman, continues to make significant strides. They are making the rewrite of the School Accreditation manual more user friendly. In addition, a more standardized membership exam is being developed. This task, although daunting, is proceeding as scheduled.

The Fair Elections committee has vetted the candidates for the various board positions.

I am still hearing from members that they have concerns about our new election process. As I have stated before, please bring your ideas forward. We are open to constructive criticism and always looking for ways to improve the process. As I asked over a year ago, “Did you get what you asked for when the membership voted to change the process?” I heard relatively few comments.

We are moving to Phase IV on our website upgrade. It should be operational by the time you read this article. Address any compliments or concerns about the website to Secretary Vickie Murphy.

Director Don Weinstein has announced that he will not seek re-election to the board. Thank you Don for your service, you will be missed.

Director Elmer Criswell has tendered his resignation effective after the Annual Seminar. Business and employment commitments are placing a rigorous demand on Elmer’s time. The Board of Directors will appoint a replacement at the appropriate time. Thank you Elmer for your service.

Vice President Private Chuck Slupski has completed the revision of the Law Enforcement/Applicant screening model policy and recommended changes to our Standards and Practice. Thank you Chuck, it is a job well done.

President elect Dan Sosnowski is back in the country. I am glad to report to the membership that Dan has met all assignments and commitments that I have assigned him. I have held Dan to the highest standard of performance and he “HAS” delivered.

Chad Russell has “kept his sanity” during these trying times. Chad made some difficult
recommendations to the Board of Directors to cut costs during these financial times. Your board was responsive and implemented many of those recommendations. Cost cutting is never easy, but it is necessary.

Don Krapohl continues to return our publications into first class products. His expertise as editor should be commended.

To our other staff, Lisa, Robbie, and Gordon Vaughan, thank you. Without your experience and help this job would be much more difficult.

I would like to thank the membership for being so involved on the various committees. This year, when I asked for volunteers, so many stepped up. I truly believe that the APA has accepted its position as the leader in the polygraph profession.

Sincerely,

Mike

---

**Board of Directors’ Reports**

**Dan Sosnowski**  
*President-Elect*

WOW - It is already getting time to make plans to attend the APA 2009 Annual Conference which will be held in Nashville, Tennessee. The Board of Directors just completed its Winter Meeting the weekend of January 16th&17th which was held at the conference site located at the Sheraton Music City Hotel. The hotel has great rooms and meeting facilities but does lack restaurant availability in the nearby area. I know that Keith Gaines and Robbie Bennett are currently working with the hotel staff to ensure that the attendees will be able to have a viable selection.

Keith is busy putting together a well organized agenda for the Annual Conference. I believe that the attendees will have a wide variety of workshops to attend. We are also working on presenting at least 16 hours of training regarding PCSOT issues for those individuals who need CEU’s in this area.

The Board also believed that the members may be interested in how to gain a better insight how the APA really works. What do certain Committees really do and how a member can get involved or to take better advantage of being a member. On the Monday morning of the conference, we will present a “Behind the Scenes” look of the APA. The goal will be to educate the members how things are accomplished and the issues associated with accomplishing goals for the members.

Members need to realize that in this time of financial difficulties, the Board is looking at ways to cut the expenses associated with running an organization. The Board has eliminated several areas that will result in the saving of members’ dues. One of the areas that the Board is looking at is the area of providing entertainment for the members who attend the Annual Conference. Historically, the attendance after the Awards Banquet has been low but we have tried to provide some type of entertainment for the members who attend the Annual Conference. Keith Gaines has already lined up a great entertainer at a reduced price for the 2009 conference so I would encourage and ask the members who attend the conference to stick around after the banquet and enjoy some top notch music and dancing.

As I have previously reported, President Gougler would like to ensure that the existing Operational Procedures reflects the issues that are current to this organization. His goal is to
finish his term knowing that the existing Operational Procedures for this organization are going to serve as a solid foundation for the future of the APA. I would personally like to thank Mike for his vision and dedication to this organization.

As many of you know, an updated version of the PCSOT Model Policy has been in the works for some time. The Committee has put in many hours in order to develop a sound and acceptable Model Policy. It appears that there is still some discussion concerning what will be the Best Practice concept for this Model Policy. Prior to the Board considering a motion that would have addressed what the PCSOT Committee had submitted for consideration, Eric Holden, the Chair for that committee requested that the motion be tabled until there was further discussion about the Model Policy that was going to be considered. Apparently, some committee members could not agree with items within the Model Policy. It is my understanding that another version has been introduced for members to consider and discuss.

Whatever version is agreed upon, the Model Policy needs to address two (2) major goals. First is the question of what is the best for individuals who have been victims of sexual abuse. The other question is how polygraph can be utilized to possibly preventing individuals from re-offending and thus protecting individuals from becoming victims. Another consideration that must be addressed is what is in the best interest of the APA members who conduct these types of exams. We do not need to create a Model Policy which is cumbersome and confusing for its members.

President Gougler has requested that I take over as the General Chair for the Continuing Education Committee due to Elmer Criswell’s workload. I know that Elmer has always been devoted to this area and I will try to fulfill his goal of providing training to the members of the APA. I would like to have input from members who may be looking for some type of Continuing Education training in your area to contact me about the possibility of the APA assisting in this endeavor.

I am currently in discussion with Wesylan University located in West Virginia to provide some training via the Internet. This discussion is in the early stages but again I would welcome any input from members who are interested in this area. I would also encourage members to take advantage of training provided by the APA in conjunction with state associations.

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

Chuck Slupski
Vice President, Private

I submitted my Board report consisting of, in part, recommendations concerning the APA Strategic Plan, the APA Constitution / Bi-Laws and Standards of Practice, a draft Operational Policy for the Standards of Practice Committee, and a Model Policy for Law Enforcement / Public-Service Pre-employment Polygraph Screening Examinations. Following a three-word modification, the Model Policy related to pre-employment examinations was accepted by vote of the Board. Non-administrative / editing changes to the Bi-Laws include: In the absence of manufacturer’s recommendations, examiners should semi-annually record a chart demonstrating correct functioning of the (polygraph) instrument (effective January 1, 2012); and, A member shall maintain for a period of at least one year, all polygraph data and documentation related to the conduct of a polygraph examination. By vote, the Board was in favor of these additions and consistent with Constitutional protocol, I expect these items to soon be added to the Bi-Laws.

VP Government Keith Gaines and National Office Manager Robbie S. Bennett are working diligently to make the 2009 APA annual seminar a true success. There is still time for those interested in making a presentation at the seminar to contact Keith at liedoctor@yahoo.com. Additionally, members are reminded to submit their awards recommendations to Keith as soon as possible. The banquet and entertainment following the AGM sound great. I recommend you coordinate with Robbie Bennett well in advance, if possible, to ensure space. You won’t want to later regret missing these adventures.

APA members and interested others are encouraged to communicate your thoughts and ideas to the applicable Committee General Chair, Nate Gordon for the International Membership Liaison Committee, and Rick Kurtz for the Standards of Practice Committee; as well as the Board of Directors.

Thank you for your support of your organization.
Hello fellow members! I hope each of you are off to a great start in the new year. Your APA board of directors has been very busy with each of their respective committees and this was shown at our January meeting. The agenda was aggressive. An issue directly related to law enforcement and other public safety fields was a proposed rewrite to the model policy for law enforcement pre-employment testing. That model policy was approved by the board and by the time of this publication, should be available on the APA website. For your convenience, it will be included in the next issue of the APA Magazine. The core content of the model was NOT changed, only tweaked and expanded for more widespread application. The title now reads, “Model Policy for Law Enforcement / Public-Service Pre-Employment Polygraph Screening Examinations. The intent was to provide a model that would be viewed as a guide for not only law enforcement agencies, but to firefighters, telecommunicators, security personnel, EMT’s, etc. I think you will find that the model is very similar to the model that was previously posted, but if you have any questions about this revised version, please feel free to contact me or Chuck Slupski. This model was rewritten under the direction of Chuck Slupski as Chair of the Standards of Practice Committee. In my personal opinion, “Good job Chuck and crew!”

Another model policy has been in the works for some time now, and it was hoped that it would be brought before the Board for a vote at the January meeting. That model was in regards to PCSOT. A PCSOT model was prepared and submitted to the Board but ended up being tabled until the next BOD meeting so further review and additions could be made. The committee has been working hard to ensure the greatest sense of consensus without sacrifice to sound testing principles. Something that is much more simple in concept than in reality. In any case, I feel confident that a model policy will be proposed and voted on at the upcoming March meeting. I have heard concerns from some members that have been told in error that the PCSOT document in progress was going to become a matter of APA standards, by-laws or policy, subject to grievance, etc. Please be advised and reminded, that this is a MODEL POLICY ONLY. It is intended, like all our other model policies, to be a guide and reference for our current and best practices in the field for each of the given areas. Not all members will agree with every aspect or even be able to comply with the recommendations. Not all members of the BOD will agree with every aspect. Not every contributor and writer to the MODEL policy will agree with every point……but it is an agreement on foundational points, and, I would like to think, a consensus of the majority of those involved in PCSOT. The beauty of this MODEL, and all other models, is that it is a living document. Our research will advance us into better practices, our knowledge will take us to new understanding and ways of doing things….and our model policies will appropriately change in future times to reflect that understanding and growth.

I welcome any concerns, comments or feedback you have regarding the development of the PCSOT Model Policy or any other matter you think the APA could address regarding this type of testing. As you can, please take a look at the revised pre-employment model policy and let me know your thoughts and feedback.

I hope each of you will be able to join us in Nashville in August. I think we are headed for a great experience and would love to share it with as many as can make it. Don’t forget to contact Keith Gaines with any seminar ideas (speakers, topics, recreation, etc) or thoughts for entertainment. The more input we have, the more everyone benefits.

As always, it is a pleasure to serve you!

Well hello again APA members. As I write, I’ve just returned from the board of directors meeting in Nashville, Tennessee. I thought I was heading south to get warm, but I was wrong. I don’t think the temperature made it beyond the 10 degree mark – and yes, that was Fahrenheit. I had to laugh when I learned they closed the schools because of the cold temperatures. Apparently, when the temperature drops below freezing, the kids in Tennessee just begin to suffer from system failure – and we wouldn’t want them dropping at the bus stops! (My kids now want to know how they can get the Maine school systems to follow suit.) Anyhow, I’m looking forward to Nashville in August when the weather is a little more on the comfortable side.

I hope to see you folks at the seminar this year. As you will likely read elsewhere, Keith Gaines and his seminar committee are
aggressively working on bringing you some great training. If there’s something or somebody you want to see there, give him a jingle and let him know. The schedule is filling up fast, but it may be possible to make it happen. Don't forget, these seminars are for your benefit. Without input and feedback, it’s really difficult to know what it is y’all (I’m practicing for Nashville) want.

I think our APA email issues have finally been resolved. If you've sent email to me via the APA “director” address, I probably never received it. I should be now, so if you’ve tried to contact me in that fashion and haven’t heard back, please write again (or you can call me).

There are still a few bugs in our electoral process that you might want to consider. As you know, the Fair Elections Committee (FEC) is tasked with presenting two names for each open position on the board. If you want to be considered by them, you need to let them know so they can add you to the vetting process. There is, of course, no guarantee that you’ll be chosen and get your name on the ballot. If you want your name to go straight on the ballot (with no uncertainty), you can do so by collecting 25 signatures and getting them in by the appointed time.

This year the FEC received very few names for open positions plus they had the names of the few who opted for the petition route. The FEC decided to recommend to the BOD anybody who collected signatures, and then they made decisions on whom to nominate for the remainder. That was a choice the FEC made in order to keep the ballot down to, at most, two people per office. Otherwise, voting could have resulted in a lack of a majority of the vote for one of the candidates, which is necessary to win. That could have dragged the process out a long time. Perhaps even beyond the seminar as we have to give people time to vote by mail.

The lesson learned is that if you want to be sure your name gets on the ballot, you need to collect signatures and not take any chances on not being selected by the FEC. Of course, that could result in a lot of names on the ballot, which, as I said before, could drag things out for a long, long time. If you have any suggestions for a fix, please contact a member (or all members) of the BOD.

Let me add this though: the BOD is responsible for certifying the names the FEC presents. We did that. We looked at our constitution and by-laws, and we found that the FEC did its job appropriately – whether anybody agrees with what they did is irrelevant. Since it did what was required of them, the BOD certified the names. (Again, the BOD, in large part, realizes that we may need to revisit the process and fine tune it, however.)

Finally, the model policy on law enforcement pre-employment exams has been updated and approved by the BOD. Please familiarize yourself with it, and thank the folks who put the time in to draft it. The PCSOT model policy is still in the works, but it should be completed in the near future. Keep in mind that model policies are supposed to represent best practices based on our current understanding of the science. They are not “standards,” and therefore aren’t binding on our members. With that said, we should all be striving to utilize best practices in whatever setting we employ polygraph – or anything else for that matter. Also remember that best practices will change as the science evolves. If you see a need for a change, then speak up and contribute. We need to take care of one another.

As always, if there’s anything I can do for you, please let me know.

Vickie Murphy-Carr
Secretary

Minutes

During the January 16-17, 2009 Board Meeting held in Nashville, TN, the balance of Minutes for the new Board Meeting of August 23, 2008 and Minutes of the last Teleconference during October 7, 2008 were approved. At the time of this printing, Minutes of the January 2009 meeting are being finalized and a summary to be published in the next Magazine, along with a posting at the private site.

There were many issues addressed in attempts to cut budgets and the most serious action taken by the Board that affects the position of Secretary was the approval that “effective swearing in date at the 2009 Annual Banquet (August 6, 2009), there will be no stipend associated with the Secretary/Website Manager,” in an effort to further cut costs. I support the Board’s decision to remove the Secretary/Website Manager’s stipend and affirm to you that, with or without any stipend, I promise to continue to bring continuity, hard work and endless hours of dedication to both the APA and the polygraph profession as I have in the past.
The APA website continues to grow and we are now in the process of new revisions for Phase IV. Email alias’s and spam issues continue to be addressed as a priority as we include new features, and more safeguards will be implemented in Phase IV with webmasters Keith Mosher and Kenny Silankas. Secure dues payments and more spam filtering features such as site authentication will be added to stop bots and automated systems from sending spam through form contacts. We are in the process of adding new administrators. Board members have been directed to monitor content for their respective committees and information posted at the site, and I will be updating SOP to include those features, along with guidelines for any new features we ad in the near future. What you currently see at the APA website is in for a major facelift and I have requested feedback, suggestions and ideas from Board members as to what their vision of our future site should entail. We are working on eliminating duplicate links which can lead to duplication and errors when one section gets changed and another doesn’t, as well as disorganization and confusion now that it has grown. We will merge and streamline sections to accommodate both our past and future expansion.

In an effort to cut costs, the APA Board has also approved a vote to discontinue a State Leadership breakfast or luncheon traditionally held for state association Presidents or their representative due to lack of participation in the recent past. If a state or an association has an issue, those issues can be brought up within the separate Town Hall meetings.

The start of a new year, usually means the start of pending legislation relating to our profession. APA General Counsel Gordon Vaughan keeps us informed of any pending legislation and there have only been a couple of states with issues. Notice continues to be forwarded to the appropriate association. The most pressing issue to date is in Virginia, and I have been directed to coordinate efforts between Virginia and the APA with Past President and Managing Editor Don Krapohl, along with Attorney Vaughan. I am also recruiting Don Weinstein and Skip Webb due to their past efforts with such legislation. Other states that I have been notified about include Washington, Texas and Florida, however their bills do not appear to significantly impact polygraph.

**How to sign-up with the Online Membership Roster AND Private Member Site**

**Vickie T. Murphy-Carr, Secretary**

Go to the website. Click on “create new account” (located underneath log-in & password).

Fill out the form, and then scroll down and click on “submit.”

It goes to me. You will get a message on the top of your screen that you’ve successfully submitted the form. You’ll also get an e-mail stating that your account is pending approval and there will be a generated one-time use password. You won’t be able to use it until I’ve activated you.

Once your form is activated by me, you’ll be able to sign on using your new user id and the one-use password.

Log-in with your user id and generated password. Click on “my account” menu, on the left of your screen.

You’ll see a form come up with your information. At the top of the form, click on “edit.” This is where you change your password. Scroll down to “password.” Type in your new password, and then retype your password. (Remember, your password will be case sensitive.)

Scroll down to the bottom of the form and click on “submit.” You’ve now changed your password and you can log-in with your user id and new password.
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PCSOT - Post-Conviction
May 4 – 8; Nov. 16 – 20

Advanced PCSOT
Sept. 16 – 18

Forensic Assessment Interviewing
and Interrogation Techniques (FAINT)
Jan. 19 – 23; Mar. 23 – 27;
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Fresh Ideas...Fresh Leadership. Pledge: Independence, Transparency, Inclusion

I am Elizabeth Goyne Freitas, polygraph examiner from Hawaii, and I am running for the office of President Elect. I am seeking this office because I have a passion for the polygraph profession and a desire to see APA embrace and respect our past while welcoming our diverse, progressive and flourishing future. I want to be a part of the generation for this transition into our future.

APA is the oldest and largest of the polygraph associations. With that distinction, comes our responsibility to promote quality work product and to protect and enhance the reputation of the polygraph community. To accomplish this, APA must be inclusive and responsive to all examiners no matter of location, tenure, sex, race, political connections or school allegiances. With today’s technology, we have the ability to listen to all of our members and to provide them with support, mentoring, training and other needed resources.

APA must create relationships with entities which could benefit from our skills and abilities. Polygraphs are under utilized and not given the respect we know they deserve. I have been active with APA in the PCSOT committee for the last 2½ years. I have volunteered over a thousand hours as the vice chair. Doubters will be amazed by our accomplishments. PCSOT will become standardized and information will be available from the APA to guide examiners and consumers around the world to ensure quality PCSOT. This approach should be the APA standard. We should be actively promoting the use of polygraph in other post conviction settings like domestic violence, drugs and alcohol. With the success of polygraphs in law enforcement settings, we should be building a stronger relationship with police associations like the International Association of Chief’s of Police (IACP). APA should be the leader in educating those outside of the polygraph profession. Everyone needs to know of our successes.

I am a Backster graduate and am currently their primary PCSOT instructor. I retired as a police officer from a department in the San Francisco Bay Area in 2000. After retirement, I moved to Kauai, Hawaii, and opened a private polygraph business. In addition to the business, it is important that I have time to commit to service organizations. I have served as a Rotary board member. I am a volunteer as a court advocate to assist victims’ of domestic violence, translation services for the deaf community, volunteer for church and community projects. I am a member of the Kauai Humane Society board and have served as its president for the last five years.

Like so many other examiners, I live in an isolated community with limited local resources and training opportunities. I recognize the value of ongoing education and networking. Using today’s technology, I am committed to making APA resources readily and easily available to all.

If you agree with my vision and will allow me to be the bridge to our future, I humbly ask for your vote.
Nathan J. Gordon  
Candidate for President Elect

I, Nathan J. Gordon, respectfully ask you for your vote for the office of 2009 President Elect. We are living in extraordinary and exciting times for our profession. Never in recent history has the need for the use of polygraph testing been more defined.

Elect me to the position of 2009 APA President Elect and I promise you that I will draw upon the extensive talents of our membership to assist me in tirelessly pursuing the following goals:

I will serve the needs and interests of our membership and strive to enhance the status of the examiners within our organization worldwide.

I will increase our public relations efforts to enhance the public’s awareness and acceptance of our profession and reinforce the importance of APA accreditation and membership when choosing an examiner.

I will take a more proactive approach in dealing with unprofessional examiners and malicious internet sites that misrepresent and obstruct our profession and work.

I will lead a much more aggressive campaign against Voice Stress and other less accurate deception methods.

I will vigorously continue our scientific research efforts and validation of our professional practices.

I will take immediate steps to improve the timeliness of our membership and certifying processes.

I will continue to bridge the relationships between examiners within our profession.

I will diligently apply sound fiscal principles to ensure that in this financially perilous time, that the APA remains solvent and growing.

I am a working polygraph examiner and an active member of the APA since 1978; faithfully serving on numerous APA committees until 2006 and 2007, when I served as Vice President Private. In 2008, I was selected to Chair the International Liaison Committee, and also served as a member of the Membership and Public Relations Committees.

I have Directed an APA accredited school since 1980, and served as the liaison between the school directors association (IAFPI) and the APA Board for several years. In 2008, I was elected President of the IAFPI.

I have a Master’s Degree in Criminology, a Baccalaureate in Psychology, and an Associate’s Degree in Criminal Justice. I am the co-author of the book, *Effective Interviewing and Interrogation Techniques*, and have published numerous research papers on polygraph. I have had the privilege to lecture for the CIA, Secret Service, and Camp David, and have trained students throughout the world.

I believe I am qualified and worthy of your vote. I am asking for your confidence and trust in me to eventually serve as the President of the APA. I believe that this critical window of opportunity will probably be one of the most important votes you can make to bring the polygraph profession back to its rightful place. I hope I have convinced you that I am the person to lead us into the future of our profession.

Thank you in advance for your consideration.
My primary personal goal is to build the APA into a proactive organization that is as global as the Internet. State and foreign country polygraph associations, along with the APA, can be the conduit for worldwide university research opportunities and provide polygraph data to governmental and law enforcement agencies.

Secondary goals include:

- Create a mentorship program available to all new APA members.
- Establish a list of subject matter experts.
- Establish a list of APA members who can administer polygraph exams in a foreign language.
- Hold two yearly APA Board telephone conferences, with State Polygraph association representatives.
- Create a list of APA members that would administer pro bono polygraph examinations.

I seek to build upon the ideas submitted by APA members and to strongly support the completion of the APA’s Strategic Plan. I cannot predict problems or challenges to the polygraph profession, but I remain flexible enough to deal with them in a timely manner. The personal and professional experiences of the APA “Grey Beards,” APA members and the Board of Directors are all valuable assets that I plan to utilize.

My continued efforts are focused on creating alignment between polygraph examiners in the private sector, law enforcement, government and international members. I have unwavering faith in the APA. I would like all members to join me in the challenge of taking the APA and the polygraph profession to the next level. I strongly encourage members’ questions and ideas.

My final goal is to leave behind an organization that would continue its professional advancement and growth. That is why today, I humbly ask for your vote for the office of President Elect of the APA.

Should you require additional information about my platform or background, please contact me at oasispoly@verizon.net. I have the support of numerous notable APA members that can be contacted for their personal viewpoint and insight.

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**Peter T. Black**  
**Candidate for Vice President - Government**

I have been a federal criminal investigator for almost 40 years, a federally certified polygraph examiner for 27 years, involved in polygraph program management for 24 years, and a member of the APA for 27 years. During that time I have served on a number of APA committees, but my primary contribution to the polygraph community has been in the area of continuing education. Over the years I have made more than 25 presentations on a variety of topics at APA, AAPP, and state sponsored conventions.

Throughout all of this, I have had one overriding concern and that is the professionalism of the polygraph community. Yes, I said community. I realize, all too well, that we have divided ourselves into a variety of communities. We are a very small profession with a limited number of practitioners and the success or failure of any one of us reflects and affects on all of us. We simply cannot have one set of professional standards for the government, law enforcement, and private arenas.

There is something that I tell new examiners and it reflects what I would hope to achieve if elected Vice President - Government of the APA. I tell them that in many ways this job is like every other job and in
many other ways it is like no other job. It is at once a thrilling and a scary job. Like any job, there are
mornings when I wake up and I say, “I really don’t want to play today”. I really don’t want to sit in a little
room, being watched by an agent who has invested hundreds of hours into this case. Then I steel myself.

I remember that I am a bulwark of democracy. That person in that little room might just be telling the
truth. I have to have the fortitude to walk out of that room and tell that agent, “You have the wrong
person”. I am not running a popularity contest and sometimes my findings will prove to be unpopular.

If I am running a counter-intelligence scope polygraph so that one of my agents can access the Joint
Terrorism Task Force, I have given him/her my imprimatur and for the next five years he/she will have
run of our gravest secrets. I do not want to make a mistake that will cost the lives of my fellow
Americans.

If I am running an alleged pedophile and find him/her to be non-deceptive the case is stopped. He/she
returns home and that child goes home with him/her. To the best of my abilities, I cannot make a
mistake.

In other words, lives hang in the balance every time we walk into that little room. As Vice President -
Government, I will strive to ensure that each of us never forgets that and that we all work together to
make polygraph a true profession.

_____________________________________________________________________

Jimmy Padgett
Candidate for Vice President - Government

I am running as candidate for the office of APA Vice President - Government. I would appreciate your
support and welcome your vote. I would like to share some of my feeling about our profession as well as
some ideas that I have for making our organization more professional and responsive to the needs of the
membership.

I believe the APA has done a wonderful job of furthering the good reputation and resilience of our
profession, especially during and since the dark days of EPPA. However, we can strive to do better and I
have some ideas to that end. Perhaps some of the ideas described below could improve the condition
and very reputation of our profession. I believe strongly in continuing but improving our training
programs, establishing mentorship and quality assurance assistance program as detailed below:

Training:
- Continue to provide the world’s best polygraph continuing education.

- Seek more effective ways to provide individually sculptured training vehicles such as short 1-4 hour
  online courses.

- Seek more input from the general membership regarding the subject matter of training to be
  presented during our annual seminar.

Mentorship Programs:

- Research the feasibility of implementing a voluntary mentorship program for new members, specially
tailored for those private and law enforcement examiners working alone. All too many newly
trained examiners begin to develop poor habits within the first year, especially when working
alone.

Quality Assurance Assistance Program:

- Research the feasibility of implementing a limited voluntary assistance program for law enforcement
polygraph departments as requested. Such a program could assist upstart programs to develop
policy and quality control procedures to assure success of the department. Certification of
departments from a structured APA sponsored inspection process would serve to increase professionalism of law enforcement polygraph programs across the nation. The AAPP is already considering this move and we should also.

Consider establishment of a civilian law enforcement polygraph doctrine to be used much as the Federal Polygraph Examiner’s Handbook by the Federal polygraph programs.

Possibly establish a civilian law enforcement Quality Assurance Committee patterned after the Department of Defense / Federal model with capabilities to provide advice and assistance to law enforcement polygraph programs based on an adopted APA civilian law enforcement doctrine.

So, I ask for your support to lead the effort to improve upon our already significant contributions to the professionalism of our organization. I feel qualified to lead because of my 30 years experience having conducted thousands of examinations in the security, law enforcement, intelligence and private arenas. I have worked as a polygraph instructor, quality assurance manager, APA Ethics Committee member and Federal Quality Assurance Program member. This has prepared me well to serve you as APA Vice President - Government. I know many of you, but more importantly, I am intimately familiar with all the federal polygraph programs you represent, your many contributions, and the challenges you face. I am prepared to lead and anxious to serve. Thank you for your consideration of my candidacy.

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**Pam Shaw**  
**Candidate for Vice President – Law Enforcement**

I have been an examiner for the past 8 years with the Kentucky Law Enforcement Council, a state government entity that oversees professional standards and certification for all peace officers, telecommunicators and court security officers in the state. I am the supervisor of our professional standards unit, which includes oversight of our quality control program and screening procedures implemented throughout the state. I am a master’s level graduate from Eastern Kentucky University in the field of Allied Health Science and additionally started my own polygraph business in 2006.

I have been involved in polygraph education as an assistant director and director of the Kentucky Institute for Polygraph Studies, as well as recently being director of the polygraph school in Mexico for the Preventative Federal Police. Other educational endeavors include teaching part-time at the Texas Department of Public Safety Polygraph School, presenting at various state association seminars and being a part-time instructor at the University of Louisville.

I have been fortunate to serve the APA membership for the past 2 years as Vice President for Law Enforcement. I am hoping to continue in this position for two main reasons. First, I would like the opportunity to continue serving you and our profession on the whole. I want to make a positive difference in what we do and am willing to work for you towards that end. Secondly, I would like the opportunity to nurture and hone the various projects that have been assigned to me by the current APA leadership, as well as to stand ready to take on the new.

As a law enforcement/state government examiner, a polygraph educator, and a private polygraph business owner I believe that I can adequately represent the diversity of interests within our membership. I am in agreement with the Board and the many members of our organization that we need to update our school accreditation manual, to develop a model policy and further our understanding of sound PCSOT practices. I believe that we need to advance opportunities for training and research in our profession, and adhere to valid techniques and principles for standardization. I would do my best to ensure that sound principles are in place without sacrifice to practicality. In my current service, and if granted to serve another term, I will continue to work fervently towards these goals.

I thank you for your support in the past and hope that you will allow me to serve you once again!
Raymond Nelson  
Candidate for Vice President – Private

My interest in serving as Vice President – Private is to more actively participate in the progress and improvements that the APA leadership can bring to its membership including professionalism, policy improvement and research. Of primary importance to me would be increasing the availability of high-quality cost-efficient training by employing technologies that allow members to train when it is most convenient to them. I also believe the effectiveness and long-term success of the polygraph profession and the APA will depend in part upon whether sister disciplines consider polygraph to be grounded in science. By attending to matters of science we will be better able to implement decisions and policies that will silence our detractors, improve our techniques, and promote confidence among our clients. As polygraph professionals, we are in the best position to appreciate that the truth will eventually come out.

I attended polygraph school in 2000, and have been a polygraph examiner in private practice since 2001. My professional background and experience includes clinical treatment, psychodiagnostic assessment, inferential statistics and measurement, teaching, and policy development activities pertaining to risk management, sex offender treatment, and polygraph testing. I remain interested in all aspects of measurement and research as it applies not only to polygraph testing, but to mental health, sexual abuse, and risk management. I am a goal-directed professional, who enjoys working hard and solving problems. I believe there are practical solutions to many of the issues facing the future of the APA and the polygraph profession. I know that practical solutions often depend on our expertise as much as it does our desire and willingness to contribute.

Expertise comes with a price, in the form of time, devotion, experience, continued study and ongoing training. It is my belief that the APA leadership should do everything possible to make continuing training available to both agency based and independent professionals at minimal cost and minimal impact to our professional activities. This is especially relevant to independent, self-employed, professionals who achieve training only through unreimbursed out of pocket expenses.

An important aspect in the evolution of any profession is the danger of neglecting to develop and include a broad base of diverse expertise into its leadership, plans and future designs. As a field examiner with cross-training in psychology, statistics and measurement, and, policy development, I am the best qualified candidate to contribute to the association and to advocate for independent private practice examiners. If elected, I will work diligently to help integrate various professional vocabularies and constructs into effective solutions for an evidence based approach to polygraph. I would greatly appreciate the opportunity to serve the APA and its membership, as Vice President – Private to which I would dedicate my most sincere efforts. I can be contacted at Raymond@raymondnelson.us.

James (Jim) E. Reistroffer  
Candidate for Vice-President – Private

I humbly submit myself to the American Polygraph Association (APA), its Fair Elections Committee (FEC) and General Membership, while announcing my candidacy for the office of Vice President – Private. After thirty-two years in the APA, I consider it a privilege and honor to be able to serve the APA in a leadership position.

Following two United States Army tours of duty in the Republic of Vietnam, I continued to serve by becoming a Police Officer in 1970. Some six years later I entered the polygraph profession by attending the Keeler Polygraph Institute in Chicago, Illinois and started my own successful private practice of 33 years.

My more significant accomplishments in support of the APA include recruiting more than 50 new members and serving on numerous APA committees, to include being Co-chairman of the Legislative Committee and Chairman of the Ethics and Grievance Committee. While in those leadership positions, I
more fully come to understand the importance of treating all individuals and members with dignity, respect, and integrity.

If privileged to serve as Vice President – Private, I will, by exercising good judgment on all issues and making sound decisions that will benefit all of our members. I will be open to all suggestions and ideas, ensure that all critical decisions be well thought out, and always act in the best interests of the APA and polygraph profession. I will do my best to secure direct partnerships and communication between State Associations; support the idea of a Board position for International Director; and, solicit counsel from our accredited school directors in matters associated with training.

I am a strong advocate for quality polygraph, an attention to detail person, and have governed my professional career by strict adherence to the APA ethical standards and practices. My overall goal and philosophy is to maintain our professional ethics by demanding accountability from all of our members. As a licensed examiner, I regard continuing education as being vital to the survival of the APA and our profession. A commitment to continuing education and licensing of examiners must be of the highest priority.

Thank you for your time, consideration and possible vote of confidence. I pledge to do my very best in representing you and the American Polygraph Association.

William K. Teigen
Candidate for Vice-President – Private

I have been a member of the APA since 1978. I have served on six separate committees for the APA Board of Directors and have been the Chairman of two of those committee appointments and for multiple years. I have attended almost all of the APA seminars in the last 15 years attending and participating in the General Membership Meetings of each of those seminars.

I graduated from the USAMPS Polygraph Training School in April 1978 and have been an adjunct faculty member at USAMPS and DODPI. Since 1997 I have been on the faculty of Texas Department of Public Safety’s Law Enforcement Polygraph School training state and local law enforcement polygraph examiners.

I was appointed by the Texas Governor in 1996 to serve a 6-year term on the Texas Polygraph Examiners Board (the Texas Polygraph Licensing and Regulatory Agency) from 1997 through 2003. In five of those six years I was elected and served as the Chairman/Presiding Officer of that regulatory board.

In 2003 I was awarded the APA Leonard Keeler Award for “Long and Distinguished Service to the Polygraph Profession.”

In 2007 the APA made me a Life Member of the APA.

I am very active in the State of Texas in the field of Polygraphy and I have an active initiative started in state to modernize Texas Polygraph Law this year with the Texas Legislature.

From 1975 until my retirement in 1994 I served as a Polygraph Examiner in the Federal Bureau of Investigation (FBI). For more than three of those years I served at FBI Headquarters in the Polygraph Unit Supervising FBI field examiners.

Since June 1994, I have operated a private polygraph service in Dallas, Texas and I hold polygraph licenses in five states, including Texas.

I strongly desire to continue contributing to the efforts of the APA to establish standards in all fields of our polygraph expertise. I strongly support and participate in continuing education in polygraphy. In serving on the various committees of the APA to date, I have good insight to those areas that the APA has well developed standards of practice and I know where improvements could be made. I am willing to
fulfill all of the requirements and responsibilities of APA Vice President-Private. I have demonstrated throughout my professional life to be an able and contributing member of an organization in a leadership role. I ask for your support in electing me the 2009 APA Vice President-Private. Thank you.

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**Eric J. Holden**  
**Candidate for Secretary**

During this election, I am seeking the position of Secretary of the American Polygraph Association. I am seeking this office because I would like to make contributions to the APA and to the polygraph profession as a whole. By asking for your vote for Secretary, I do not seek to minimize Ms. Murphy’s contributions, but seek to add, and infuse, new and fresh ideas that will help this association continue its longstanding tradition of service to the polygraph community.

After graduating from college I attended polygraph school and have been practicing polygraph in the State of Texas for four years. I am a licensed examiner in the State of Texas and currently hold the position of Editor of the Texas Association of Polygraph Examiners newsletter and I am the Training Director of Behavioral Measures Institute in Dallas, Texas. Under my direction, the Behavioral Measures Institute has radically altered the presentation materials that we use. To do so, I have worked very closely with professionals in graphic design, website management, media management and professional videographers.

One of my goals for this position and for the APA is to oversee the development of professional-level graphics that are available to members of the APA. These high-end graphics would be available as standalone graphics or in PowerPoint format and free to use for anyone giving a presentation on APA material or polygraph in general. Further, I would like to spearhead a redesign of graphs and information material that are already available to polygraph examiners through the APA. By enhancing already available materials and adding new presentation material, I seek to further the understanding of polygraph by other professions and facilitate better communication and knowledge through these enriched media and other visual displays.

I believe that the Secretary should be a fully volunteer position and, if elected, I will not accept a stipend during my term. I would rather see this money go toward polygraph research, educating the public on polygraph, scholarships, awards or anything that will benefit the polygraph community or further the goals of the association. I am also a firm believer in term limits for elected offices. By limiting the amount of time any one person is in office allows for a greater influx of innovative ideas and novel approaches to problems and their potential solutions. I also believe that term limits reduces the amount of long-term influence any one person may have in a particular position.

Finally, I would like to thank Vicki T. Murphy for nearly 20 years of dedicated service to our profession and to this association while being the Secretary of the APA

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**Vickie T. Murphy-Carr**  
**Candidate for Secretary**

Hello, my name is Vickie T. Murphy-Carr, and I humbly submit myself to the American Polygraph Association (APA), its Fair Elections Committee (FEC) and the General Membership while announcing that I am seeking re-election as your APA Secretary. As Secretary, I am responsible for preparing and maintaining all proceedings & official Minutes of the APA annual meetings, APA Board and Teleconference meetings, as well as provide a summary of those actions to the general membership. Through coordination of the National Office Manager, I also maintain copies of updated membership rosters, accredited school lists, and copies of the Constitution, By-Laws and Policies. I have been a full APA member since 1980, graduated from basic polygraph training at the Maryland Institute of Criminal
Justice (MICJ) in 1976, have been the Assistant Director of MICJ since that time, and I have taught accredited training both nationally and internationally to private, law enforcement and government agencies. I am a practicing examiner and Primary polygraph instructor, PCSOT certified, have attended over 20 APA seminars, and currently Chair APA committees to include the State Advisory Board, Legislation Committee and the APA Website Committee. I have Chaired the Membership Committee and served on the Seminar and Public Relations Committees. I have authored various items to include: “What Can the APA do for you?”, “A Taste of Truth,” “The Use of Polygraph for Victims of Sex Crimes in Maryland, 1993-1996”, “Victims and Polygraph Testing,” “Book Review: Passing the Preemployment Polygraph Test,” “The MICJ Polygraph Handbook for Treatment Providers and Probation/Parole Officers,” “Nonverbal Communication: An Investigator’s Guide, 2nd Edition”, as well as various articles on topics of EPPA, ADA, Police Applicant Screening, and Standard Chart Markings. I developed and managed the APA website since conception in 1996, which continues to be a long-standing working document and requires numerous hours of attention. I am a past President and Life Member of the Maryland Polygraph Association, and was Commissioned by Governor Robert Ehrlich during 2006 as the first polygraph examiner in Maryland to serve on the Maryland Sexual Offender Advisory Board designed to strengthen Sex Offender Compliance and Enforcement in Maryland (SOCEM).

If re-elected as your APA Secretary, I will continue to streamline publications of the Minutes to keep our membership informed, to continue to be a front-line first responder to polygraph related questions and issues fielded to me, will see through the development of Phase IV for the APA website expansion now in progress, and will continue to improve communications for APA members and our affiliated associations.

With your vote, as an elected Officer of this association, I promise to continue to bring continuity, hard work and endless hours of dedication to both the APA and the polygraph profession.

Sabino Martinez
Candidate for Director

When I first started as a polygraph examiner twelve years ago I remember attending my very first American Polygraph Association Seminar. Prior to attending I remember asking the Texas Department of Public Safety for help in covering the expenses but I was notified that no funds were available. I had some money saved and decided that I would attend at whatever the cost. Attending the seminar was the best investment I have ever made. As I walked into the hotel, I could feel myself getting smaller, it seemed that I was but one small speck on what was the biggest professional association I had ever attended. After attending several classes I knew then that as a rookie examiner I had many things to learn and many other seminars to attend.

None the less, my career in the department was never a boring one. It was evident that after attending several seminars I began to provide an outstanding quality service to the public. I received several local awards and one national award for an unsolved case. In the summer of 2007 at the Texas Department of Public Safety Polygraph received a request from the State Department to train 24 students, 13 of which belonged to the Federal Preventive Police. The course was in Spanish and the department requested that I coordinate the course since I was one of the few bilingual examiners employed by the department. Little did I know this course would forever change my life. To the surprise of many supervisors the course was a success although the real success was yet to be seen. I became attached to those 13 students and they kept in touch. I later began to visit them in Mexico and despite the security problems, I felt at home with them.

The course was such a success that the Federal Preventive Police requested another school after their employees returned acting and performing examinations in a professional manner. However, this course would have me retire and the school would be in Mexico City. Faced with a dilemma, I remembered the words of many of my basic polygraph course instructors such as Bob Cole, Mike Gougler, Donald Weinstein, and Don Imbordino: “A professional serves the Public.” With this in mind I decided to take it upon myself to help my country knowing well that these students I would be working with, will be testing corrupt police officer across the Republic of Mexico thus aiding in our war against drugs. In the courses I have coordinated I preach professionalism and use those same ethical and professional techniques that I
was taught. It is those same techniques which bring success to those students, who later thank me for being the instructor that I am.

It is my intention to serve as a board member of the American Polygraph Association to provide continuity to the professionalism I have observed throughout the years. I am a new face with different ideas and with the ability to take criticism as a self improving motivator. Thank you in advance for your consideration.

Marty Oelrich
Candidate for Director

I am both honored and humbled by the opportunity to be considered for the position of Director with the American Polygraph Association. Without accord, this association must act expeditiously and meticulously in continuing its pursuit of professional development. This can be achieved through continued research, development, and implementation of policies and standards. These ideals should not be based solely upon our beliefs and values but also upon evidence from the research community and the collective experience of examiners and other professionals. This also includes the continued revision of established policies and standards, so they represent current best practices and acknowledge continued developments in research. Therefore, I plan to continue the development and revisions of best practice guides, as set forth in the Strategic Plan.

Research represents a fundamental precept in the establishment of our profession and every examination administered. Research represents inherent importance to every examiner, as each examination should be defensible. As such, significant research is required for the progression of our profession. Therefore, I plan to continue efforts to establish relationships with academic institutions and other professionals, in order to produce research that is both scientifically sound and defensible.

The continued development of our profession cannot be achieved alone. It requires a concerted effort among individuals within and outside of our profession. Further, it involves the incorporation of individuals both foreign and domestic, as our objective, the truth, knows no boundaries or border. Therefore, I plan to continue and amplify the communication and collaboration between professionals within and outside of our profession, both foreign and domestic. With these ideals, we can establish policies and standards that are consistent and self evident, not only to consumers and individuals within our profession, but to the scientific community and our dissenters.

Continued development requires a need for continuing education. Continuing education regarding policies and standards developed and revised by our association should be provided to individuals within our association at seminars and conferences sponsored by our association. Therefore, I plan to continue and further establish education and training opportunities within our association regarding such policies and standards. Further, I plan to pursue opportunities that allow researchers and examiners abroad to attend association sponsored education, which is accommodating to the difficulties occurring in attending such training.

The development and implementation of policies and standards, can present considerable difficulty. However, oversight of compliance and accountability represents an equally difficult task. Therefore, I plan to continue the revision of current policies, codes, and procedures, such as those related to ethics and accountability.

Although these tasks represent considerable work, we must work tirelessly. Our diligence in these matters is not only needed to further establish our profession, but to ensure a sustainable profession for current practitioners and those who seek a potential future within our profession. If elected, I plan to work tirelessly in serving this association and our profession.

For additional information regarding my education, experience, and platform please visit www.cpolys.com. Thank you for your consideration for the position of Director.
Law enforcement applicant admits to child molestation during polygraph

LEE COUNTY, Florida – Detectives with the Lee County Sheriff’s Department are investigating claims that William Cruz, Jr., a 49-year-old Cape Coral man, had inappropriate relations with a young girl. On September 30, Cruz was interviewing for a law enforcement position with the Lee County Sheriff’s Department. It was during the polygraph portion of the interview that Cruz admitted to having had a sexual relationship with the daughter of his live-in girlfriend. At the time the relationship began, he was 41-years-old and she was 14. Officers tracked down the alleged victim who said that the relationship was consensual and had continued until the summer of 2006 when she broke it off. On December 12th, Cruz turned himself in on a warrant for sexual assault by a custodian of a victim between ages of 12 and 18. He is being held without bond. At the time of his arrest, Cruz had been working as a Lee County school bus driver. A spokesperson from the school district said that there is no evidence that Cruz had any inappropriate contact with any of the students he transported.

December 16, 2008 - “Cape Coral man admits during interview at Lee sheriff’s office to sex with a teen.” News-Press. news-press.com (submitted by Johnnie Rodgerson)

Polygraph reveals inappropriate contact between horse show judge and owner

SHELBYVILLE, Tennessee – According to a press release from the Tennessee Walking Horse National Celebration, Nathan Clark, a judge at this year’s show, has received a one-year suspension from judging, for failing to report an “inappropriate contact” from a walking horse owner who wanted to discuss previously judged and upcoming classes. Clark revealed the contact during polygraph testing subsequent to the show. Since 2007, the Celebration has had polygraph testing conducted on management, judges and certain other personnel as part of its efforts ensure the fairness of the competition.

December 12, 2008 - “Celebration Judge, owner sanctioned.” Shelbyville Times-Gazette, www.t-g.com

Polygraph leads to charges of child molestation for detention officer

PHOENIX, Arizona – A Maricopa County Sheriff’s Detention Officer is in jail after being arrested on charges of sexual conduct with a minor. According to police reports, detectives began an investigation of the detention officer after the teenage daughter of another detention officer revealed to her mother that she had been sexually molested by him five years earlier. The alleged perpetrator finally admitted to the incident after failing a polygraph examination.


Scammer who failed polygraph must account for missing money

MINNEAPOLIS, Minnesota – Jerry Watkins, a 55-year-old male, who has been charged with participation in a Ponzi scheme from which he profited approximately $1 million, has been ordered to provide an accounting of these funds to the U.S. attorney’s office. Watkins entered a plea agreement with prosecutors where he helped authorities convict Neulan Midkiff, who masterminded the scam. Midkiff was sentenced to 15 years in prison. But Chief U.S. District Judge Michael Davis is not convinced that Watkins has fully cooperated with investigators. Two years ago Watkins allegedly told investigators that he had a $300,000 cashier’s check, but did not use it to help repay victims because “nobody asked for it.” He now claims that he has since spent all that money, but could not account for much of his expenditures. That claim, coupled with the fact that he failed a polygraph examination about whether or not he had hidden any money, has led

(continued on page 39)
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The ASTM International Committee E52 on Forensic Psychophysiology met in conjunction with the National Polygraph Association (NPA) on January 24 and 25, in Las Vegas, Nevada. The following information was discussed during the subcommittee meetings, specific to proposed additions and revisions of standards:

**E52.02 Instrumentation:** The subcommittee recommended a change in terminology regarding the use of polygraph instrumentation that utilizes a dedicated channel for activity sensors that record covert movements. The proposed change in terminology would change this recommendation to a requirement. The recommended change in terminology was approved by the subcommittee. The item will be balloted prior to the next committee meeting.

**E52.03 Quality Control:** The subcommittee recommended a change in terminology regarding information that is required for an independent/objective quality control review to be conducted. The proposed language would require independent quality control reviews to include relevant documentation, as listed within the subsection, including any available electronic recordings.

**E52.05 Psychophysiological Detection of Deception (PDD):** The subcommittee discussed two previously balloted items. The balloted items included: (1) the number of PDD examinations conducted in any 24 hour period; and (2) diagnostic features of the photopleysmograph. The subcommittee reviewed the negative votes from the balloted items. The subcommittee agreed upon terminology limiting PDD examiners to conducting five (5) PDD examinations in any 24 hour period. The recommended change in terminology was approved by the subcommittee. The item will be balloted prior to the next committee meeting. No change in terminology was made to the subsection regarding diagnostic features associated with the photopleysmograph. However, the item will need to be balloted prior to the next committee meeting to resolve additional changes in the standard as proposed by a negative voter.

The subcommittee discussed a proposed work item regarding the development of a Standard Guide for Psychophysiological Detection of Deception (PDD) Examinations of Special Populations. The guide would establish guidelines for PDD examiners in determining the suitability of potential PDD examinees who present with observable functional exceptionalities, including: acute psychiatric disorders, diagnosed developmental disabilities, neurologically based learning disorders, other diagnosed disabilities, acute or chronic medical conditions, pregnancy, and use of prescription medications. The guide would also establish guidelines for conducting PDD examinations on special populations and for reporting information related to persons with functional exceptionalities and special populations in PDD examination reports. The subcommittee chair determined the proposed guidelines would continue to be developed as a work item, prior to formal presentation to committee members.
The subcommittee also discussed a proposed work item for the addition of terminology regarding language translation, which would establish guidelines for use of interpreters during PDD examinations, including guidelines for which individuals are suitable for use as interpreters and guidelines for the use of interpreters during PDD examinations. The subcommittee chair determined the proposed language would continue to be developed as a work item prior to formal presentation to committee members.

E52.07 Ethics: The subcommittee discussed a previously balloted item regarding use of academic credentials by PDD examiners. This section will be rewritten and will be balloted prior to the next committee meeting.

The next meeting for ASTM International Committee E52 will be held in conjunction with the American Association of Police Polygraphists (AAPP) on May 2-3, in Lake Tahoe, Nevada. The meetings will convene at 10:00 a.m. on Saturday, May 2, 2009 and at 8:00 a.m. on Sunday May 3, 2009. Please note that if you are interested in attending Committee E52 meetings, they are open to non-members. Both your attendance and comments are welcome. If you have any questions regarding the aforementioned meeting or other related questions regarding Committee E52, please feel free to contact Marty Oelrich at martyoelrich@hotmail.com.

Please note that Marty Oelrich, the author of this column, is the Secretary for Committee E52 on Forensic Psychophysiology. However, the views and comments expressed within this article do not necessarily reflect those of ASTM International or those of Committee E52 on Forensic Psychophysiology.
Using Technology to Improve Polygraph Methodology

Ben Blalock

Whether you are a brand new polygraph examiner right out of training, or a well-seasoned veteran in conducting polygraph examinations, you may have at some point wondered if you missed something in the administration of a given test. “Was the examinee biting down while I was reading that question to him,” or “I could have done a better job explaining the physiology to the examinee before the test.” Or even, “Although my conversational Spanish is pretty good, I don’t know technical terms well enough to clearly explain how polygraph works.” What if you are the quality control person for a particular agency or department, have you ever thought, “He usually gives a great pretest, but on this exam, perhaps he was just burnt out, in a hurry, or tired…”

Well, perhaps technology holds the solution to these and other problems. Examiner burnout, translation issues, lack of thoroughness and consistency, and countermeasures are realities for polygraph professionals. Since there are certain portions of a polygraph examination that are routine, it is not implausible to give a presentation exactly the same way every time to every examinee, without ever missing required explanations. For example, the physiology behind why polygraph works can be explained the exact same way to each examinee.

With regards to the administration of the pretest portion of a polygraph examination, Honts, Devitt, Winbush, and Kircher, (1996) demonstrated that standardization of the presentation, and the presentation given in a pre-recorded manner could be done, and done so very effectively. In these studies, wording of questions, polygraph rationale, and psychological preparation were presented to the examinee with a pre-recorded audio monologue. Additionally, pre-recorded intes test questions were presented exactly the same way every time, without stuttering, and without irregular emphasis on particular words or syllables.

With regards to the intes test presentation of questions, Lafayette’s polygraph software has a built in speech synthesis feature that allows examiners to allow the computer to ask the questions during the intes test phase of the examination. Which voice to use, the speed of the speech, and the speech volume are all adjustable in the Lafayette software. While standard synthesized voices may not be of sufficient quality for your comfort, there are additional high quality, human-like voices available for purchase either through Lafayette itself, or other software vendors.

These same human-like voices, or even your own recorded voice could be used to present the standard pretest contents. This will free you up to carefully observe your examinee during the pretest and intes test phases. This also allows you to be a more focused and effective interviewer (pretest) and interrogator (post test).

For questions, comments, war stories, or to submit confirmed chart data on exams utilizing this methodology, email me at blalock@InternationalPolygraph.com.

References

Judge Davis to order him to provide a full accounting of the money by Monday. He has also ordered Watkins to take another polygraph exam. Failure to comply with both of these orders could result in even further time being added to Watkins’ sentence.


Polygraph reveals motive in stabbing

Sunbury, Pennsylvania – A 25-year-old Sunbury man has been charged with attempted homicide and other associated charges for stabbing an acquaintance on January 2nd. According to police, 40-year-old Mario Solorio was stabbed once in the back and then once in the abdomen by Manuel Molina. Solorio claimed that Molina stabbed him at his residence while trying to rob him of some money he knew Solorio had been saving. Solorio said that Molina also threatened him with a gun, but he was able to escape by fleeing to a neighbor’s residence. Police arrested Molina, and during questioning, Molina told investigators that he stabbing took place as a result of self-defense. Molina subsequently took and failed a polygraph exam. After failing the exam, he recanted saying that he had stabbed Solorio because of some threats Solorio had made toward him and his family after he had witnessed some drug activity at Solorio’s residence.


The MICJ polygraph program has been fully accredited by the APA since 1976. The course focus is on testing techniques most widely used by the US Army CID including numerical chart scoring, MZCT [Zone], Army MGQT, AFMGQT, POT and R/I for Applicant Screening by Instructors with over 150 years of experience.

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Case Review: Montana Supreme Court Upholds Polygraph Testing As Part of Post Conviction Sex Offender Testing

Montana has, traditionally, been a hostile jurisdiction to polygraph and polygraph evidence. The Montana legislature prevents the use of polygraph by any employer, including law enforcement agencies, as a condition of employment. MONT. CODE ANN. § 39-2-304 (2007). In a departure from the holdings in almost all other jurisdictions, the Montana Supreme court in *State v. Craig*, 864 P.2d 1240, 1242 (1993) held that it is not acceptable for law enforcement to use the results of a deceptive polygraph examination “to tell a defendant that he lied in order to extract a confession.” In *State v. Staat*, 811 P.2d 1261 (Mont. 1991) the Montana Supreme Court held that polygraph evidence may not be admitted in any proceeding in a court of law in Montana. The Montana Supreme Court, in *State v. Anderson*, 977 P.2d 315 (Mont. 1999) threw out a sentence imposed where it was, in part, based on a psychosocial evaluation that included a polygraph examination and, building on that precedent held in *In re N.V.*, 87 P.3d 510 (Mont. 2004) that a doctor’s opinion in a juvenile disposition hearing was inadmissible where the doctor formed his opinion, in part, from information from the probation officer which included polygraph reports.1

Despite this general hostility to polygraph, Montana has, in two recent cases, upheld polygraph testing as a part of post conviction sex offender testing. Those cases are *State v. Hameline*, 188 P.3d 1052 (Mont. 2008) and *State v. Smart*, ___ P.3d ___, 2009 WL 27697(January 6, 2009).

**State v. Hameline**

In *State v. Hameline*, Sylvester Wayne Hameline was convicted of sexual intercourse without consent and sentenced to 40 years prison, with 25 years suspended. The pre-sentence investigation report included a psychosexual evaluation report which included sentence and treatment recommendations, including that Hameline be required to complete a sexual offender treatment program, be restricted from unsupervised contact with children under the age of 18, not possess or have access to pornography, and “submit to a treatment polygraph examination upon the request of his probation officer or therapist.”2 The Court

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1 For a more detailed consideration of Montana law, as well as all state and federal jurisdictions, on the admissibility of polygraph evidence, see Ansley & Vaughan, Quick Admissibility Guide to the Law, 18th Edition (2007) available through the APA National Office.

2 The use of polygraph testing is seen by many experts as a valuable component to post conviction monitoring and treating sex offenders.

Most sex offenders have deceived many people, often for many years, and few ... professionals believe that sex offenders will suddenly begin telling the truth when they are placed under correctional supervision .... The skill that has allowed these 21 offenders to manipulate many victims allows them to manipulate criminal justice system officials as well .... This lack of disclosure by sex offenders led the international Association for the Treatment of Sexual Abusers (ATSA, 1993) to state, in its *Practitioner’s Handbook*, that therapists should not rely solely on offenders’ self reports. Rather, to determine compliance with treatment requirements, ATSA made recommendations for the use of the polygraph to validate the offender’s self-report. Using polygraphy ... with sex offenders is akin to using urinalysis testing with drug offenders. It is a method of monitoring very specific behaviors.

upheld the condition of polygraph testing, holding that Hameline cited to no legal authority prohibiting a
sentencing court from requiring post conviction therapeutic polygraph testing. In so holding the Court wrote: “We repeat yet again our blanket prohibition on the use of polygraph test results in any way in any
Montana court proceeding. We conclude, however, that the prohibition against the use of polygraph test
results does not equate to a prohibition against requiring a person to submit to a polygraph examination.”
Id at 466.

Hameline also challenged the polygraph condition as a violation of his United States Constitutional Fifth
Amendment right against self incrimination as well as an identical right provided under the Montana
Constitution. The Court held that, because of these self incrimination considerations, the results of such
post conviction polygraph testing could not be used to “punish” the probationer.

**State v. Smart**

In *State v. Smart*, Scott Smart was convicted of two counts of sexual intercourse without consent. At the
sentencing hearing, the District Court imposed as condition of later probation that Smart “submit to
annual polygraph testing, if requested as part of sex offender treatment or aftercare.” Smart objected to
the proposed imposition of a polygraph testing condition on the grounds that polygraph test results were
unreliable and are not admissible in Montana’s courts and as such was an illegal condition and should be
stricken. The State argued that polygraph testing of sexual offenders helps treatment providers overcome
high rates of dishonesty, denial and minimization among the offenders. Upholding the prior decision in
*State v. Hameline* the Montana Supreme Court agreed with the State, holding that while Montana law
prohibited the admissibility of polygraph results in court they were not illegal and are a permissible
condition of post conviction release for sex offenders.

**Discussion**

While *State v. Hameline* and *State v. Smart* are a welcome change to the long trend of unfavorable
polygraph rulings in Montana, their reach may be limited. As the Montana Supreme Court noted in
Hameline, there currently remains a “blanket” or *per se* rule of inadmissibility of polygraph evidence in
Montana courts. This, *per se* exclusion, along with the unusual precedent of exclusion of confessions
induced through the use of a deceptive polygraph, indicate that evidence of or gained by a failed
polygraph would likely not be able to be used to justify revocation of conditional post conviction release. Still, these recent cases and other signs provide a basis for optimism that Montana’s hostility to polygraph
may be thawing. In 2005, the Montana legislature repealed a statute that provided that results of a
polygraph examination could not be admitted as evidence in a Montana court of law - thus removing at
least the statutory barrier to a more liberal consideration of polygraph evidence. Montana’s last
 comprehensive examination of polygraph evidence came almost twenty years ago and well before the
repeal of the statutory prohibition for polygraph evidence. The basis for the decision of *per se* exclusion
was, predominantly, the since repealed statute and the Court’s skepticism as to the “trustworthiness” of
polygraph evidence. As such, a properly presented record on the improvements to polygraph
instrumentation and procedure and recent supportive scientific research may decrease that previous level
of skepticism. Also, as Montana has now joined those jurisdictions that have accepted post conviction
polygraph testing it is reasonable that they will also consider following the lead of those other jurisdictions
as they flesh out the thorny self incrimination issues that accompany post conviction polygraph testing.

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3 The Montana Attorney General’s office conceded in its brief in Hameline that any such evidence would not be admissible for
5, 2007).

4 *State v. Staat*, 811 P.2d 1261, 1262 (Mont. 1991)

(footnotes continued on page 42)
Although too broad a question for detailed consideration in this article, the issue of self incrimination remains a fertile ground for challenges to post conviction polygraph testing requirements. It is this author’s opinion that the trend of those jurisdictions considering the issue is that a post conviction sex offender’s right against self incrimination is not violated if the right to assert the privilege against self incrimination and refuse to answer a question posed during the polygraph is retained. Where the right to assert the privilege against self incrimination is not retained and the post conviction sex offender faces revocation or other penalty for not answering polygraph questions, evidence gained from the polygraph examination can not be used in subsequent criminal prosecution. It is also this author’s opinion that many, though not all, jurisdictions considering the issue have found that the refusal to answer questions during the polygraph examination that relate to possible violations of the conditions of post conviction release or inculpatory responses made during the examination evidencing such a violation may be used for purposes of revocation. See e.g. United States v. Stoterau, 524 F.3d 988 (9th Cir. 2008) (a condition of supervised release requiring a defendant to submit to polygraph testing does not violate the Fifth Amendment so long as the defendant is not required to answer any questions that may incriminate him in future proceedings); People v. Elsbach, 934 P.2d 877 (Colo. Ct. App. 1997) (admission of other crimes made by sex offender as part of required post-conviction examination are not inadmissible so long as the probation office or department makes no threat to suspend probation for the defendant’s exercise of Fifth Amendment rights); In re D.S., 828 N.E.2d 143 (Ohio Ct. App. 2005) (probation condition that juvenile adjudicated delinquent for committing rape and gross sexual imposition both take and pass polygraph examinations is neither unreasonable nor a violation of his Fifth Amendment rights. Condition does not preclude juvenile from raising a Fifth Amendment privilege); State v. Naone, 990 P.2d 1171 (Hawaii App. 1999) (refusal to take court ordered sex offender treatment polygraph is a valid basis for revocation.)

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