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

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**Editor’s Corner**

If you’ve been periodically visiting the APA website (www.polygraph.org) you may have noticed the regular updates to the “Latest News” listing. There has been a steady stream of polygraph success stories reported by the news media recently. This trend has been good news for the APA, as a large percentage of the examiners in those stories are APA Members. Congratulations to all of you who are doing this great work. Also, please consider sending publishable case studies for the APA Magazine.

As an aside, let me mention that these news stories about the polygraph have also created a noticeable contrast between ourselves and users of voice stress technologies. While polygraph success stories are hard to miss on the Internet, such is not the case for voice stress. The VSA manufacturer advertising about accuracy and the rapidly growing number of users apparently has not translated into anything like the polygraph’s effectiveness.

Returning again to the APA website, our goal is to have 100% of the membership fill out the registration form so they can have access to the members-only section. It is there members can post questions and answers on the bulletin board, and get access to content not available to the public. And the email addresses members use to register for the site are compiled for the email notifications to members about coming events such as elections and other events. If you have not done so yet, please click here to register.

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

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- Selectable GSR or GSC channel
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Phone: (765) 423-1505
In Memoriam

Warren D. Holmes

The APA regrets to announce the passing of Life Member Warren D. Holmes in Miami, Florida. Mr. Holmes was with the Miami Police Department from 1955 to 1963, and started his own polygraph firm after leaving the department. He was a widely recognized expert in interviewing and interrogation, lecturing at scores of polygraph seminars over the years. Mr. Holmes was a past president of the Academy for Scientific Interrogation, one of the six organizations that came together to create the American Polygraph Association in 1966. He also wrote the 2003 book Criminal Interrogation: A Modern Format for Interrogating Criminal Suspects Based on the Intellectual Approach. He polygraphed key figures in the Watergate scandal and the assassinations of President John Kennedy and Rev. Martin Luther King. He also tested former Philadelphia Mayor Frank Rizzo in the 1970s regarding official corruption, and he was involved in multiple cases of exonerating the wrongfully convicted for which he is most famous. Mr. Holmes was 85.

Statement of General Counsel Regarding Recent Litigation Against the APA

The American Polygraph Association was, along with elected and ex-officio members of the Board of Directors, National Office staff, and a committee volunteer, named as Defendants in a lawsuit filed in Federal District Court in Arizona arising out of the revocation of APA accreditation of a school that had previously received accreditation. The lawsuit will be defended through counsel appointed and paid for by the insurance carrier for the APA. Because this matter involves issues of ongoing litigation, the Board of Directors and Defendants in this matter are unable to provide detailed comment on the underlying issues of the matter. As General Counsel, I am of the opinion that the lawsuit is without substantive merit and fully expect a favorable outcome for the APA and other Defendants. The Board of Directors will continue to address this matter in a professional and appropriate manner.

- Gordon L. Vaughan
American International Institute of Polygraph
Address: PO Box 2008, Stockbridge, GA 30281
619 Highway 138 W, Suite C, Stockbridge, GA 30281
Phone: 770-960-1377 Fax: 770.960.1355
Email: AIIP@Qpolygraph.com

BASIC - 2013 - United States

Professional Polygraph Examiner's Basic Training Program

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

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

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

BASIC - 2013 – South Africa

Professional Polygraph Examiner's Basic Training Program
Schedule 1: March 18 – May 24, 2013 (Pretoria) 10 weeks
Schedule 1: September 30 – December 6, 2013 (Pretoria) 10 weeks

Advanced Training / Continuing Education

Basic PCSOT 40 hour Seminar / Stockbridge, GA
November 4 – 8, 2013

Advanced PCSOT 16 hour Seminar / Stockbridge, GA
TBA
Question: According to the APA By Laws, what are minimum continuing education requirements for practicing examiners?

1. 30 hours every two years.
2. 30 hours every year.
3. 40 hours every two years.
4. 40 hours every year.
5. There are no continuing education requirements.

answer on page 16
Kentucky Domain Names For Sale

Do you conduct polygraph exams in the state of Kentucky? Do you have a website? I have two domain names for sale - www.kentuckypolygraph.com and www.polygraph-kentucky.com. I'm a retired FBI polygraph examiner who also practiced privately in Kentucky for many years. I'm no longer in polygraph and have no need for these domains. I established these domains more than 20 years ago, but never used them since I never had a website. I've kept them current and, as you are probably aware, two-name .com names are impossible to come by except on the secondary market. I will sell either one for $500 or both for $750. If interested or if you have any questions, call Jim Sniegocki at 502-426-8100 or email at jsniegocki@earthlink.net.

Limestone Polygraph Silver Package w/Accessories (Never Used)

Sale Price: $4500.00

- Polygraph Professional Suite Software on CD Rom (3.0); Data Pac USB; 2 Respiration Transducers;
- 1 EDA Kit (including both gold plate and Ag/AgCl electrodes; 1 Blood pressure cuff; 1 Finger cuff; 1 Sting Ray SE Countermeasure Sensor Pad; 1 Users Manual; 1 OSS 1, 2 and 3 scoring algorithms (interrogated in software); Deluxe Pelican Instrument Case, 22.5x14x9.5 (on wheels); 1 LimestoneTech support program (8 months remaining).

Accessories;
- Log tech USB Camera; Brothers Pocket Jet Printer; Printer Caddy

*Total Silver Package listed by Limestone is $5,995; total Accessories as listed by Limestone is $685.

Samsung Laptop Computer

305E5A-AO3, OS: Windows 7 Home Premium (64b), CPU: AMD Quad- Core A6-3420M APU, LCD: 15.6” LED HD (220nit, Non-Gloss), ODD: Super Multi Dual Layer (SATA), COMMUNIC: 802.11 bgn(1X1) + BT3.UHS, COLOR: SILVER- High Glossy Front.

This computer was purchased to operate the Limestone Polygraph Operating System. It is loaded with Limestone's new 3.0 system. Price: $400.

Contact Bob Rios at (Cell) 608-576-0332.

2 Instruments for Sale

Larry Kohn, my good friend, passed away and I am offering his two polygraph instruments for sale for his widow. I don't believe that as many as 50 tests had been run on each. They are like new. 1) Lafayette LX300 with all components (no seat motion sensor pad) - $1,000.00 or best offer. This is a good deal because you can trade it in to any manufacturer for a credit greater than the asking price. 2) Limestone which I believe is sold as the Silver with all components including motion sensor, finger cuff, etc. - $3,000.00 or best offer. I can be reached at 954-476-9200 or via email at lbierman@earthlink.net.
Announcement Regarding the 2013 APA Election Schedule

If you are interested in running for office, please take note of the positions being voted this year:

- President Elect (1 yr)
- Vice President Government (1 yr)
- Vice President Law Enforcement (1 yr)
- Vice President Private (1 yr)
- Director 1 (2 yrs)
- Director 3 (2 yrs)
- Director 5 (2 yrs)

Applicants must specify which of the seven offices he or she is a candidate. Candidates can only run for one office per year.

Below are important dates to remember:

- May 1 – May 31: Period to submit nominations and self-nominations in writing to the National Office. Nominations must include a cover letter specifying which office the candidate is vying.
- June 15: Last day to submit a candidate statement of up to 500 words for the APA Magazine and on the APA website.
- June 16 – 30: Validation of eligibility for holding APA office.
- July 1: Closing date for the APA Magazine. Candidacy letters published on the APA website and the APA Magazine.
- July 8: Email notification of upcoming elections (Ensure your email address is current with the National Office and the APA website)
- July 23: Posting of results on the APA website.
- August 1: Email notification to members of a runoff, if necessary.
- August 5 - August 11: Runoff elections, if necessary.
- August 12: Notification to winners. Posting of final election results.
- September 12: Swearing in of officers at the Annual Banquet

For additional information, contact Don Krapohl at editor@polygraph.org or (803) 463-1096.
**Part-time Police Polygraph Examiner/Contractor**  
**Prince William County, Virginia**

Prince William County Police Department is seeking qualified candidates for the position of Part-time Polygraph Examiner/Contractor to assist with its employment process. Examiners will work approximately 2-3 days per week completing approximately 2 polygraph examinations per day. Pay is $300.00 per polygraph. Send resumes to Prince William County Police Department, Personnel Bureau, 9540 Center Street, Suite 101, Manassas, VA 20110. Attention: Personnel Bureau Commander.

Education And Experience: Graduation from an accredited polygraph training school approved by the American Polygraph Association; and 3-5 years polygraph examination experience, preferably in law enforcement and/or pre-employment/criminal examinations. Possess a current Virginia Polygraph License issued by the Department of Professional and Occupational Regulation.

For further information on job tasks and applicant requirements, please see the “Careers” section of the APA Website.

**Interview and Interrogation Specialist II and III (Polygraph Examiner)**  
**San Diego Police Department, California**

The City of San Diego Police Department is soliciting applications for the position of Interview and Interrogation Specialist II and III (Polygraph Examiner)

Requirements:
- **Education**: Successful completion of an American Polygraph Association accredited polygraph training course.
- **Experience**: Two years of full-time experience administering polygraph examinations. Applicants must provide a complete copy of three completed polygraph examinations, one truthful, one deceptive, and one Inconclusive. One year of law enforcement investigative experience which included interviewing and interrogating suspects may be substituted for a MAXIMUM of one year of the required experience.

For further information on job tasks and application requirements, please see the “Careers” section of the APA Website.
Under the Criminal Justice Program Support contract, the US Department of State, Bureau of International Narcotics and Law Enforcement Affairs (DOS-INL) is mandated to furnish assistance to countries and international organizations by strengthening foreign police and criminal justice systems with a wide array of support. In furtherance of the CJPS mission objectives, multiple companies are now accepting applications for a Polygraph Advisor to support the Department of State in Mexico City, Mexico.

Full listings are available on the APA Website under the “Careers” section.
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For more information visit us at www.StoeltingCo.com
Polygraph Examiner Training Schedule

**Academy of Polygraph Science**

**Basic Examiner Course**
July 8 - September 13, 2013 (Fort Myers)
September 16-November 22, 2013 (Fort Myers)

**PCSOT**
November 11-15, 2013 (Fort Myers)

**American International Institute of Polygraph**

**Basic Examiner Course - Stockbridge, GA**
May 28 - August 2, 2013 (10 weeks)
May 28 - July 19, 2013 (8 weeks)
August 26 - November 1, 2013 (10 weeks)
August 26 - October 18, 2013 (8 weeks)

**Basic Examiner Course - Pretoria, South Africa**
September 30 - December 6, 2013 (10 weeks)

**PCSOT**
November 4-8, 2013 (Stockbridge, GA)

**Backster School of Lie Detection**

**Basic Examiner Course**
May 27 - July 6, 2013 (Bulgaria)
September 23 - November 15, 2013 (San Diego)

**Marston Polygraph Academy**

**Basic Examiner Course**
April 15 – June 12, 2013

**PCSOT**
March 18 – 22, 2013

**Maryland Institute of Criminal Justice**

**Basic Examiner Course**
September 16 – November 8, 2013

**New England Polygraph Institute**

**PCSOT**
April 29 - May 3, 2013
*(Guest instructor: Raymond Nelson)*

**Veridicus International Polygraph Academy**

**Basic Examiner Course**
February 4 - April 12, 2013

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**Attention School Directors**

If you would like to see your school’s course dates listed here, simply send your upcoming course schedule to editor@polygraph.org.
The New Hampshire Association of Police Polygraphists (NHAPP) is hosting a 16-hour continuing polygraph education seminar **May 22-23**. It will take place at the New Hampshire Police Standards and Training Facility, 17 Institute Drive, Concord, NH. Speakers and topics are:

Deputy Director New England HIDA, David Kelley: Investigative Data Analysis
David Crawford, NHAPP President: Evidence Based Persuasion Technique
Sergeant Warren Ferland: Recent PDD successes in Homicide Cases, and Recent successful 9-hour homicide polygraph Maine Supreme Court Decision.
Lieutenant Charles “Chuck” Dyak Hudson: Recent Affirmative New Hampshire Court Decision on a Sexual Assault Polygraph.

Lodging at the Holiday Inn Concord Special NHAPP Rate ($69.00 plus tax). For members of the NHAPP and the Canadian Association of Police Polygraphists the seminar is free except for lodging. Non-members wishing to attend must join the NPAPP or the CAPP. To register or for more information, please call David Crawford at 603-253-8002 or email kacdc@worldpath.net.

The Northwest Polygraph Examiners Association annual summer seminar will be held on the Oregon coast at **Newport, Monday, June 24, through Friday, June 28**. Speakers will include Stan Slowik, back for his third appearance before the association. His presentation will be on Diagnostic Interviewing and Elicitation Techniques. Examiners Ted Pulver, Micky Boettger, and Jim Wygant will also do presentations, and Sue Luttrell of Lafayette will present an extended training class. The seminar will be held at the Best Western Agate Beach Inn. Registration is $300 for members, $350 for non-members. For more information contact Terry Ball, secretary-treasurer of NPEA, 190 West Dayton, Suite 103, Edmonds, WA 98020, or email him at tjbball@lie2me.net.

### The Polygraph Question

**Answer:** A. 3.3.4 A polygraph examiner shall, where applicable, comply with all a minimum of 30 continuing education hours every two years in coursework for any member who has conducted polygraph training, quality assurance, or evaluation.
The Utah Polygraph Association has scheduled their summer conference on July 17-18, 2013, at the Salt Lake Hampton Inn, 425 S. 300 W., Salt Lake City, Utah. Conference speakers will be Stan Slowik, Ben Blalock, Mike Gougler, Abril Atherton, PharmD., and Dr. Jared Johnson. Topics include: Objective Pre Employment Interviewing; Polygraph Techniques & Remedial Actions for Better Data Collection; Valid Polygraph Principles; Utilizing Personality Disorders to Elicit Information; and Physiological effects of Cardiovascular and Mental Health Medications. The seminar fee is $200 for UPA members; $250 for non-members. Questions concerning this conference should be directed to UPA President John Pickup at intermountainpolygraph@gmail.com or 801-368-9406. Further information and the registration form can be found on the UPA web site www.utahpolygraph.org.

The California Association of Polygraph Examiners (CAPE) will hold a seminar on September 27-28, 2013 at the Disney Paradise Pier Hotel (Disneyland), in Anaheim, California. Hotel rooms for the seminar are available at a discounted CAPE conference rate of $128.00 per night + tax = $149.76 per night. No charge for parking. Reservations can be made by contacting the Disney Group Reservations number of 714-520-5005 between 0800-1700 hrs (PST), Monday-Friday.

Seminar fee is $175.00 for both days for AAPP/APA/NPA and any member of an AAPP, APA or NPA recognized state polygraph association. Add $50.00 if you register after August 26, 2013. Non-polygraph association members’ registration fee is $250.00 for both days. Non-recognized polygraph association member(s) are not guaranteed attendance. For more details on seminar speakers, topics, and hotel accommodations, please visit the CAPE Web site at: www.californiapolygraph.com or call CAPE Secretary Bob Heard at 909-387-0343.
No matter what instrument you use, we’ll train you. Be assured that our goal is to provide unmatched polygraph training.”

POLYGRAPH PRINCIPLES MADE SIMPLE

Staying up-to-date with the ever-changing science of polygraph can sometimes seem cumbersome. Yet it is imperative that our agencies and polygraph examiners are using the best standards of practice. Examinees’ lives can be forever altered based upon the results of the polygraph examinations administered to them. Don’t we owe it to each of them to conduct polygraph examinations utilizing the best practices and most recent research supported techniques?

The Chief Instructor is Ben Blalock, who is a federally-trained polygraph examiner. He has taught at a number of state and national polygraph seminars. Mr. Blalock is an APA certified Primary Instructor, was a former polygraph school director, and is a published author related to polygraph topics in various publications. Your examiners will be ready to implement these techniques immediately after training.

CALL 630.258.9030 NOW for reserved scheduling!

SIMPLIFYING POLYGRAPH

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The Academy of Polygraph Science’s 2013 Training Schedule

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

EXAMINER REFRESHER COURSE
• March 11-15, 2013

POST CONVICTION

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

For registration, tuition and general questions, contact Instructor Ben Blalock

TEL: (630) 258-9030
E-mail: Ben@StoeltingCo.com
FAX: (630) 860-9775

Academy of Polygraph Science
8695 College Parkway, Suite 2160
Fort Myers, Florida 33919

www.apsPolygraphSchool.com
A Notice From the Awards Committee

It is time for members to submit recommendations for the APA awards. As a general reminder, and specific information for new members, there are six (6) awards presented annually by the General Chair at the banquet of our annual seminar. The Awards being as follows:

**Cleve Backster Award**

Honoring an individual or group that advances the polygraph profession through tireless dedication to standardization of polygraph principles and practices (January 28, 2006)

2006 American Association of Police Polygraphists (AAPP)
2007 Richard Keifer
2008 Christopher L. Fausett
2009 Gary D. Light
2010 Michael C. Gougler
2011 Raymond I. Nelson

**William L. and Robbie S. Bennett Memorial Award**

Recognition of Excellence - Achievement award presented as a token of APA appreciation for unrelenting efforts and display of ability in APA interest. The past recipients of this award being:

1986 Albert D. Snyder
1987 Charles L. Pedersen
1988 Al & Dorothea Clinchard
1989 Timothy L. Schroeder
1990 David Devine
1991 Michael H. Capps
1992 Robbie S. Bennett
1993 Steven K. Bartlett
1994 Donald A. Weinstein
1995 John R. Schwartz
1996 David L. Motsinger
1997 Vickie T. Murphy
1998 Donnie W. Dutton
1999 Richard E, Widup, Jr.
2001 Jimmy Morris
2002 T. V. O’Malley
2003 Lawrence Wasser
2004 Emanuel Bauman
2005 Charles E. Slupski
2006 Stuart M. Senter, Ph.D
2007 Esther M. Harwell
2008 Jimmy Swinford
2009 John R. Schwartz
2010 Melanie Javens
2011 Marty Oelrich
2012 Chad Russell
Al & Dorothea Clinchard Award

Honoring extended distinguished, devoted and unselfish service in behalf of the APA membership. The past recipients of this award being:

1988 Robbie S. Bennett  
1989 Charles L. Pedersen  
1990 Lynn P. Marcy  
1991 William J. Scheve, Jr.  
1992 Albert D. Snyder  
1993 Frank Horvath, Ph.D  
1994 Steven K. Bartlett  
1995 Lawrence Wasser  
1996 Richard L. Putnam  
1997 David L. Motsinger  
1998 Daniel E. Sosnowski  
1999 Gale D. Ahern  
2000 Joseph A. Kenny  
2001 Keith Gaines  
2002 Leonard Harrelson  
2003 Elmer N. Criswell, Jr.  
2004 Richard L. Putnam  
2005 Sylvia B. Gage, Ph.D  
2006 Sydney W. Arias  
2007 Tom Ezell  
2008 Manuel Novoa  
2009 Charles Daniels  
2011 Gordon L. Vaughan  
2012 Roy Ortiz

Leonarde Keeler Award

For long and distinguished service to the Polygraph Profession. The past recipients of this award being:

1983 A. E. Clinchard  
1984 Raymond J. Weir, Jr.  
1985 Eric J. Holden  
1986 Norman Ansley  
1987 Lynn P. Marcy  
1988 Ronald E. Decker  
1989 Robert A. Brisentine, Jr.  
1990 Walter F. Atwood  
1991 Edward L. Sneed  
1992 Eric J. Holden  
1993 James A. Lucas  
1994 Robbie S. Bennett  
1995 William J. Yankee, Ph.D.  
1996 David P. Bethea  
1997 Cleve Backster  
1998 Edward I. Gelb, Ph.D  
1999 Lawrence Wasser  
2000 William Teigen  
2001 Robert G. Lundell  
2002 Daniel Sosnowski  
2003 Leonard Harrelson  
2004 Michael Gougler  
2005 Elmer N. Criswell, Jr.  
2006 John R. Schwartz  
2007 William “Buddy” Sentner  
2008 Steven D. Duncan  
2009 Raymond I. Nelson  
2010 Esther M. Harwell  
2011 Dr. Antonio V. Suarez-Barrio  
2012 Vickie T. Murphy-Carr
**David L. Motsinger Horizon Award**

In recognition of a new shining star in the profession or association who early in their career demonstrates loyalty, professionalism and dedication to the polygraph profession (less than 10 years) (January 28, 2006)

2006  James McCloughan  
2007  Barry Cushman  
2008  Mark Handler  
2009  Rebecca A. Ritchie  
2010  Pamela K. Shaw  
2011  Walt Goodson  
2012  Joseph L. Thomas, III

**John E. Reid Award**

For distinguished achievements in polygraph research, teaching or writing. The past recipients of this award being:

1983  Norman Ansley  
1984  Frank Horvath, Ph.D  
1985  J. Kirk Barefoot  
1986  Frank Horvath, Ph.D  
1987  Joseph P. Buckley  
1988  Shirley H. Sturm  
1989  William J. Yankee, Ph.D  
1990  Stanley Abrams, Ph.D  
1991  DOD Polygraph Institute  
1992  Michael H. Capps  
1993  Donald A. Weinstein  
1994  Dale E. Olsen, Ph.D/  
1995  Sylvia B. Gage/Eric J. Holden  
1996  Robert P. Cole  
1997  James A. Matte  
1998  Gordon H. Barland, Ph.D  
1999  Gordon W. Moore  
2000  Donald J. Krapohl  
2001  Bruce White  
2002  Richard O. Arther  
2003  Cleve Backster  
2004  Ronald E. Decker  
2005  Gordon H. Barland, Ph.D  
2006  Donald J. Krapohl  
2007  Billy H. Thompson  
2008  Stuart M. Senter, Ph.D  
2009  University of Utah Polygraph Research Group  
2010  Jamie Brown  
2011  Cleve Backster  
2012  James Wygant

____________________________________

Milton O. (Skip) Webb, Chairman  
Awards Committee  
Please send any nominations for APA annual awards to  
APA National Office, PO Box 8037, Chattanooga TN 37414-0037  
manager@polygraph.org
The American Princess

Arabian Nights’ current featured production, The American Princess, is a lighthearted tale of adventure and romance.

On her 21st birthday, an all-American girl and champion rider discovers that she is actually the Princess Scheherazade. Along with her genie Abracadabra, Princess Scheherazade takes the audience on a magical journey around the world to find her prince – who must love horses as much as she does.

You’ll join the princess as Abracadabra takes her to Europe to see the famous military-style quadrilles; to Latin America to see the romance of the garrocha; to a Gypsy camp to see unbelievable acrobatics on horseback; to the world of Imagination to see that beauty of the magical, mystical unicorn; and back to the U.S.A. where four fabulous acts honor America!

Along the way, Abracadabra must protect Princess Scheherazade from the evil Prince Vaneer, who has been waiting for years to make Princess Scheherazade his unwilling bride. When Abracadabra accidentally summons him, Prince Vaneer puts his plan to kidnap the princess and claim her throne into action.

Meanwhile, Prince Khalid seems like everything Scheherazade could desire – kind, gentle, and a true horseman, the two seem destined to live happily ever after. But will Prince Vaneer’s evil plan get in the way? Or will the magic of true love save the day?

The American Princess runs approximately 90 minutes with no intermission, and will delight audiences of all ages.
Plan now to attend the APA 48th Annual Seminar/Workshop, SEPTEMBER 8 – 13, 2013

Room rate: $97.00 Single/Double occupancy, plus taxes (currently 12.5% tax) ($109.13 for one night) SELF PARKING – 50% OFF

CUTOFF DATE for hotel reservations is 08/08/13 or until APA’s room allotment is fulfilled. Number of rooms is limited. Individual departure dates will be reconfirmed upon check-in. (72 HOUR CANCELLATION)

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

Registration Hours – Sunday, 9/8/13 (10:00 am-6:00 pm)
On-Site—Monday, 9/9/13 (8:00 am -12:00 Noon)
Seminar Sessions—Monday-Friday, 9/9/13 – 9/13/13

Complete the form below, attach check, VISA, MC or AE information payable to the APA and mail to:
APA National Office, PO Box 8037,
Chattanooga, TN 37414-0037
Or FAX to: 423/894-5435
to arrive no later than 08/20/13 for applicable Discount. Payment information and registration received after 08/20/13 will be charged the on-site fee.

NAME__________________
ADDRESS__________________
CITY/STATE___________ZIP________
NAME OF GUEST(S)__________________
NAME BADGE (CALLED BY)__________________
PRE PAID BY AUGUST 20, 2013
$350 – Member/Applicant ______
$350 – FPA Members ______
$475 – Member/App/W/Guest ______
$125 – Additional Guest ______
$500 – Non-Member ______
$625 – Non-Member W/Guest ______

ADDITIONAL $50.00 FOR WALK-INS

# TICKETS $30.00 EA $__________________
BUSINESS PHONE__________________
E-MAIL__________________
FEE RECEIVED AFTER AUGUST 20, 2013
$400 – Member/Applicant ______
$400 – FPA Members ______
$525 – Member/App/W/Guest ______
$175 – Additional Guest ______
$550 – Non-Member ______
$675 – Non-Member W/Guest ______

ADDITIONAL $50.00 FOR WALK-INS

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

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

DATE OF ARRIVAL__________________ DATE OF DEPARTURE__________________

VISA ( ) MC ( ) AE ( ) __________________________ (CVV2)_________ EXP:_________
(CVV2 is a 3 digit number found on the back of your VISA or MC card or a 4 digit number on the front of the AE). 2013
SIGNATURE________________________________________2013
# 48th Annual Seminar/Workshop

**September 8 – 13, 2013**

Hilton Orlando Bonnet Creek, Orlando, Florida

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## “APPLIED POLYGRAPHY”

Michael C. Gougler  
Program Chair  
2013

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td><strong>1:00 pm – 3:00 pm</strong></td>
<td>Interviewing Techniques for the Pre-employment Setting</td>
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<td>Steve Duncan, Georgia State Patrol</td>
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<tr>
<td><strong>3:00 – 3:15 pm</strong></td>
<td>Break sponsored by:</td>
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<tr>
<td><strong>3:15 – 5:00 pm</strong></td>
<td>Pre-employment Polygraph Testing: The Real Mission</td>
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<td>Steve Duncan, Georgia State Patrol</td>
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</table>
MONDAY, September 9, 2013

7:30 AM – 8:00 AM Break Sponsored by:

### CLASSROOM A
8:00 – 9:00

#### OPENING CEREMONIES
- **Call to Order** – Barry Cushman, APA President
- **Master of Ceremonies** – Michael C. Gougler, Director 2013 Seminar Program Chair
- **Presentation of Colors**
- **The National Anthem** – Samantha Berman
- **Pledge of Allegiance** – Pam Shaw, APA Board Chairman
- **Taps** – Richard J. Pasciuto
- **Welcome from Florida Polygraph Association President**
- **Invocation** – Barry Cushman
- **Welcome to Orlando, Florida**

9:00 – 9:15 Break Sponsored by

9:15 – 10:00 **Validated Techniques Update** – Donald J. Krapohl, APA Editor

10:00 – 12:00 **NAS Update** – Barry Cushman, APA President

12:00 – 1:00 Lunch (On Your Own)

1:00 – 3:00

- **Legal Update**
  - Gordon L. Vaughan, Esq.
  - APA Legal Counsel

2:45 – 3:00 Break Sponsored by

3:00 – 5:00

- **A Comparison of Test Data Analysis Models**
  - Pamela K. Shaw
  - APA Chairman, BOD

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

#### COMBINED TOWN HALL MEETING
### TUESDAY, September 10, 2013

### 6:30 AM

**STATE LEADERSHIP BREAKFAST**

7:30 AM – 8:00 AM  Break Sponsored by:

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<tr>
<th>CLASSROOM A</th>
<th>CLASSROOM B</th>
<th>CLASSROOM C</th>
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<tbody>
<tr>
<td>8:00 – 12:00 Countermeasures</td>
<td>8:00 – 10:00 Understanding Recognition Testing</td>
<td>8:00 – 10:00 Adaptive Polygraphy</td>
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<tr>
<td>A New Look at an Old Problem</td>
<td>Jamie McCloughan APA Director</td>
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<tr>
<td>Raymond I. Nelson APA Director</td>
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<td>Avital Ginton, Ph.D</td>
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10:00 – 12:00 DLST

10:00 – 12:00 Do you Really Know Why Polygraph Works: Construct Validity and The Assessment of Credibility

Walt Goodson APA VP Law Enforcement

John J. Palmatier, Ph.D

9:45 – 10:00 Break Sponsored by:

12:00 – 1:00 Lunch (On Your Own)

### 1:00 – 2:30

**APA ANNUAL BUSINESS MEETING**

CLASSROOM A

### 2:30 – 4:00

**POLYGRAPH INSTRUMENTS WORKSHOP**

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<th>CLASSROOM B</th>
<th>CLASSROOM C</th>
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<tr>
<td><strong>AXCITON SYSTEMS</strong></td>
<td><strong>LAFAYETTE INSTRUMENTS</strong></td>
<td><strong>LIMESTONE TECHNOLOGY</strong></td>
<td><strong>STOELTING INSTRUMENTS</strong></td>
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<tr>
<td>Bruce White</td>
<td>Chris Fausett</td>
<td>Jamie Brown</td>
<td>Mike Cochran</td>
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9:45 – 10:00 Break Sponsored by:

### TUESDAY EVENING EVENT

**ARABIAN NIGHTS DINNER SHOW**

DINNER AND TRANSPORTATION - $30.00 EACH

BUS DEPARTS AT 4:15 PM
WEDNESDAY, September 11, 2013

<table>
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<th>Time</th>
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<tr>
<td>7:30 AM – 8:00 AM</td>
<td>Break Sponsored by:</td>
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<td>8:00 – 12:00</td>
<td><strong>APA MEMBERSHIP EXAMINATION</strong></td>
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<td><strong>CLASSROOM A</strong></td>
<td>8:00 – 12:00</td>
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<td>Utilizing Defense Mechanisms and Personality Disorders to Elicit</td>
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<td>Information</td>
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<td>Michael C. Gougler</td>
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<td>APA Director</td>
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<td>Tiffany Niemann, MA</td>
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<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
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<td>1:00 – 3:00</td>
<td>**Field Application for Practicing PCSOT Examiners – Defensible</td>
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<td>Principles of Testing</td>
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<td>Eric J. Holden</td>
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<td>APA Past President</td>
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<td>Newcastle Upon Tyne, United Kingdom</td>
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<td>Break – Sponsored by:</td>
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<td>8:00 – 10:00</td>
<td>**Special Issues in Polygraph Testing – Data and Decisions,</td>
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<td>Research/Quality Control/Reality, Victims and Validity</td>
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<td>Richard Keifer</td>
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<td>FBI (Retired)</td>
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<td>1:00 – 3:00</td>
<td><strong>Court Admissibility of Polygraph Results</strong></td>
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<td>Dr. David Raskin</td>
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<td>1:00 – 3:00</td>
<td><strong>Examinee Suitability</strong></td>
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<td>Raymond I. Nelson</td>
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<td>APA Director</td>
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<td>3:00 – 5:00</td>
<td><strong>Utah Technique</strong></td>
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<td>Charles “Matt” Hicks</td>
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<td>8:00 – 12:00</td>
<td>Elicitation Techniques Using Verbal/Non-Verbal Indicators</td>
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<td>Dan Baxter/Lorry Ginovsky NSA</td>
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<td>9:45 – 10:00</td>
<td>Break – Sponsored by:</td>
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<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
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<td>1:00 – 3:00</td>
<td>The Utilization of Polygraph in the Treatment and Supervision of Sex Offenders</td>
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<td>Dr. Aaron Pierce Waco, Texas</td>
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<td>2:45 – 3:00</td>
<td>Break – Sponsored by</td>
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<td>3:00 – 5:00 (con’t)</td>
<td>The Utilization of Polygraph in the Treatment and Supervision of Sex Offenders</td>
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<td>Dr. Aaron Pierce Waco, Texas</td>
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<td>8:00 – 10:00</td>
<td>Professional Ethics</td>
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<td>Dr. Aaron Pierce</td>
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<td>Waco, Texas</td>
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<td>Applied Physiology</td>
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<td>Diseases of the Autonomic Nervous System</td>
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<td>April Floyd, MPAS; Texas Tech</td>
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<td>Physician Assistant</td>
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<td>Polygraph Examiner</td>
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<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
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<td>10:00 – 12:00</td>
<td>EDA Research</td>
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<td>Donald J. Krapohl</td>
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<td>APA Editor</td>
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<tr>
<td>1:00 – 3:00</td>
<td>The Positive Advantages of Text To Speech Polygraph Testing</td>
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<td>George Baranowski</td>
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<td>APA VP Private</td>
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<td>10:00 – 12:00</td>
<td>Planning for Interrogation</td>
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<td>J. Patrick O’Burke</td>
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<td>Director, The Polygraph Institute</td>
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<tr>
<td>3:15</td>
<td>CLOSING REMARKS</td>
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<td></td>
<td>APA President, Charles E. Slupski</td>
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Board of Directors’ Reports

Pam Shaw
Chair

Hello fellow APA members,

May 1st marked the beginning of the 30-day nomination period for those interested in running for an APA office. You should have received information about this process in previous publications, but consider this a last minute reminder as the deadline will be close to over by the time you receive this publication. If you have a heart to serve the profession and are willing to work hard, I encourage you to get involved at some level. Even if it isn’t in an elected position capacity, there are always many committees and opportunities to serve at other levels.

Your board continues to work on the details of the upcoming seminar in Orlando, FL. As noted in my previous article, the location is great! There will be no shortage of fun and interesting places to spend your time away from class. The seminar speakers and course topics are also coming together nicely and I think you will find there is great variety and introduction of some newer topics within the field.

The board also continues to work hard in the area of school accreditation. As many of you know, the revision of the school accreditation manual has been on the forefront the APA’s agenda for the past several years. Unfortunately it is not a simple process and requires the convergence of many ways of thinking in the field of education and overall mission for our professional association. There are many current polygraph schools that have requested APA accreditation and within that group they each have differing circumstances stemming from cultural expectations, location, funding (i.e. governmental vs. private sector), target clientele, and even length of programs. It is important for the board to consider the impact of each and every proposed change on these various circumstances, while keeping in sight the overall mission: shaping the future of polygraph while ensuring the adoption of requirements necessary to sustain and promote quality education. Though it has been a long road already, it is my hope that we will see tremendous advancements in the months to come.

I am already looking forward to our time together in September in Orlando. Please be sure to get your hotel reservations
booked early and send in those registration forms to Robbie and Lisa at the National Office to ensure a more seamless check-in process for all. In the meanwhile, if any of you needs anything, please reach out to your board and let us know how we can help.

Wishing you a restful and enjoyable summer.

Robert Peters  
Vice President, Government

For many years, the use of polygraph testing for personnel security by the Central Intelligence Agency and the National Security Agency was somewhat unique within the federal government. Expansion of federal screening programs in the Intelligence Community gained impetus in 1983, when President Reagan signed a National Security Directive that authorized the increased use of polygraph screening exams for counterintelligence purposes. Since that time, other federal agencies have gradually expanded the use of polygraph screening exams to address personnel security/suitability issues. In the 1990s, agencies with a primary mission of law enforcement, such as the United States Secret Service, Federal Bureau of Investigation, Drug Enforcement Agency, initiated use of polygraph exams as part of their applicant screening agenda. Following the terrorist attacks of September 11, 2001, the federal government’s use of polygraph screening exams expanded to additional agencies. The Department of State, which had long opposed the use of polygraph testing for personnel screening, began utilizing polygraph testing in war zones and high risk locations, to assess the background and trustworthiness of foreign citizens who applied for employment within Department facilities. U. S. Ambassador to Iraq, Ryan Crocker, expressed gratitude and admiration for the work of Department of State polygraph examiners during the Iraq War. The September 11th attacks also initiated the formation of U. S. Customs and Border Protection (CBP) as a component of the Department of Homeland Security. In 2008, CBP started a polygraph screening program to support the selection of customs and border patrol officers. A recent CBP management report illustrates the significant value the CBP polygraph program provides in the selection of those who serve in the sensitive positions of customs and border patrol officers.

Following are some items from a news media article on the report issued by CBP management regarding the polygraph program’s role in the applicant screening process:
“The 200-plus ‘significant admissions’ described in the summary report paint a small yet troubling portrait of some of the kinds of people who have applied to be Border Patrol agents and Customs officers since 2008. They also highlight potential weaknesses in the costly hiring process (preceding polygraph exam) that failed to screen out questionable applicants earlier.”

- In one case from February, the subject admitted during a polygraph exam that he was the driver in a 2009 single-car crash that killed someone. He previously told investigators in Yuma, Arizona, that the dead passenger was the driver, according to the Yuma County Sheriff’s Office. He now faces second-degree murder and other charges.

- An applicant claimed to have recollection of the events that resulted in a blood-doused kitchen and was uncertain if he committed any crime during his three-hour black out.

- In another exam, a woman seeking a job with the Bureau told an examiner that she smuggled marijuana into the country – typically by taping 10 pounds of the drug to her body—about 800 times.

- Scores more admitted that they had engaged in or had relatives involved in human smuggling or drug running.

- The summaries disclose dozens of attempts to infiltrate the Border Patrol, including 10 applicants believed to have links to organized crime who had received training on how to defeat the polygraph exam.

The media report on the CBP polygraph program is especially noteworthy because it portrays the success and positive role of polygraph screening exams. It seems that more often than not media reports take a different perspective by portraying subjects as innocent victims of an unfair and invalid process. Some critics may suggest that polygraph examiners obtain admissions via a “bogus pipeline” or fake lie-detector to frighten subjects into admissions. If only it were that easy. Data gathered by at least one federal agency demonstrates that the most significant admissions of undesirable conduct occur only after polygraph testing has identified a subject’s deceptive statements. Significant admissions of wrongdoing are usually the result of polygraph data guiding the examiners’ interviewing skills to the critical issue.

Walt Goodson
Vice President, Law Enforcement

Hello members. As I promised last time, I wanted to use my allotted magazine real
From the Board

From the Board

estate to discuss the type of complaints against members the Ethics and Grievance Committee (“Committee”) often receives. Sadly, I am becoming a subject matter expert on the topic as I have served for nearly two years in the capacity of the Ethics and Grievance Committee General Chair and the work has been steady. In this update, I want to bring to your attention a few recent complaints the Committee has received on our members. The purpose of the discussion is not to point a finger or embarrass, but solely as an opportunity to learn from circumstances generating complaints. I will not provide commentary as to their merit as many of them lack validity or substance, nor will I provide specific suggestions for their avoidance (Although I have to admit I wanted to do so on a couple of them). I will leave this determination to the reader to recognize these pitfalls and take any mitigating actions you deem appropriate.

Of course, none of us are immune from complaints. Complaints cut across examiner gender, employer and geography (US or abroad). However, the type of test you administer may affect your exposure to a complaint. It seems that fidelity and PCSOT exams generate a disproportionate number of complaints with well above 90% of the complaints stemming from these exams. I’m not sure about the percentage of our members’ work that fidelity and PCSOT exams constitute, but I don’t think the average percentage of these exams is that high. Therefore, the first lesson to learn from this discussion is if you administer PCSOT or fidelity exams you have a greater chance of being the subject of an ethics complaint.

Please remember while reviewing these complaints that only a small number of them were determined to have merit and resulted in a recommendation of some form of corrective action or discipline by the Committee. Also understand that many complaints are not pursued by the Committee as we can only enforce violations of our Standards of Practice and Code of Ethics. This does not always mean that such complaint is without merit (some of them are) it just means the alleged behavior falls outside the Committee’s ability to address. In many of these cases, the real problem seems to be questionable customer service and communication between examiners and their customers.

I have included several one-sentence summaries of a series of complaints from a specific undisclosed period. Please remember that the summary is the allegation of the complainant. Its inclusion is not intended to be a comment on the merits of the complaint or whether it sets out an ethical violation. It is only
to serve as information to assist you in avoiding such complaints.

• Employment Screening Exam – The examiner used a testing technique not approved by the APA, used improper “voice inflections” and administered the examination in a public setting.
• Fidelity – The examiner acted unprofessional before and during the examination.
• PCSOT – The examiner tested a person not physically suitable to be tested due to a possible life threatening illness.
• PCSOT - The examiner tested a person not physically suitable to be tested due to having an anxiety disorder and consuming too many prescription medications.
• PCSOT – The blood pressure cuff was too tight and injured the examinee’s arm.
• Fidelity – The examiner committed “fraud” by asking three “sex questions” in addition to the three relevant questions and this caused a false positive exam result.
• Fidelity – The examiner changed the questions after speaking to the examinee’s spouse and therefore did not ask the questions the examinee wanted to be asked, thus causing a false positive result.
• Fidelity – The examinee caught the examiner in a lie during the exam and the examiner didn’t use an activity sensor.
• PCSOT – The examiner was impolite during the exam and did not give the examinee an opportunity to discuss his concerns.
• PCSOT – The examiner made and rendered a call prior to numerically scoring the chart data.
• Fidelity – The exam took less than one hour and the examinee passed the exam; however, one week later, the complainant caught the examinee cheating by way of a hidden voice recorder. (caveat - I could not confirm if this examiner was a member)
• Fidelity – The examiner worded the questions in a way not suitable to the examinee, thus causing a false positive result.
• Fidelity – The examiner took three phone calls during the exam and this caused a false positive result.
• PCSOT – The examiner asked questions not pertaining to the terms of examinee’s probation and interrogated the examinee.
• Unknown but a recent favorite of mine – “I used hand sanitizer and it caused me to fail my exam.”

I know, from 20-plus years in law enforcement, that even the most conscientious and dedicated law enforcement officers receive complaints. It is the nature of the business and sometimes
the type of people with whom we may come into contact. My advice is to know and strive to follow the APA Standards of Practice and Code of Ethics and always take the high road. Remember also that approximately half of the complaints the Committee sees likely could have been avoided by better communication, kindness (but not weakness), and more professional customer service. Your customer is always right, until you score their charts!

See you in Orlando.

**Mike Gougler**
**Director**

It is less than four months until the seminar in Orlando, Florida. We are working with Tammy Wildy of the Florida Polygraph Association to ensure that this year’s event will be a memorable one. The APA is extending the APA membership rate to all members of the FPA who are in good standing with the association. Ben Blalock and Dale Young are eagerly providing assistance.

The Tuesday night event will be at the Arabian Nights show and dinner. See the advertisement in this issue of the magazine. The cost will be $30.00 per person. This includes dinner, the show, and transportation to and from the event. We will have a limited number of tickets available so sign up early. Our Tuesday night events have sold out the last few years.

We have an outstanding program that will emphasize “Applied Polygraphy,” the theme of this year’s conference.

We will once again have a hospitality suite for networking after hours. Don Clendennen and Pat O’Burke will coordinate the activities. As seen last year, Don is an outstanding host. Special thanks to Steve Duncan who is handling the technology issues for the classrooms.

Please get your nominations in for the annual APA awards. Skip Webb is leading the awards committee this year and promises a program that only he can deliver.

Special thanks to Jamie Brown and Limestone Instruments for once again donating a complete Limestone Polygraph system to the recipient of the Yankee Scholarship. This is an ongoing commitment from one of our best supporters.

Once again we will have interpreter services in Classroom A throughout the seminar. Thanks to Lafayette
Instruments for again providing the interpreters for the APA seminar. Chris Fausett has continued to be one of our most generous supporters. Special thanks to Rodolfo Prado and Nayeli Nelson for their continuing assistance in providing the interpretation.

Thanks to Melanie Javens and Complete Equity Markets for once again providing support to the association by making generous donations to our social functions.

The Hilton Bonnet Creek is the fabulous venue and right in the heart of the Disney property with a $99.00 room rate. Please book early.

A schedule of classes and events are included in the magazine for your review. I look forward to seeing you in Orlando!

-Raymond Nelson
Director

Greetings again fellow APA members. 2013 is now nearly half over, and the activity since the last report has been hectic, though not monumental. Members of the research committee have continued to answer questions and provide information as requests come in. What impresses me is the level of willingness and appreciation for the making use of all the knowledge we have to support, explain, and if necessary to defend our work. I have continued to provide training where possible, and recently attended the Maine state conference, at which there was some terrific discussion about the use and importance of polygraph screening for convicted offenders living in the community. F. Lee Bailey was at the seminar, and provided his characteristic convincing portrayal of the value of polygraph testing. Mr. Bailey is a masterful orator, and we should be very grateful for his willingness to use his legal knowledge and persuasive skills to promote our cause. Progress is slow and steady in assisting the accreditation committee with the task of revising the school accreditation manual. Rest assured the finished product will eventually be a great benefit to us. For the present – remember that time seems to be speeding up, and the APA conference in Orlando is just around the corner in September. The conference is likely to be terrific – if Director Mike Gougler’s past accomplishments are anything of a predictor. And Orlando will be fun for everyone so bring ‘em along. Hope to see you there. In the meantime, do not hesitate to call or email with any questions, information needs, or any need for assistance. The ultimate goal of the APA is to support the sometimes drudging but always important work of professions in the field.
The Pre-Test
by
Tuvya T. Amsel

A polygraph test is a composition of three elements: an examinee, an instrument and a test procedure. The examiner’s role is to synchronize all these elements into perfection just like an orchestra conductor synchronizes between the players, instruments and music notes, and the key to a fully synchronized orchestrated test is the pre-test interview. The pre-test is defined as: “The first phase of the psychophysiological veracity examination which precedes the collection of the physiological data recorded on the polygraph charts, comprising the acquisition of examinee background data, refinement and finalization of test question formulation, and explanation of the examination procedure.”1 This accurate yet, dry, factual and technical definition fails to mention the crux of the matter: the examiner’s ability to gain the examinee’s trust by adjusting herself/himself to the examinee’s mental and emotional condition. Following the pre-test checklist is important but it is essential

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to tailor the checklist to the examinee’s personality and state of mind.

**Pre-test**

For the examinee the pre-test starts once s/he is told where and when to report to the test. As the date gets closer her/his fears grow, fears such as: Fear of the unknown, fear of error of the truthful examinees or fear of detection of the deceptive, fear of consequences following the test results, resentment (“a machine will determine my integrity?”), humiliation (“These tests are made only for criminals”), insult (“I worked here over 30 years and they still don’t trust me”), invasion of privacy, loss of control, etc. All these feelings in addition to a natural “Test Anxiety” have a psychophysiological effect resulting in anxiety and discomfort condition. In order to ease this condition it is suggested to give the examinee an “incubation period” prior to the test in order to gain confidence in her/his innocence or increase concern over the outcome with the deceptive. It should be done either by the examiner over the phone or by the investigator:

- Informing the examinee of the test date and place at least 24 hours prior to the test.
- Informing the examinee of the examiner’s credentials.

- Informing the examinee that her/his anxiety is a normal phenomenon that has no impact on the results.
- Informing the examinee that if s/he is consuming any drugs on a regular basis s/he should continue to do so regardless of the test.
- Give the examinee a brief explanation about the test procedure.
- Inform her/him of their legal right to refuse to take the test and the legal status of the test results, if any.
- Advise the examinee to try and have a good night rest.
- Avoid any type of questioning of the examinee on the day of the test.

For the examiner the pre-test actually starts upon reviewing the case data and/or discussing the case with the consumer which unwillingly forms bias and expectations. In order to eliminate them, all the examiner should do is keep in mind that if the examinee’s guilt or innocence were definite there would be no need for the test.
Upon the examinee’s arrival it is recommended asking her/him to read the leaflet containing the test information described in Appendix A. In addition it is recommended to have the examiner’s and her/his organization’s code of ethics as well as the APA code of ethics clearly displayed on the waiting room walls. Most examinees reported that the provided information eased their tension.

**Pre-test Interview**

Once the examinee meets the examiner additional factors arise such as: natural uneasiness arising from alienation, eeriness, invasion of privacy, the need to open up to a total stranger on a private and confidential matter and the like. All of these feelings bear a negative effect on the examinee and make her/him nervous, jumpy and snappy. It is the responsibility of the examiner to diminish these effects and to diffuse the examinee’s tension and anxiety. It is simply done by being empathetic with the examinee’s mental and emotional state of mind and by avoiding any aggression or insensitivity to her/his condition, all of these without passing any judgment. Being so, the best pre-interview starter will be to openly discuss the examinee’s anxiety and be empathetic about it followed by a brief explanation about the polygraph, about the test procedure and ensure the examinee that her/his anxiety has no effect whatsoever on the test outcome (“I am operating a “lie detector not a “nervousness detector”).

An additional key factor to a successful pre-test interview is gaining the examinee’s
trust and confidence in the examiner’s proficiency. How do laymen assess the level of proficiency of a professional? Reputation, appearance, attire and location play a minor role. The decisive factor is trust that is gained if the professional seems candid, understanding, a good active listener and sensitive to the examinee’s concerns.

Pre-test Interview Approach

In addition to empathy, the examiner should employ a non-accusatory, non-threatening approach free of any judgment, and all along constantly reminding her/himself the examinee’s presumption of innocence.

The examiner should encourage the examinee to detail and provide as much information as possible regarding his biographical, medical and case data information. With the exception of critical information, if the examinee’s statement contradicts her/his prior given statement the examiner should try and clear the contradiction, but accusations should be avoided.

Pre-test Interview Goals

The examiner should aim toward the following:

- Establish rapport by having a positive inter-personal communication using the described approach.
- Establish the examiner’s professionalism.
- Establish the examiner’s objectivity (the most important).
- Establish the validity of the polygraph and its ability to detect deception and overcome the examinee’s test anxiety or countermeasures (which will reduce truthful examinee’s fear of error and deceptive examinee’s hope of error).
- Neutralize contaminations, either those resulting from the issue under investigation or as a result of an outside issue.
- Learn the subject’s lingo in order to avoid misunderstanding when phrasing the questions.
- Let the subject tell in full detail her/his version of the issue under investigation in order to: Take it off his chest so s/he will feel that the examiner is listening to him, which in return creates rapport and helps in phrasing the most effective relevant questions.
• Collect background data in order to phrase the most effective comparison questions.

• Discuss the comparison questions in details to almost ensure that the examinee’s answers are not a probable but a certain lie.

• Establish the subject’s physical and mental ability to take the test either because s/he is using medication that might affect the test or his mental cognitive ability to fully grasp the questions.

• Minimize examinee’s bias against the polygraph, examiner, situation, etc. by explaining the basics of polygraph.

It should be emphasized that if the examinee expresses ANY objection to the test, it must be dealt immediately. Postponing or ignoring it will result in constant conflicts.

Examiners should keep in mind that they are not technicians who deal with lifeless objects. Examiners handle individuals with emotions, fears, concerns, imagination and much more which in return requires being sensitive to the examinee’s feelings and needs. That does not mean that the examiner should satisfy the examinee’s desire to pass the test. It simply calls for sympathizing with the stress and anxiety that have nothing to do with their truthfulness or deception but only with the situation. The more objective the examiner is, the more confident the examinee will be which in return will result in clear charts.

The difference between examiners who just follow the pretest checklist (as seen in Appendix B) without investing any empathy is like the difference between a ready-made suit and a tailored made one.
Appendix A

Hi and welcome to our laboratories,

Like many others this is probably the first time that you are undertaking such a test. So naturally there are concerns, anxiety and perhaps a bit of fear. Most examinees with whom we have spoken also expressed concern about the unknown. Truthful examinees are usually concerned about failing the test in spite of being truthful while deceptive examinees naturally fear detection and exposure due to the accuracy and validity of the polygraph. Some examinees reported various feelings such as: insult, humiliation and the like. In order to set the record straight, we bring you the most common questions and answers presented to us:

**What is a polygraph?** The polygraph is an instrument that measures via sensors uncontrollable physical changes such as increased blood pressure, pulse changes, skin conductivity changes and more that occur in the examinee’s body when s/he is lying. The polygraph sensors are put and attached to the examinee’s body externally so there is no need to undress and/or invade the examinee’s body

**Is the test painful, harmful or hazardous to my health?** The test does not involve any pain except for slight discomfort caused by the blood pressure cuff. There is no impact on your health and the test does not cause any physical harm.

**Can a sick person or someone who consumes medication take the test?** Generally speaking the answer is YES. Regardless, the examiner will discuss your physical condition prior to the test and in addition s/he will perform an adjustment test to verify your ability to take the test. Please, reveal your medical status to the examiner. It is for your own benefit.

**Does my nervousness and anxiety bear any effect on the test outcome?** This is the most common concern amongst examinees, concern that despite being truthful they will fail the test. The answer to this concern is clearly “NO”. The examiner and the polygraph can differentiate between situational anxiety and deception. So if you are truthful you will pass the test and if you are deceptive your body will disclose it.
What is the test procedure? After verifying your identity and a short explanation about the test and the instrument you will be asked to submit biographical and medical data and full details of the events that led to this test. Based on your information the examiner will phrase the questions that you will be asked in the test. Only then the polygraph sensors will be attached to you and the test will commence. During the test these questions will be presented to you at least three times in order to establish your truthfulness or deception.

Can I refuse to take the test? Definitely YES!!! And your refusal could not be turned against you.

What is the accuracy of the polygraph? Researchers point to an accuracy of around 90% which is a higher and a better accuracy rate than most forensic and medical diagnostic tools.

Are the polygraph test results admissible in court? You should consult your lawyer for an accurate answer but generally speaking the admissibility differs from state to state and is subject to stipulation between the parties involved.

“I don’t want an instrument to determine my innocence or guilt.” We have heard this statement many times and it is totally incorrect. The polygraph is ONLY a diagnostic tool used by a qualified examiner and s/he is the only one who determines the results. Our examiners are accredited, qualified and experienced members of the American Polygraph Association and other professional associations, expert witnesses in court with government and law enforcement background and we have been conducting these tests for over XX years with great success.
Appendix B

Pre-test step-by-step check list:

Prior to the test
• Get all case data – including the purpose of the test set by the consumer
• Decide if the case is testable
• Pay attention to your appearance and attire
• Calibrate the instrument if necessary
• Set up the examination room: temperature, noiseless, etc.

Upon examinee’s arrival to the office
• Should be acknowledged by the receptionist
• The receptionist should ask the examinee to read the information leaflet
• Have a code of ethics displayed in the waiting area

Upon entering the examination room
• Greet the examinee
• Have a brief small talk
• Identify the examinee
• Discuss her/his anxiety
• Briefly describe the polygraph and the test procedure
• Gain Examinee’s trust in the polygraph instrument and procedure
• Decrease fear of error and increase fear of detection using expressions that will demonstrate examiner’s professionalism and objectivity.
• Ask for biographical and medical data in order to develop themes which will help the examiner to establish rapport, collect background information for comparison questions and to assess the examinee’s suitability to undergo the test psychologically and physiologically
• Verify verbally her/his consent to take the test
• Get the examinee’s detailed description of the occurrence of events leading to the test
• Phrase the test questions (by order of relevant, comparison, irrelevant & sacrifice)
• Ask the examinee to sign the consent form (by doing so in this stage instead of an early stage the examinee gives her/his consent to the test questions as well)
• Review the questions reassuring that the examinee has fully understood them
• Attach polygraph components to the examinee
• Instruct the examinee how to behave during the test
• Start the test
Raising the Bar: A Review of Post-Adjudication Polygraph in Court

by

Ken Blackstone
In 1966, in the Wabash County Circuit of Illinois, Judge Clarence E. Partee employed the polygraph while deciding on probation applications and four years later began to require that probationers take annual polygraphs. In 1969, Judge John C. Tuttle in the Walla Walla District Court of Washington, developed a similar plan to monitor probationers. In 1973, in the Multnomah County Circuit of Oregon, Judge John C. Beatty, Jr. added a polygraph stipulation to probation agreements made in his Court. As a result of these initiatives the post-adjudication polygraph is common today during the management of federal and state sex offenders.

Federally, the polygraph is used during probation, during sex offender specific treatment in prison, and during civil commitment. In each state the polygraph is used to some degree; in prisons, during probation and parole, and in 19 of the 20 states with civil commitment laws (Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin). Massachusetts is the exception.

Although the number of post-adjudication examinations conducted per annum is unreported, the number of possible examinations is tremendous. 2012 data indicates 726,717 registered sex offenders in the United States and its territories, plus a relatively small number of offenders who are not required to register. Depending on the program, the frequency of examinations per offender varies from one to four times a year.

Polygraph may have reached near-celebrity status among treatment providers and supervising officers, but some believe that the post-adjudication polygraph is a violation of First Amendment rights. The 2011 book “Polygraph, Sex Offenders, and the Court” details 67 case rulings specific to post-adjudication polygraph and of those McKune v. Lile was the only one heard by the Supreme Court of the United States (SCOTUS).

Another SCOTUS ruling, Minnesota v. Murphy, did not involve polygraph testing, but it applies to Fifth Amendment rights of probationers.

**Minnesota v. Murphy**

In 1974, Marshall Murphy was twice questioned by Minneapolis police concerning the rape and murder of a teenage girl. No charges were then brought. In 1980, in connection with an unrelated charge of criminal sexual conduct, Murphy pleaded guilty to a reduced charge of false imprisonment. He was sentenced to a prison term of 16 months, which was suspended, and three years’ probation.
The terms of Murphy’s probation included that he must be truthful with the probation officer “in all matters” and in a 1981 meeting with his probation officer Murphy admitted to that 1974 rape and murder. Consequently he was indicted for first-degree murder. He then moved to suppress his confession, claiming that his Fifth and Fourteenth Amendment rights had been violated. The trial court stated that the confession was acceptable because Murphy had not been in custody and he was found guilty. The Minnesota Supreme Court reversed the trial court’s opinion. In a 6-3 decision, SCOTUS found that Murphy had not been compelled to incriminate himself and could not successfully invoke the privilege to prevent the use of the information he had volunteered. The Minnesota Supreme Court decision was reversed.

**McKune v. Lile**

In 1982 Robert G. Lile convinced a female high school student to enter his car and, at gunpoint, made her perform oral sodomy on him and at a different location he continued on to rape her. He was convicted of rape, aggravated sodomy, and aggravated kidnapping and in 1983 was sentenced to 29.5 years to life.

In 1996 prison officials ordered Lile to take part in the Kansas Department of Corrections’ Sexual Abuse Treatment Program (SATP) which mandated completion of a comprehensive “Admission of Responsibility” sexual history disclosure form and a polygraph to verify said disclosures. Robert Lile argued that this incentive system violated his Fifth Amendment rights against self-incrimination and “his primary objection initially was to the clinical polygraph, and later to being moved to maximum security when he refused treatment” (Chantry). In 2002, with a 5-4 ruling, SCOTUS “concluded that the SATP serves a vital penological purpose, and that offering inmates minimal incentives to participate does not amount to compelled self-incrimination prohibited by the Fifth Amendment.”

**Antelope, Hawkins, Jacobsen, Williams**

While Murphy v. Minnesota and McKune v. Lile may appear to have been victories for probation officers and sex offender treatment programs, they both acknowledged that sex offenders have Fifth Amendment rights. Furthermore, three other rulings specific to the polygraph and the Fifth Amendment rights of the sex offender favored the sex offender. Specifically, Hawkins reminds us that we have the Fifth Amendment to prevent forced self-incrimination; Antelope suggests that a sexual offender should not be incarcerated for refusing to waive those rights; and Jacobsen suggests that the polygraph should be introduced prior to sentencing.
In a fourth ruling, Williams was the first post-adjudication court-ruling based on the actual quality of a specific polygraph.

**Antelope**

In Stevensville, Montana, Larry Antelope ordered a child pornography video over the internet from undercover federal agents. In May of 2001 he pleaded guilty to Federal Possession of Child Pornography and at sentencing raised a Fifth Amendment challenge to “mandatory periodic and random polygraph examinations.” The district judge responded that the “use of that information is, I think, subject to the privilege between the counselor and the patient.”

Antelope appealed his sentencing a total of five times and in 2005, in what was the final appeal, the Ninth Circuit Court wrote: *Because the Constitution does not countenance the sort of government coercion imposed on Antelope, and because his claim is ripe for adjudication, we reverse the judgment of the district court.*

**Hawkins**

In 1993, Jake Hawkins was convicted of Attempted Rape in the Second Degree by Forcible Compulsion and while incarcerated he successfully completed a 13-month sexual offender treatment program. On February 21, 2006, the State submitted a petition alleging that Hawkins was a Sexually Violent Predator (SVP) based on the criteria set forth in Revised Code of Washington (RCW 71.09.020[18]). At the probable cause hearing, Dr. Christopher North testified “to a reasonable degree of scientific certainty,” that Hawkins was likely to reoffend. The trial court then found probable cause to believe that Hawkins was an SVP; he was detained and ordered to have another evaluation conducted by Dr. North. As part of that evaluation, North requested that Hawkins submit to a sexual history polygraph examination.

Hawkins refused and the State sought, and was granted, an order compelling him to submit to the polygraph examination. He appealed and the appeal was denied. In 2010 Hawkins successfully argued to the Washington Supreme Court that RCW 71.09.04(4) prohibits the state from compelling respondents to SVP commitment proceedings to submit to polygraph examinations.

**Jacobsen**

In October 2009 in Yavapai County, Arizona, Ryan Jacobsen pled guilty to three counts of Luring a Minor for Sexual Exploitation and was sentenced to probation. His subsequent probation conditions included: “. . . polygraph and/or the penile plethysmograph, to assist in treatment, planning, and case monitoring.” Later, his treatment provider gave him a 15-page questionnaire to fill out.
before taking a sexual history polygraph test. Jacobsen declined to answer some questions he felt were incriminating and his attorney approached the trial court with a motion to preclude the polygraph and the questionnaire. The trial court responded by issuing an order “granting Defendant immunity according to A.R.S. § 13-4066.” Jacobsen stated that the immunity given by that law was insufficient and he appealed. The Appeals Court ruled in favor of Jacobsen, holding that “a waiver of the privilege against self-incrimination may not be made a condition of probation.”

The state then petitioned the Arizona Supreme Court and Jacobsen’s attorney invited an independent polygraph examiner (Blackstone) to write an amicus brief for the Arizona Supreme Court. That brief described differences between forensic (single-issue) testing and utility (multiple-issue) testing and it described and encouraged Quality Control mechanisms.

That amicus brief included: Forensic polygraph has safeguards which keep its error-rate below 10 per cent, while utility tests, such as the ones popular in sex offender management, actually invite errors.

A “false positive” can result in a waste of resources while investigating unfounded concerns and it can unfairly hamper the otherwise honest sex offender who is trying to rebuild his life while a “false negative” can allow recidivism that could have been stopped before anything happened.

The Arizona Supreme Court accepted the brief and, in April 2011, the state filed a motion to withdraw its petition for review. That motion was granted one day before oral arguments were scheduled to begin, leaving the appellate opinion in place.

**Williams**

In March of 2013, in Webster County, Iowa, Judge Kurt L. Wilke admitted the testimony of a polygraph examiner in regards to polygraph examinations given during the Detention of Harold Duane Williams and was the first judge to rule on the quality of a specific post-adjudication polygraph examination.

Harold Williams had been convicted of Lascivious Acts, Indecent Contact with a Child, Lascivious Acts and Indecent Contact with a Child, and Second Degree Sexual Abuse. With a 9-month exception, Williams has been incarcerated since 1987. The State of Iowa petitioned to have Mr. Williams declared a Sexually Violent Predator and in December 1999 he was committed under the provisions of the Iowa State Code. Chapter 229A requires a transitional release procedure and annual reviews to determine the appropriateness for transitional release. On May 4, 2012 at an annual review hearing, Judge Wilke found that Williams had proven his
appropriateness for transitional release. A final hearing was ordered and was held on March 11, 2013.

At the final hearing Dr. Tracy A. Thomas, PhD., who is employed as a psychologist at the Iowa Civil Commitment Unit for Sexual Offenders (CCUSO) testified in that hearing that she “was leaning in favor of placing Respondent in the transitional release program, but a polygraph examination administered to the Respondent on January 5, 2013, dissuaded her from that recommendation.” In his ruling Judge Wilke wrote: Respondent was asked whether he withheld information regarding sexual talk with other patients. Results of the examination indicated a significant reaction to that question. In a subsequent verification polygraph examination the Respondent was asked whether he failed the polygraph test because he withheld information about his sexual talk with other residents. Respondent answered in the negative and he again failed the polygraph test.

Post that examination and in anticipation of this change of opinion, Mr. Williams’ attorney hired an independent consultant (Blackstone) to review that January 5th examination. The examiner found numerous contaminating factors and a failure to follow APA standards. After that review Mr. Williams met with Blackstone on March 9, 2013 and testified on March 11, 2013 as to the examination conducted by the CCUSO examiner on January 5 and as to the examination conducted on March 9, 2013.

In his ruling, Judge Wilke wrote: Mr. Ken Blackstone, a forensic polygraph examiner, testified that in his opinion the polygraph exam administered to Respondent was flawed. He believes that a polygraph is 90% psychology and the questions presented to Respondent concerning alleged sex talk were of such a vague nature as to cause Respondent uncertainty, which in turn will often indicate deception on the polygraph exam. Mr. Blackstone argues that to obtain a true test it is necessary that the questions be very specific, such as, “on a specific date did you say this.” Questions of such specificity were not asked. Judge Wilke’s ruling concluded with: It is ordered that the Respondent’s petition to be placed in the transitional release program at CCUSO is sustained.

Conclusion

The initiatives of Judges Partee, Tuttle, and Beatty remind us of the Court’s need for assistance in the management of offenders. The subsequent court rulings emphasize the fact that the significance of sex offender management does not supersede the Constitution of the United States.
The most recent ruling, In re Detention of Williams, tells us that the work product of post-adjudication polygraph examiners has a direct impact on decision makers and is subject to the inspection of the Court.

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In re Detention of Hawkins, 169 Wash.2d 796, 238 P.3d 1175 Wash., 2010.

*Jacobsen v. Superior Court and State of Arizona,* Supreme Ct. No. CV-10-0309-PR.

In re Detention of Williams, Webster County Law No. CVCV306567 (Order April 8, 2013).

Kantry, Karen L. Psy.D. (private communication April 18, 2013)


Ken Blackstone is an independent examiner based in Atlanta, Georgia. He has been a polygraph examiner since 1979 and a full member of the APA since 1999. He has authored several peer-reviewed publications, including the book “Polygraph, Sex Offenders, and the Court: What Professionals Should Know about Polygraph . . . and a Lot More”.

The opinions expressed in this article are those of the author, and do not necessarily represent the opinions of the American Polygraph Association.
When the district attorney for a central Wisconsin jurisdiction requested a polygraph examination from the Wisconsin Department of Justice (DOJ), he set motion events that resulted in some unique polygraph testing. A 16-year-old female student reported to a member of the staff at her high school that during the preceding year, her stepfather had engaged in sexual intercourse with her on numerous occasions. The student alleged that the sexual relations occurred late at night, while her mother and siblings were sleeping and on a few occasions when she was alone in the home with her stepfather. The student claimed she had not reported her stepfather’s behavior due threats by her stepfather and embarrassment. She indicated that comments by teachers and other members of the school staff induced her to report her stepfather’s activity to school officials. Criminal and social services investigators who interviewed the girl found her allegations creditable. The social services agency removed the girl from the home and appointed an attorney to represent her interests. But when questioned by investigators, the stepfather vehemently denied the allegations.
The girl’s mother indicated she was perplexed by the accusations, but tended to believe the denials of her husband. It was suggested that the student had been intimate with a male student and was attempting to cover her behavior by accusing the stepfather. The student acknowledged that she did not care for her stepfather and resented his presence in the home. When the stepfather declined to submit to polygraph testing regarding the allegations, the district attorney decided to follow through on the student’s stated willingness to undergo polygraph testing. Before the polygraph examination, the district attorney and other attorneys involved entered into a stipulated agreement that the polygraph examination results would be admissible evidence in subsequent legal proceedings regarding the allegations.

The examination was administered by a Wisconsin DOJ examiner at a DOJ examination office located in Madison. Case investigators as well as legal representatives for the examinee and her stepfather were present to monitor the examination from an observation facility. The exam format contained three relevant questions regarding whether the subject’s stepfather had engaged in sexual intercourse with her. The subject answered each relevant question “Yes”. The results of the examination indicated the student was truthful when she stated that her stepfather had engaged in sexual intercourse with her on a number of occasions. Upon receiving the polygraph examination report, the district attorney proceeded with preparation for prosecution of the stepfather on charges of sexual assault.

Shortly before the trial was scheduled to begin, during witness preparation, the alleged victim informed investigators that she had fabricated the allegations against her stepfather. She stated that she disliked the stepfather and hoped the allegations would result in his removal from the home. But instead, she found herself removed from the home. She indicated she was unhappy and wanted to move back with her family. The district attorney was distressed and somewhat angered by the girl’s retraction of the allegations. He was determined to resolve the matter. After consultation with investigators and other legal counsel involved in the case, he again approached the DOJ for further polygraph testing of the girl. The district attorney requested that a different polygraph examiner administer a second exam, but that the relevant test questions be exactly the same as those employed during the first exam. After review of the case facts and the initial polygraph report, a second DOJ examiner agreed to administer the test with precisely
same relevant questions as those used in the first examination. The second examination was administered in a DOJ testing facility near Milwaukee. A number of the same individuals, who observed the first exam, were also present to monitor the second. During the second examination the subject answered the relevant questions “No”, the exact opposite of her answers during the first examination. The results of the second examination indicated the subject was not truthful when she denied that her stepfather had engaged in sexual intercourse with her on numerous occasions.

Upon receipt of the second polygraph examination report the district attorney and investigators were convinced that the student was the victim of sexual abuse by her stepfather. They were adamant about proceeding with prosecution of the stepfather to protect the victim and other potential victims. Eventually, the stepfather entered a plea of guilty and he was removed from the home. The victim acknowledged that she had recanted her allegations due to pressure from her mother. The mother had convinced the girl that the entire family would become destitute should the stepfather be removed from the home, as he was the primary breadwinner.

The examiner who administered the first exam was trained at the Department of Defense polygraph school. He had served as a military examiner for a number of years before retiring and becoming employed by the Wisconsin DOJ. He utilized an Air Force MGQT question structure in administering the first exam. He specifically formulated comparison questions (CQs) to exclude the relevant issue from the context of the CQs. The test data was evaluated with a numerical evaluation method taught at his Department of Defense basic polygraph training. The second examiner was trained at the Reid College for Detection of Deception. He used a Reid question format to administer the second exam. The wording of the second exam CQs did not exclude relevant issue from the scope of the CQs. The second examiner numerically evaluated the test data with a scoring method advanced by researchers at the University of Utah. The numerical scores from both exams were remarkable in that fact that each was almost equal distant from zero, only in opposite directions. For example, the numerical score of the first exam was in the range of +12 while the score from the second exam was approximately -12. The stability and consistency of test data was roughly the same in both exams.
I still hear from polygraph examiners who really don’t have a clear understanding of what anyone is even talking about when ASTM Committee E-52 on Forensic Psychophysiology is mentioned or more importantly, have little concept of the effect this committee has on the issue of polygraph testing or even themselves as polygraph examiners. Now you may notice that there has been a significant movement toward the importance of standards in the past few years and not just to the science and process related to polygraph testing. Industries, from metals to medical services and devices have been heavily involved in standards for better than eighty years. The electronics field practically emerged with standards from its inception. It has also touched, and rightfully so, the forensic sciences of which polygraph is certainly a part. The public would be shocked to find out that polygraph testing, which began publicly somewhere back with Leonarde Keeler in the 1920’s, only started to develop standards some 40 years later in 1966. There are examiners who have thought, and I suppose I used...
to think also, that the training received in their original schools they attended back then was in some way “a standard” or that the rules given to them from the associations they joined were the standards of the profession. But until this ASTM Committee E-52 concept was developed, none of those examples met the scientific legal definition of a “uniformed standard.”

Actually, it might be said that the polygraph profession was forced into this position of developing uniformed standards. Whether that is true or not, it appears to be the best thing that happened to us as a profession, whether we realized it or not.

One of these influencing events that took place was a court decision that held polygraph test results in the U.S. v. Cordoba case were inadmissible. This was a drug case and the state attempted to get polygraph evidence admitted under the “1993 Daubert v Merrill Dow Pharmaceuticals decision (which replaced the 1923 Frey evidence rule in favor of the Federal Rules of Evidence.) Experts testified in the case in favor of polygraph testing, but the United States (Los Angeles) District Court’s ruling was that it did not meet the Daubert test for admission in evidence. According to the justices, one of the reasons was because polygraph had “No controlling standards.” On top of that, the justice almost rubbed our noses over the fact that we had no standards. They said in their ruling:

“The polygraph has been extensively tested, and has been the subject of extensive peer review and publication. While probably accepted in the scientific community as a useful diagnostic or investigative technique, it does not have ‘general acceptance’ for courtroom evidence. The court finds there are no controlling standards to ensure proper protocol or provide a court with a yardstick by which a particular defendant’s examination can be measured.”

It was further noted:

“No mandatory standards control the admission of polygraph examinations. While both the American Polygraph Association and the American Association of Police Polygraphists publish standards, neither organization has authority to require members to comply with them. An estimated 2,000 polygraph examiners do not belong to either society. Moreover, there are no mandatory guidelines regarding the selection of polygraph examiners.”
Birth of ASTM Committee E-52

In 1996, two prominent federal examiners with insight, Rich Widup, a Federal Agent at the time with the Food and Drug Administration and John Schwartz, a Federal Agent with the Department of Justice at that time, attended a presentation by the American Society for Testing and Materials (ASTM) on government standards. As I heard from Rich and John later, an idea sprung up between the two of them and they realized that this society, the ASTM, was capable of providing a structure for the development of those “controlling standards” for polygraph testing.

As a point of information, the association that’s now known as “ASTM International” was a huge endeavor. It’s history is awesome. ASTM was organized in 1898, over a hundred years ago, and is one of the largest voluntary standards development organizations in the world. Thomas Edison and Henry Ford were members of ASTM. It publishes standards and publications in over 130 areas, covering things such as all metals and masonry, paints and plastics, textiles and tools, petroleum, pots and pans, energy and electronics, surgical instruments and sports equipment such as the helmets worn by the NFL today. It sets standards for every kind of consumer product imaginable. ASTM is involved in computerized systems and aerospace technology as well as military equipment including drones that are much in the news today. The Forensic Sciences are subject to ASTM standards including such things as how forensic laboratories must conduct testing for cocaine, etc. And now, it includes ASTM Committee E-52 on Forensic Psychophysiology which is polygraph testing. There are more than 10,000 standards published each year with over 70 volumes of the Annual Book of ASTM Standards.

Getting back to the development of our committee related to polygraph testing, after meetings were held between Mr. Widup and Mr. Schwartz with ASTM officials, it was agreed to allow a committee application, and the ASTM Commission kept a watchful eye on its development. ASTM’s Gloria Collins was assigned as our committee’s first coordinator and much of the success of this endeavor goes to her proficiency. As its Staff Manager she did a remarkable job steering this committee forward. A recruitment call was made to polygraph examiners from all around the country, from all sources, from every agency, from
all companies and departments to join this committee and to have an opportunity to mold standards for our profession. Truly, polygraph history was being made whether we realized it at the time or not. I was invited to join this committee by the late David Motsinger. I had never even heard anything of this until David called me up and said “George you need to get involved in this thing,” and so I did.

Our first meeting was held in St. Louis in 1997 where just a large group of examiners traveled there to find out what this was all about. It was a treat for me because it was here where I met those individuals that I perceived to be like the roster of “who’s who” status of polygraph examiners in the country. It was here where I met for the first time John Schwartz, Rich Widup, but also my good fortune to meet Don Krapohl. I was introduced to federal guys like Gary Light, Gordon Barland and Keith Gaines. Other outstanding individuals included Chuck Slupski, Elmer Criswell, Billy Thompson, Tom Ezell, Shirley Sturm and so many others. It was at that meeting that Rich Widup with the assistance of coordinator Gloria Collins, took those initial steps at creating various sub-committee divisions. It is also of interest that ASTM did not give our group its official “Committee” designation as “Committee E-52 on Forensic Psychophysiology” until there was a significant passing of time to make sure that, (I’ll call it our congregation) was a serious group involved in a serious endeavor.

The committee has evolved over an incredible past 16 years in many ways, but what distinguishes

ASTM was organized in 1898, over a hundred years ago, and is one of the largest voluntary standards development organizations in the world. Thomas Edison and Henry Ford were members of ASTM.
ASTM Standards from other standards in our profession is that they are developed through a “consensus” approach. These are not just standards that somebody or a few individuals dreamt up behind closed doors and then declared this is what it will be. An ASTM Standard only becomes a standard after a long, careful process where ALL MEMBERS of the ASTM committee vote. Also, members do not have to be present at any meetings to have their positions heard. Ballots are sent to all members across the country who can vote by mail, by email, by fax or by the preferred present method, electronically, by using e-mail. Members can give a positive or a negative vote. And here’s another significant difference: if a negative vote is presented, the negative must contain why it was voted negative. Each negative vote must be addressed by the Board and answered. If the negative explanation is found to be persuasive (that is, the Board also agrees with this negative position) the standard is sent for another review, perhaps to be re-worked within that sub-committee, then brought forward again to the main committee for another review. If it survives that scrutiny, it is again sent out for full membership vote until it can pass. This whole process can be repeated until it can pass. These are truly consensus standards.

Committee E-52 is currently directed by Chairman Marty Oelrich and Vice-Chairman Chris Fausett. The ASTM Coordinator is Joe Koury. There are eight Sub-Committees established within Committee E-52 that have been given various designations and dominions as follows:

Sub-Committee .01 - Research
Sub-Committee .02 - Instrumentation
Sub-Committee .03 - Quality Control
Sub-Committee .04 - Examiner Education
Sub-Committee .05 - Psychophysiological Detection of Deception Testing
Sub-Committee .06 - Terminology
Sub-Committee .07 - Ethics
Sub-Committee .91 - International Liaison Standards Development

There are currently 16 published standards and a number still in the hopper being presented.
An extremely important feature to this article is this ASTM Committee E-52’s importance to the APA. First, let me say that APA’s standards mirror ASTM’s standards on polygraph and ASTM’s standards also mirror APA’s standards. In having said that, the obvious question that an APA examiner would have is that if these standards mirror each other, why do I have to be concerned with ASTM standards? The answer is that it is important to both our present status and future status of polygraph testing. There are challenges to our polygraph community that can only be met through controlling standards that apply to every examiner in our community. The major issues were pointed out in that historic court case noted in the first three paragraphs of this article, the U.S. v. Cordoba case. The dissenting Justices presented four issues that they believed to be serious faults. One was that there were “no controlling standards to ensure proper protocol or provide a court with a yardstick by which a particular defendant’s examination can be measured.” It was next noted that “No mandatory standards control the admission of polygraph examinations.” And then it was added that an estimated 2,000 polygraph examiners do not belong to either the APA or the AAPP, so that meant that there are no mandatory guidelines regarding the conduct of polygraph testing to all those non-members. This is a problem to our polygraph community. It has to be a concern to all APA members. When I worked for the Prosecuting Attorney’s Office and on those occasions when I was called upon to testify in court cases regarding a polygraph test I had done, my boss the Prosecuting Attorney would always tell me to not forget that when I go on the stand to testify to what I did, that polygraph goes along with me to testify as well as that the process, the determination, the results and the standards that applied to the entire method met mandatory standards. I know that many of us have witnessed polygraph tests that must have been conducted in another world. (Elmer Criswell has truckloads of such examples). They are amusing to review, but at the same time, damaging to our profession. Examiners must be held to controlling standards. We have to be concerned that there are individuals that do not belong to the APA or the AAPP, and as a result do not have to follow those association’s standards and can take that position that those standards do not apply to them.
But the point here is that these ASTM Standards are “NATIONAL STANDARDS.” This means that these standards do apply to all examiners, regardless of what Polygraph Association you do or do not belong to, or what agency you belong to, or what company or department you work for, or whether you work for yourself as a private examiner. These standards apply to all examiners in law enforcement, the federal government, or in private practice working for themselves. They apply to polygraph schools, polygraph instrument manufacturers, and technically, they are equally important to those who use our services, such as the courts, attorneys, private companies, corporations and the public.

What was surprising to me was that the courts are very familiar with the concept of ASTM because judges and attorneys deal with numerous issues in civil cases that are subject to ASTM standards all the time. (Example: the company who made the ‘O-Rings’ on the failed Space Shuttle Challenger were successfully sued because they did not follow ASTM Standards in its manufacture.) Upon testifying, attorneys would most likely not only ask about APA standards but also your knowledge of ASTM Standards during cross examination to assure your test did meet ASTM standards that courts and attorneys understand. This is what ASTM Committee E-52 is all about. The Committee meets at least once a year in person at an Annual Polygraph Conference, alternating between APA and the AAPP. This year’s meeting will be during the 2013 AAPP Annual Conference this June in Charlotte, NC.

MEMBERSHIP INFORMATION

A membership application may be obtained from the Member and Committee Services by calling 610-832-9500, or their website at www.astm.org. We are always interested in examiners who are concerned with both the present and future science of our profession.
On April 17, 2012, Lois “Lolo” Goodman, age 70, called 911 to report that her husband of nearly 50 years was injured or dead in the couple’s condominium in Los Angeles, California. Police arrived to find Alan Goodman dead in his bed, with a trail of blood leading to the upstairs bedroom from the stairs. There was no sign of forced entry into the home.

For decades Ms. Goodman was, and is, a well-known professional tennis official with the US Tennis Association. Lois Goodman told police she had just returned home to find her husband in bed, with a blood trail leading from the bottom of the stairs. She thought her husband had injured himself falling downstairs, perhaps having a heart attack, collapsing on the coffee cup
Three days after the death, police executed a series of search warrants of the Goodman home. There they found evidence of blood in several locations, which according to police, was not consistent with Goodman simply falling down the stairs.

In August, Los Angeles police filed an arrest warrant for Lois Goodman, charging her with bludgeoning Alan Goodman with a coffee cup. At the time of the warrant Lois Goodman was in New York where she was preparing to serve as an official in an upcoming US Tennis Open in Queens. She was taken into custody by New York Police Department officers at her midtown hotel, and waiving extradition, she was sent back to Los Angeles for arraignment. Goodman’s attorney arranged for her to undergo polygraph testing by Jack Trimarco. On September 9, 2012, testing was arranged to take place at her residence due to her arrest status which restricted her to her home.

During the pretest interview Goodman related she suffered from several health conditions. She was prescribed medications for pain, blood pressure, and severe arthritis in addition to having a spinal cord implant to help
At the time of the warrant, Lois Goodman was in New York where she was preparing to serve as an official in an upcoming US Tennis Open in Queens.

She was in pain during the polygraph session, describing it as a “4-5” on a scale of 1 (mild) - 10 (severe). Polygraph testing proved to be unproductive in that session, possibly due to the pain or the medications. The examiner rendered an opinion of ‘no opinion’ and suggested a re-examination at a later date.

Pursuant to a court order, Lois Goodman was allowed to travel to her attorney’s conference room for the purpose of polygraph testing.

Ms. Goodman was afforded a second session on the following October 2nd. The polygraph data in this session proved to be more definitive. Below are the test questions used in this session.

1. Are you sitting down?

2. Regarding if you killed your husband, do you intend to be completely truthful with me about that?

3. Are you convinced that I won’t ask you any surprise questions on this test?

4. Before April 2012, have you ever lied to get out of trouble?

5. Did you kill Alan Goodman?

6. Before April 2012, have you ever lied to someone who loved or trusted you?

7. At your residence, did you kill your husband?

8. Have you ever gossiped or spread rumors about a friend, relative or co-worker?

9. Are you sure that I won’t try to trick you on this test?

The following are the polygraph charts from this session:
Acquaintance Test. Key is item 5.

Chart 1. Relevant questions are marked as 5R and 7R, with PLCs as 4C, 6C and 8C.
Chart 2. Relevant questions are marked as 5R and 7R, with PLCs as 4C, 6C and 8C.

Chart 3. Relevant questions are marked as 5R and 7R, with PLCs as 4C, 6C and 8C.
Using the three-position scale, the examiner scored this case as NDI, with an overall score of +14. In a separate quality control review by Mr. Ron Homer using the Empirical Scoring System, Mr. Homer similarly concluded the examinee was truthful to the relevant issue.

Subsequent to the polygraph examination, the Los Angeles County district attorney’s office consulted with other medical experts, and concluded that the death of Mr. Goodman could have actually been the result of an accident, contrary to the coroner’s report of homicide. The defense team also consulted with an outside medical expert, who found that Mr. Goodman’s heart was four times normal size, supporting the theory of Mr. Goodman suffering a heart attack. The criminal prosecution was further impeded by the lack of a reasonable motive for killing Mr. Goodman. Added to this, is the testing of the coffee mug central to the death of Mr. Goodman found none of Ms. Goodman’s DNA. Finally, Ms Goodman’s medical condition and chronic back pain made it unlikely that she could have moved a 160-pound Mr. Goodman from the bottom of the stairs up to the bedroom after his injuries.

The Los Angeles D.A. was provided the polygraph report, a disk containing test data and video recording (for both examinations). The D.A. provided that information to Sgt. Chris Germann, Polygraph Unit Chief, Los Angeles Sheriff’s Department on November 18, 2012. Sgt. Germann studied the submitted exams. He affirmed the examiner’s call of no opinion and non-deceptive. Sgt. Germann advised the prosecutor that the examinee passed the second examination.

Based on the totality of the evidence, at the request of prosecutors a Los Angeles judge formally dropped the murder charges against Ms Goodman on November 21st. On December 21st the US Tennis Association reinstated Ms Goodman as a professional referee.

About the Author

Jack Trimarco is a former FBI polygraph examiner. He now owns and operates his private polygraph practice, Jack Trimarco & Associates Polygraph / Investigations, Inc. The views expressed in this column represent those of the author, and not necessarily those of the American Polygraph Association.
“Hello, Ajax Polygraph Services, can we help you?”

“You guys do them lie detector tests?”

“That is probably why we called it Ajax Polygraph Services.”

“My cousin, Sam, that’s aunt Betty’s third son by her old live-in boyfriend, the one that’s in prison, wants to take one of them lie detector tests.”

“What is the problem?”

“Sam’s in the hospital.”

“We don’t make house calls. Why is Sam in the hospital?”

“His wife, Shirley-Mae, that’s Sam’s first wife, found him out.”

“How many times has Sam been married?”

“Count’n Shirley-Mae, four; but that one don’t count cause she was pregnant with Buba’s kids when she married Sam. So, I guess three times; lessen you count the kid she had by ole’ Charley. That would make it an even four times.”
“What did Shirley-Mae find Sam out doing?

“Shirley-Mae says Sam was out wrestlin’ with a pig back of Emma-Jeans barn. Emma-Jean, is Sam’s second wife.”

“Sam was wrestling with a pig behind Emma-Jean’s barn?”

“Yea, Paula-Joe ain’t all that good looking but she wrestles real fine wit just about anyone who will pay her any mind.”

“So what does Sam say about all this?”

“Not much – see’n how his jaw is broke and all. Doc Wells, that’s Emma-Jean’s brother, says Sam might be talking within a month or so. He was the one who fixed Sam’s arm last Fall when Sam fell out’a that winder.”

“Sam fell out of a window last winter; what window?”

“Boy, you ain’t from ‘round here are you. Why hell, everybody done heard ‘bout Sam gett’n shot crawling outt’a Sara-Sue’s bedroom winder.”

“Sam was shot by Sara-Sue while crawling out of her bedroom window?”

“Nope, that was Sara-Sue’s husband, Willard, what shot Sam. Doc Wells patched Sam up real good that time too. Ole Doc Wells, he’s ‘bout the best vet in the county.”

“Were the police notified, was a report taken or was a criminal complaint filed?”

“Sara-Sue didn’t complain much and Sheriff Gillespie, he’z Doc Wells brother, said if Sara-Sue don’t mind much, then it’s alright with him and Sara-Sue could make all right with Willard. Besides Willard’s kind’a sweet on Paula-Joe anyway, so Sara-Sue don’t say much ‘bout it.”

“So how was Sam’s jaw broken?”

“Sam don’t know. Says he got home that night and him and Shirley-Mae got into it real good ‘bout that pig.”

“The pig being Paula-Joe?”

“Boy, you don’t listen so good do you? What’d I just get thru talking ‘bout? This ain’t ‘bout Paula-Joe. It’s ‘bout the pig Willard says Sam done stole from Doc Wells. That’s when Shirley-Mae hit Sam with the axe handle.”
“What axe handle?”

“The axe handle Sam used to kill the pig he stole from Doc Wells.”

“Why did Shirley-Mae hit Sam with an axe handle over a pig that belonged to Doc Wells?”

“Cuz Doc Wells says Sam never done paid him for patching him up after Sam done got shot. Sam says he done paid Doc Wells with the pig he stole back from the doc and killed with the axe handle Shirley-Mae borrowed from Sheriff Gillespie last winter to wedge open the door in the outhouse and never gave it back.”

“So Sam wants to take a polygraph test to show he paid a debt? Is that what this is all about?”

“Boy, you don’t pay attention so good do you? Sam wants to prove to Bubba them kids ain’t his.”

“What kids? Never mind, I don’t want to know. Thank you for calling Ajax Polygraph Services.”

JUST BECAUSE WE CAN CONDUCT A POLYGRAPH EXAMINATION, THERE ARE TIMES PERHAPS WE SHOULD REFER THE CLIENT TO 1-800-CVSA FOR FURTHER INQUIRY.

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