Inside

- Remote Polygraph -
  A study of a new concept with old technology
  pg. 38
Quality data acquisition begins with your instrumentation
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Deadlines

This issue closed on January 11, 2013.

Deadline for
March/April, 2013 issue
is March 7, 2013.

Submission of Articles

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Editor’s Corner

Welcome to 2013. This looks to be a busy year.

In this Editor’s Corner I’d like to remind everyone about elections that will take place this summer. If you are planning to run for office, you need to know that there will be seven offices up for vote.

They are:

President Elect, VP Government, VP Law Enforcement, VP Private, and Directors 1, 3 and 5. The Director positions are all two-year terms, while the remainder are for a single year. Here are some important dates to remember:

• May 1 - May 31: Period to submit nominations and self-nominations in writing to the National Office.

• June 15: Last day to submit a candidate statement of up to 500 words for the APA Magazine and on the APA website.

• July 8: Email notification of upcoming elections (Ensure your email address is current with the National Office and the APA website)

• July 15 - July 21: Electronic elections.

• July 23: Posting of results on the APA website.

• August 1: Email notification to members of a runoff, if necessary.

• August 5 - August 11: Runoff elections, if necessary.

• August 12: Notification to winners. Posting of final election results.

• September 12: Swearing in of officers at the Annual Banquet.

For additional information, contact me at editor@polygraph.org or (803) 463-1096.

---

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2012-2013

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A Special Tribute

Donald Weinstein
APA Past President

The APA regrets to announce the passing of Donald (Don) Weinstein, age 65, a beloved husband and father. Don passed peacefully January 7, 2013 surrounded by his family and friends.

Don became a member of the American Polygraph Association (APA) in 1986 and held various elected offices on the Board of Directors over 18 years including Director, Vice President-Government, President and Chairman of the Board. Don also served on several committees: Archival, Case Review, Continuing Education, Ethics and Grievance, Policy Coordination, Public Relations and Information, and Seminar. Don received APA’s John E. Reid Award, William L. Bennett Memorial Award, J.J. Heger Award, and twice the President’s Award. Due to Don’s devotion to the polygraph profession he was honored with life membership in both the APA and American Association of Police Polygraphists in recognition of his substantial and enduring contributions.

Born on June 23, 1947, in Atlanta, Georgia, Don’s parents moved the family to Long Island, NY and later to Portland, Maine, while Don was still a child. There Don was active in sports and played football for Deering High School. Don was very involved in high school clubs and theater, and was stage manager for several plays. Don played drums for the award-winning Andrews Sabres Drum and Bugle Corps, and as a junior he was selected to compete in Nice, France, with the group.
Don’s father was a retired Chief Petty Officer with the U.S. Coast Guard, and his example of military service led Don to join the Marine Corps in 1965. Don served two tours in Vietnam and was wounded in combat during his first tour for which he received the Purple Heart. In 1974 Don attended the Army Criminal Investigations Course and upon graduation became a Special Agent for the Marines. While serving as an agent, Don aspired to do more in the investigations arena, and in 1978 he completed the U.S. Army Military Police School’s polygraph training program.

Don’s military decorations included the Purple Heart, Defense Meritorious Service Medal, Navy Achievement Medal, Combat Action Ribbon, Army Achievement Medal, Meritorious Unit Commendation (2d Awd), Good Conduct Medal (7th Awd), National Defense Service Medal (2d Awd), Vietnam Service Medal (7th Awd), Republic of Vietnam Campaign Medal, Presidential Unit Citation, Republic of Vietnam Meritorious Unit Citation (Gallantry Cross Color with Palm), and Republic of Vietnam Meritorious Unit Citation (Civil Actions Medal 1st Class with Palm).

In 1991 Master Gunnery Sergeant Donald Weinstein retired from the Marine Corps and began a new career as a civilian law enforcement agent for the Air Force, Office of Special Investigations. That assignment placed him at the Department of Defense Polygraph Institute (now the National Center for Credibility Assessment, or NCCA). In the following 21 years he distinguished himself as a NCCA polygraph instructor and Chief of Continuing Education. Don retired in April 2012 after nearly 47 years of service to his country.

Don is survived by his wife, Paula, son David, step-sons Ben and Jason, step-daughter Rachel, six siblings, Gale, Judy, Brenda, Deborah, David and Stephen along with six grandchildren, Grace Ann, Rebecca Rose, Hayden, Kaleb, Tapanga, and Cole. Don was laid to rest on January 10th at the Fort Jackson National Cemetery, South Carolina.

[Contributed by Donnie Dutton]
Sr. Polygraph Examiner (Albuquerque, NM)

Pacific Northwest National Laboratory is searching for a Senior Staff Polygraph examiner with the DOE Polygraph Program. Required qualifications are:

- A bachelor’s degree from an accredited college or university, in criminal justice, security management, or related field plus 9 years of recent experience in the polygraph field, or an advanced degree plus 6 years of experience.
- A graduate of the National Center for Credibility Assessment NCCA (DACA) PDD Program
- The ability to obtain and maintain a DOE “Q” security clearance, special accesses, and have already completed or have the ability to successfully complete a counterintelligence scope polygraph.
- General Polygraph knowledge and expertise through subject areas such as, law enforcement, counterintelligence investigations, pre-employment applicant screening, and/or polygraph testing.
- Knowledgeable of the federal polygraph standards and able to interpret and apply standards to all federally recognized testing formats.
- Knowledgeable of the current federal test data analysis (TDA) criteria and able to independently and objectively implement TDA procedures.
- Knowledgeable of current polygraph theory and principles; and associated aspects of human psychology and physiology.
- Proficient in the use of the Lafayette computerized polygraph instrument.

For further information, contact Rob Dromgoole at robert.dromgoole@pnnl.gov.

Lee County, Florida

The Sheriff’s Office of Lee County, (Ft. Myers) Florida, is looking for a full-time polygraph examiner who graduated from an APA-accredited polygraph school. Salary is $50,000 - $75,000 plus State benefits. Must have as a minimum, a Bachelor’s Degree or two (2) year college degree AND proof of three (3) years investigative experience (including interrogation and interview) or five (5) years investigative experience in Law Enforcement (including interrogation and interview) and a High School Diploma.

Interested examiners must send a letter of interest along with a resume tocturner@sheriffleefl.org or contact Cari Turner at (239) 477-1323 for any questions.
Henry I. Hansen

The APA regrets to announce the passing of HENRY I. HANSEN at age 81. He graduated from National Training Center of Lie Detection on April 5, 1972. Mr. Hansen was a member of APA from April 20, 2000 to August 28, 2012. He was in private practice in the State of Michigan.
How many “periods” were in the testing protocol William Marston used with his Discontinuous Blood Pressure Method?

(Answer on page 34)
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APA member Ingrid Dean is offering to rent her vacation home to the polygraph community. The
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ft aluminum boat with oars on the beach. Rates are $125 per night, or $800 per week plus a $50
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PCSOT
March 4-8, 2013 (Fort Myers)
November 11-15, 2013 (Fort Myers)

Examiner Refresher Course
March 11-15, 2013 (Fort Myers)

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(Evenings & Saturdays)
April 1 - June 8, 2013
August 5 - October 12, 2013

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January 28 - March 22, 2013(Galt, CA)
May 27 - July 6, 2013 (Bulgaria)
September 23 - November 15, 2013 (San Diego)

PCSOT
March 25 - 29, 2013 (Galt, CA)

Advanced PCSOT
April 1 - 3, 2013 (Galt, CA)

Annual Polygraph Examiner Work Conference
April 8 - 12, 2013

Marston Polygraph Academy

Basic Examiner Course
January 14 – March 13, 2013
April 15 – June 12, 2013

PCSOT
March 18 – 22, 2013

Maryland Institute of Criminal Justice

Basic Examiner Course
April 8 – May 31, 2013
September 16 – November 8, 2013

PCSOT
March 4 – 8, 2013

New England Polygraph Institute

Basic Examiner Course
February 18 - April 26, 2013

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

Veridicus International Polygraph Academy

Basic Examiner Course
February 4 - April 12, 2013

Attention School Directors
If you would like to see your school’s course dates listed here, simply send your upcoming course schedule to editor@polygraph.org.
The 2013 Seminar and business meeting of the National Polygraph Association will be held January 21-23 at the Golden Nugget Hotel and Casino in Las Vegas, Nevada. Speakers include Michael Woodrow, Chip Morgan and Ben Blalock. Rooms for the Seminar are $49.00 per night (Sunday -Thursday excluding any applicable tax and energy surcharge). For hotel reservations, call 1-800-634-3454 and mention National Polygraph Association 2013 Group Code GSNPOLY. Reservations must be made by December 21 to receive seminar rate. Members are invited to attend the Board Meeting on Sunday, January 20, 2013. For more information contact Gary Davis, 785-828-3248 or email the NPA at nationalpolygraph@yahoo.com.

The American Polygraph Association and New Mexico Society of Forensic Polygraphers will co-sponsor a continuing education seminar on January 30 - February 1, 2013 at the Hyatt Regency Albuquerque in Albuquerque, New Mexico. Registration information is located on page 19 of this issue.

The Northwest Polygraph Examiners Association will hold their 2012-13 Winter Seminar on January 26th and 27th, 2013 in Hood River, Oregon. A total of twelve (12) hours of APA approved continuing education hours on Advanced and Specialized Polygraph Techniques will be offered. A Certificate will be offered. Speakers will be Aaron Holladay of the National Security Agency and Bill Walsh of the Howard County Sheriff’s Department. Mr. Holladay will provide eight hours of instruction on “The Directed Lie Test.” Bill Walsh will present a case study in which a conviction was secured in a bodiless homicide case. The fee for the seminar is $150 for non-NPEA members and $100 for members. More detailed information about the seminar, including electronic registration, after class activities, and much more can be found on our web site at: www.nwpea.net.

Quotables

It’s discouraging to think how many people are shocked by honesty and how few by deceit.

~Noël Coward, Blithe Spirit
The Texas Association of Polygraph Examiners (TAPE) will hold its Spring 2013 Seminar on April 11-13. The guest speakers are Mr. T.V. O’Malley and Mr. Ben Blalock. Mr. O’Malley will be presenting on EPPA polygraph practices and Mr. Blalock will be presenting on pre-employment principles and theft specific-issue examinations. The seminar will take place at the Inn of the Hills Resort, 1001 Junction Highway, Kerrville, Texas 78028. For more information, contact Maria “Ree” Hubbard, 2300 Holloman, Suite 102, Conroe, Texas 77301. Phone (936-539-0607). For a registration form, please visit the TAPE website: http://www.texaspolygraph.org/index.htm. The room rate for all members is $89.00 per night with a complimentary Alpine Lodge Breakfast served every morning. The lodging rate is valid until March 11, after which it will revert to the regular rate over $100.00.

The Northwest Polygraph Examiners Association will hold their 2013 Summer Seminar on June 24th – 28th, 2013 in Newport, Oregon. A total of thirty two (32) hours of APA approved continuing education hours on Advanced and Specialized Polygraph Techniques will be offered. A Certificate will be offered. The Lafayette Instrument Company has agreed to present their three day in-house training course. This training will be given by one of their trained polygraph personnel. The other twelve hours of instruction will be announced. The fee for the seminar is $350 for non-NPEA members and $300 for members. More detailed information about the seminar, including electronic registration, after class activities, and much more can be found on our web site at: www.nwpea.net.

The Maryland Polygraph Association (MPA) will be holding their annual two day seminar on 9 – 10 May 2013 at the Howard County Training Facility. Current scheduled speakers include Mr. Troy Timmons covering “Mommy, Please Read This” – The Facts about Child Sex Abuse; Mr. Michael Gougler with “Utilizing Personality Disorders to Elicit Information” and Mr. Michael Martin of Global Polygraph Network with “Domestic Issue (Relationship) Testing.” (Speakers/Topics may be changed if necessary). The General Membership meeting will be conducted on the second day with elections for all Board Member positions. Additional up to date information regarding this seminar can be found at the MPA webpage at www.mdpolygraph.org.
WEDNESDAY, JANUARY 30, 2013

1:00 PM – 1:15 PM  OPENING CEREMONIES:
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NM SOCIETY OF FORENSIC POLYGRAPHER

1:15 PM – 3:00 PM  VALIDATED POLYGRAPH TECHNIQUES
MICHAEL C. GOUGLER, APA DIRECTOR

3:00 PM – 3:15 PM  BREAK

3:15 PM – 5:00 PM  CONT’D

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8:00 AM – 12:00 NOON  ANATOMY & PHYSIOLOGY FOR YOUTILITY
PAM SHAW, APA PAST PRESIDENT AND CURRENTLY
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9:45 AM – 10:00 AM  BREAK
12:00 NOON – 1:00 PM  LUNCH
2:45 PM – 3:00 PM  BREAK

1:00 PM – 3:00 PM  TEST DATA ANALYSIS MODELS
PAM SHAW

3:00 PM – 5:00 PM  USING PERSONALITY DISORDERS TO ENHANCE
CONFESSIONS
MICHAEL C. GOUGLER, APA DIRECTOR

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8:00 AM – 12:00 NOON  INSIDE THE MIND OF THE SEX OFFENDER
TROY TIMMONS, MA, PROFESSIONAL COUNSELOR
AND SEX OFFENDER TREATMENT PROVIDER

9:45 AM – 10.00 AM  BREAK
12:00 NOON – 1:00 PM  LUNCH
1:00 PM – 3:00 PM  CONT’D
2:45 PM – 3:00 PM  BREAK

3:00 PM – 5:00 PM  ETHICS
TROY TIMMONS, MA

DATE:  “The presentations of the speakers and the materials at this seminar are designed to provide general information on
the seminar topics presented in an effort to help polygraph professionals maintain their professional competence. The
views of the speakers and contents of the materials presented have not been approved by the Board of Directors of the
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JANUARY 30, 31 AND FEBRUARY 1, 2013

1:00 PM - 5:00 PM, WEDNESDAY, JANUARY 30, 2013
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ANATOMY & PHYSIOLOGY FOR YOUTILITY
TEST DATA ANALYST MODELS
USING PERSONALITY DISORDERS TO ENHANCE
CONFESSIONS
INSIDE THE MIND OF THE SEX OFFENDER
ETHICS

(Notification of any changes in topics will be made prior to the seminar.)

CONTINUING EDUCATION SEMINAR:
When you attend this seminar, you receive up to 20 CEUs (Continuing Education Units) of continuing education credit approved by the American Polygraph Association and the Federal Certification Program for Continuing Education and Training.

CANCELLATION AND REFUND POLICY:
Cancellations received, in writing, before 1/21/13, will receive a full refund. Persons canceling after 1/21/13 will not receive a refund but will be provided with the handout material.

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

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

TO REGISTER FOR THE SEMINAR, PLEASE COMPLETE AND MAIL THIS FORM TO:
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NUMBER ___________________________________________  EXP. ____________________
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CES-Albuquerque, New Mexico (1/30, 31 & 2/1/13) (We can’t possibly reach everyone who would be interested in taking part in this seminar. Please help us by making photocopies of this page for your co-workers and business associates. Thanks for your assistance)  2013
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### Continuing Education Is Vital to Your Success and Should Be a Lifelong Pursuit

### Tax Deductions:

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

### TUESDAY SEPTEMBER 10

TBD

### # Tickets ____ @ $____= ______________

### APA FED ID # 52-1035722

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 REGULAR SELF PARKING FEE PER/DAY

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

### CUTOFF DATE for hotel reservations is 08/08/13 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.

### ADVANCED RESERVATION REQUIRED

### AMERICAN POLYGRAPH ASSOCIATION

HILTON BONNET CREEK, 14100 BONNET CREEK RESORT LANE, ORLANDO FL 32821

(All room reservations must be made individually through the Hotel’s reservation department by calling 1-888-353-2013 (Ask for the group rate for APA))

### APA Cancellations Refund Policy:

Cancellations received in writing prior to 08/20/13 will receive a full refund. Persons canceling after 08/20/13 will not receive a refund but will be provided with the handout material.

### Continuing Education Is Vital to Your Success and Should Be a Lifelong Pursuit

### Tax Deductions:

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

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

### TUESDAY SEPTEMBER 10

TBD

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48th Annual Seminar/Workshop  
September 8 – 13, 2013
Hilton Orlando Bonnet Creek, Orlando, Florida

“APPLIED POLYGRAPHY”

MICHAEL C. GOUGLER
PROGRAM CHAIR
2013

<table>
<thead>
<tr>
<th>SUNDAY, September 8, 2013</th>
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<tbody>
<tr>
<td>CLASSROOM</td>
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<td>1:00 – 5:00</td>
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<td>TBD</td>
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</table>
## MONDAY September 9, 2013

### OPENING CEREMONIES

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker/Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 – 9:00</td>
<td>Call to Order</td>
<td>Barry Cushman, APA President</td>
</tr>
<tr>
<td></td>
<td>Master of Ceremonies</td>
<td>Michael C. Gougler, Director 2013 Seminar Program Chair</td>
</tr>
<tr>
<td></td>
<td>Presentation of Colors</td>
<td>Pam Shaw, APA Board Chairman</td>
</tr>
<tr>
<td></td>
<td>The National Anthem</td>
<td>Richard J. Pasciuto</td>
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<td></td>
<td>Pledge of Allegiance</td>
<td>Florida Polygraph Association President</td>
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<tr>
<td></td>
<td>Taps -</td>
<td>Barry Cushman</td>
</tr>
<tr>
<td></td>
<td>Welcome from Florida Polygraph Association</td>
<td>Barry Cushman</td>
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<tr>
<td></td>
<td>Welcome to Orlando, Florida</td>
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### CLASSROOM A

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:30 AM – 8:00 AM</td>
<td>Break Sponsored by</td>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:00 – 9:00</td>
<td>Legal Update</td>
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<tr>
<td></td>
<td>Gordon L. Vaughan, Esq. APA Legal Counsel</td>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>9:00 – 9:15</td>
<td>Break Sponsored by</td>
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<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>9:15 – 10:00</td>
<td>Validated Techniques Update</td>
</tr>
<tr>
<td></td>
<td>Donald J. Krapohl, APA Editor</td>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>10:00 – 12:00</td>
<td>NAS Update</td>
</tr>
<tr>
<td></td>
<td>Barry Cushman, APA President; Marty Oelrich, APA Director</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
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<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>1:00 – 3:00</td>
<td>Legal Update</td>
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<tr>
<td></td>
<td>Gordon L. Vaughan, Esq. APA Legal Counsel</td>
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<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tr>
<td>2:45 – 3:00</td>
<td>Break Sponsored by</td>
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<tr>
<th>Time</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>3:00 – 5:00</td>
<td>A Comparison of Test Data Analysis Models</td>
</tr>
<tr>
<td></td>
<td>Pamela K. Shaw</td>
</tr>
<tr>
<td></td>
<td>APA Chairman, BOD</td>
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</table>

### APA ISSUES IN THE DIFFERENT FIELDS OF POLYGRAPH

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>5:00 – 6:00</td>
<td>COMBINED TOWN HALL MEETING</td>
</tr>
<tr>
<td>Time</td>
<td>Location</td>
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<td>---------------</td>
</tr>
<tr>
<td>6:30 AM</td>
<td></td>
</tr>
<tr>
<td>7:30 AM – 8:00 AM</td>
<td>Break Sponsored by:</td>
</tr>
</tbody>
</table>
|              | CLASSROOM A   | **COUNTERMEASURES** A New Look at an Old Problem
|              |               | Raymond I. Nelson APA Director              |
| 8:00 – 12:00 | CLASSROOM B   | Interview and Interrogation
|              |               | Milton O. “Skip” Webb APA Army CID Past President |
| 8:00 – 10:00 | CLASSROOM C   | TBD                                        |
| 10:00 – 12:00|               | TBD                                        |
| 9:45 – 10:00 | Break Sponsored by: |                                             |
| 12:00 – 1:00 |               | **Lunch (On Your Own)**                    |
|              |               | **APA ANNUAL BUSINESS MEETING**            |
| 1:00 – 2:30  | CLASSROOM A   |                                             |
| 2:30 – 4:00  |               | **POLYGRAPH INSTRUMENTS WORKSHOP**         |
|              | CLASSROOM A   | AXCITON SYSTEMS
|              |               | Bruce White                                |
|              | CLASSROOM B   | LAFAYETTE INSTRUMENTS
|              |               | Chris Fausett                              |
|              | CLASSROOM C   | LIMESTONE TECHNOLOGY
|              |               | Jamie Brown                                |
|              | CLASSROOM D   | STOELTING INSTRUMENTS
|              |               | Mike Cochran                               |
|              |               | **TUESDAY EVENING**                        |
|              |               | **EVENT**                                  |
**WEDNESDAY, September 11, 2013**

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

**8:00 – 12:00**

**APA MEMBERSHIP EXAMINATION**

<table>
<thead>
<tr>
<th>CLASSROOM A</th>
<th>CLASSROOM B</th>
<th>CLASSROOM C</th>
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</thead>
<tbody>
<tr>
<td><strong>8:00 – 12:00</strong></td>
<td><strong>8:00 – 12:00</strong></td>
<td><strong>8:00 – 10:00</strong></td>
</tr>
<tr>
<td>Utilizing Defense Mechanisms and Personality Disorders to Elicit Information</td>
<td>Federal Techniques ZCT/AFMGQT/LEPET</td>
<td>Special Issues in Polygraph Training</td>
</tr>
<tr>
<td>Michael C. Gougler APA Director</td>
<td>Charles L. Slupski APA President-Elect</td>
<td>Richard Keifer FBI (Retired)</td>
</tr>
<tr>
<td>Tiffany Niemann, MA</td>
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</table>

**9:45 – 10:00 Break** – Sponsored by

**12:00 – 1:00** Lunch (On Your Own)

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<tr>
<th><strong>1:00 – 3:00</strong></th>
<th><strong>1:00 – 3:00</strong></th>
<th><strong>1:00 – 3:00</strong></th>
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</thead>
<tbody>
<tr>
<td>Practical PCSOT Issues, Tests, Targets and Questions</td>
<td>Court Admissibility of Polygraph Results</td>
<td>Examinee Suitability</td>
</tr>
<tr>
<td>Raymond I. Nelson APA Director</td>
<td>Dr. David Raskin</td>
<td>Marty Oelrich APA Director</td>
</tr>
</tbody>
</table>

**3:00 – 3:15 Break** – Sponsored by:

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<thead>
<tr>
<th><strong>3:00 – 5:00 (con’t)</strong></th>
<th><strong>3:00 – 5:00 (con’t)</strong></th>
<th><strong>3:00 – 5:00</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Practical PCSOT Issues, Tests, Targets and Questions</td>
<td>Court Admissibility of Polygraph Results</td>
<td>Utah Technique</td>
</tr>
<tr>
<td>Raymond I. Nelson APA Director</td>
<td>Dr. David Raskin</td>
<td>Charles “Matt” Hicks Texas DPS</td>
</tr>
</tbody>
</table>
### Thursday, September 12, 2013

<table>
<thead>
<tr>
<th>Time</th>
<th>CLASSROOM A</th>
<th>CLASSROOM B</th>
<th>CLASSROOM C</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 – 12:00</td>
<td>TBD</td>
<td>8:00 – 12:00 Polygraph Validity/Research</td>
<td>8:00 – 10:00 Psychological Issues in Testing</td>
</tr>
<tr>
<td></td>
<td>Dan Baxter/Lorry Ginovsky NSA</td>
<td>Dr. David Raskin</td>
<td>Tiffany Niemann, MA</td>
</tr>
<tr>
<td>12:00</td>
<td>Lunch (On Your Own)</td>
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<tr>
<td>1:00 – 3:00</td>
<td>The Utilization of Polygraph in the Treatment and Supervision of Sex Offenders</td>
<td>Understanding Recognition Testing</td>
<td>Reid Technique</td>
</tr>
<tr>
<td></td>
<td>Dr. Aaron Pierce Waco, Texas</td>
<td>Jamie McCloughan APA Director</td>
<td>Dr. Frank Horvath APA Past President</td>
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<tr>
<td></td>
<td></td>
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<td>Robert Peters APA VP Government</td>
</tr>
<tr>
<td>2:45 – 3:00</td>
<td>Break – Sponsored by:</td>
<td></td>
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<tr>
<td>3:00 – 5:00 (con’t)</td>
<td>The Utilization of Polygraph in the Treatment and Supervision of Sex Offenders</td>
<td>3:00 – 5:00 DLST</td>
<td>3:00 – 5:00 (con’t) Reid Technique</td>
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<tr>
<td></td>
<td>Dr. Aaron Pierce Waco, Texas</td>
<td>Walt Goodson APA VP Law Enforcement</td>
<td>Dr. Frank Horvath APA Past President</td>
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<td>Robert Peters APA VP Government</td>
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<tr>
<td>6:30 pm</td>
<td>BANQUET</td>
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<tr>
<td>Time</td>
<td>Classroom A</td>
<td>Classroom B</td>
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<tr>
<td>8:00 – 10:00</td>
<td>Professional Ethics</td>
<td>Applied Physiology</td>
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<tr>
<td></td>
<td>Dr. Aaron Pierce</td>
<td>Diseases of the Autonomic Nervous System</td>
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<tr>
<td></td>
<td>Waco, Texas</td>
<td>April Floyd, MPAS; Texas Tech</td>
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<tr>
<td></td>
<td></td>
<td>Physician Assistant</td>
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<td>Polygraph Examiner</td>
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<tr>
<td>9:45 – 10:00</td>
<td>Break – Sponsored by:</td>
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<tr>
<td>10:00 – 12:00</td>
<td>TBD</td>
<td>The Future Lies in Adaptive Polygraphy</td>
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<tr>
<td></td>
<td></td>
<td>Dr. Avital Ginton</td>
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<tr>
<td>12:00 – 1:00</td>
<td>Lunch (On Your Own)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1:00 – 3:00</td>
<td>The Positive Advantages of Text to Speech Polygraph Testing</td>
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<tr>
<td></td>
<td>George Baranowski</td>
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<td></td>
<td>APA VP Private</td>
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<tr>
<td>3:15</td>
<td>CLOSING REMARKS</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>APA President, Charles E. Slupski</td>
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</tbody>
</table>
The Hilton Orlando Bonnet Creek is a world class Florida hotel which opened in the Fall of 2009. It is one of the largest hotel developments by Hilton and is adjacent to the first-ever newly built Waldorf Astoria outside of New York. It is located in a private natural setting on 482 acres and surrounded on three sides by the Walt Disney World® Resort. Complimentary shuttle service to the Walt Disney World attractions is provided by the hotel. Located on site is a championship golf course designed by Rees Jones for which attendees will receive discounted greens fee. Also on site are unique nature preserves. There is a free form lagoon-style pool with zero entry pool and waterslide. For families there is Kids Club with supervised indoor and outdoor activities. The Hilton and the Waldorf Astoria offer a combined 12 restaurants and bars.
Board of Directors’ Reports

Pam Shaw
Chairman

Hello APA members, I hope each of you had a wonderful holiday season and are enjoying a wonderful start to the New Year! With the start of a new year often comes new year’s resolutions. I would like to encourage each of you to resolve to do something that would contribute to the polygraph community in a positive way. It may be something that you do in your immediate community, in your local or national polygraph associations, or even in your testing processes. If we all take steps to improve and continually get better, the overall change can produce incredible benefits to the whole.

We experienced a tremendous growth in 2012 with the implementation of our new standards, but it’s important that we don’t stop there. We need to be mindful to always keep moving forward and not grow stagnant. One avenue to ensure continued benefit and growth is by staying up-to-date on the changes in the field and the best practices of our profession. I would encourage you to attend annual trainings and seminars. As many of you know we are slated to have the 2013 Annual Seminar in Orlando, FL this year. With such a great location and wonderful property, no doubt it will be a record turnout. I encourage you to make your reservations early so that you’ll have an easier time with booking arrangements while also allowing your board to plan more effectively for a smoother seminar experience.

If you haven’t already been made aware, you will see in this issue of the magazine that our polygraph community has recently suffered a great loss in the passing of Don Weinstein. He was a long time serving member of the American Polygraph Association and a tremendous contributor to the profession on the whole. I was fortunate to have served a couple years on the board with Don and can say with first hand experience and knowledge that he was one of our finest. Our sympathies and prayers go out to his family and to all those that had the privilege to know him.

In closing, I would like to remind each of you to keep your contact information up to date with the APA National Office. It’s important to provide and/or keep your email address(es) current as well as your local association listings. In the age
of electronics and email we have a vast set of resources available to help us to stay in touch and communicate, but it can only be effective with your help.

I’m looking forward to the positive changes and all that the year ahead holds for each of us. If I can be of assistance in any way, as always, please feel free to contact me at chairman@polygraph.org or by phone at 859-494-7429. Best wishes to you in 2013!

**Mike Gougler**

**Director**

The 2013 annual seminar in Orlando is starting to come together and a tentative schedule is included in this magazine. We will once again have an interesting array of speakers and topics to meet the needs of our membership. The theme for the seminar will be “Applied Polygraphy.” The training sessions should provide the attendees enhanced skills to be successful in the examination room.

On a sad note, Past President Don Weinstein recently passed away. For all of those who knew Don and his many contributions to polygraph understand that we have lost a true icon in the profession. Condolences to the Weinstein family.

Robbie is checking out several options for the Tuesday night event and we will finalize the venue soon. We are also still exploring options for the banquet speaker and will make that announcement as soon as possible.

Again we will have a four hour training session Sunday afternoon September 8th from 1-5 pm for those arriving early. Please schedule your travel to take advantage of this training opportunity. Plan on staying until the end of the seminar as quality presentations will be scheduled on Friday. We are extremely proud of the Friday attendance the past 2 years as hundreds have remained until the closing ceremony.

We have increased our room allotment, prior to and after the seminar, to afford our membership the opportunity to enjoy the attractions in Orlando. With a rate of $99.00 the rooms will go quickly, so book early. The Hilton Bonnet Creek is even more beautiful than the venues in Austin and San Diego. If you are only going to be able to attend one APA seminar in the next few years, this is the one to attend!

Send in your nominations for the APA awards to the National Office so that deserving individuals may be honored. Skip Webb is heading the program
this year and promises to really have a presentation to remember.

We will again have a hospitality room in Orlando. Each year the popularity of this networking opportunity increases. Please stop by and say hello.

If I can assist you in anything please contact me.

Raymond Nelson
Director

Although 2013 is already well under way I want to wish Happy New Year to everyone. Of course, every new year brings new opportunities, and I hope this year brings a productive and safe experience for all of you and your families. Last year was a very busy year, with several court cases and numerous trainings related to the 2011 meta-analysis and related issues. At this time, I will hazard to guess that virtually every APA member has had an opportunity for exposure to information and training on the 2012 standards regarding activity sensors and validated techniques. Of course, there is always more to learn, but I think there is reason for confidence that we are more prepared now than ever before to defend a variety of polygraph techniques in use today, if ever subject to challenge. It seems that it can always happen when we least expect it, and I spent the first few days of the new year in court discussing polygraph validity, the meta-analysis, and the consensus of evidence including results of the NAS/NRC report. As always, do not hesitate to contact the APA or the research committee for assistance if you need information or assistance to face scientific questions, technical challenges, or simply want assistance with some study or analysis. We cannot make promises about outcomes, but we are happy to provide any assistance we can.

This year will hopefully see less intense activity at the level of the association, with no substantial changes pending for the APA standards of practice or by laws. That does not mean that housekeeping change will not occur, as there is always something to tidy up or clarify. Members of the APA research committee are continuing to assist members with technical and resource questions, and are continuing to assist the Board and the school accreditation committee with their tasks, in addition to monitoring the emerging federal legislation regarding forensic sciences. That discussion has de-emphasized a little in the context of election activities and financial issues, but we anticipate
it has not gone away and will surface again shortly.

One of the goals we are discussing for this year is the completion of a new membership survey, as this has not been done for a few years now and it could be helpful and interesting to look at what is occurring for polygraph professionals around the country and the world. As I am continuing to learn, there are more similarities than differences among the people and work activities of examiners in many different countries, and the role the APA plays will likely become a little more important in the worldwide polygraph profession during the coming years. There is simply no avoiding the important role in standards, information, and skills training that the APA now fills. For this reason, we can expect to see continued growth of international membership, and we should look forward to the challenge of maintaining and teaching high standards of practical and ethical competence as we polygraph professionals from around the world continue to meet the APA and benefit from its considerable experience.

And finally, don’t forget to simply participate in any way you can in the APA and your state and local organizations. Polygraph testing is arduous work that can take its toll and distort the experience of isolated professionals. Polygraph examiners are among the most important assets we have for reducing problems and increasing the effectiveness of risk assessment and risk management activities – in law enforcement applicant selection, sex offender treatment and supervision, and information/operational security. The contribution of the polygraph to high standards of professionalism is, in my view, the main cause behind international interest in the polygraph and the APA. Keeping examiners empowered and inspired to do great work is the highest priority, and that means several things, including great technology, great training, great information, and great connection with other professionals. There is no better way to achieve all that than participation in the professional association.

With all that in mind, it is never too early to start thinking about the 2013 APA conference – in beautiful Orlando Florida. Director Mike Gougler has organized very successful conferences in the past, and this one will undoubtedly be a great experience in terms of training, networking with other professionals, and enjoyable recreation at the nearby attractions. Space will fill up soon, so register early if you can.

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Polygraph has grown out of the tree of law enforcement and has branched into domestic violence, immigration, and PCSOT. Polygraph continues to grow in positive ways in many areas.

The use of polygraph in Post-Conviction Sex Offender Testing has shown that when working with teams, and by using approved PCSOT polygraph exams, public safety is enhanced.

PCSOT has unique tests - *Instant Offense, Sexual History, Maintenance and Monitoring*. Each of these tests has its own unique components and is constructed to provide the most clinical information for each of the other team members.

*Instant Offense* exam is designed for the offender to take full responsibility for the offense for which he was convicted. This polygraph exam is designed to verify the truthfulness of the examinee’s statements as pertaining to their crime of conviction. This is a single issue format. It confronts denial and provides verified information to the therapist and the supervising official.

*General Sexual History* exam is a quick synopsis of the offender’s past sexual experiences. As we all know, the best predictor of future behavior is past behavior. This type of exam gives both the therapist and the supervising official

About the author: Candee Elder is in private practice in Southern California. She has been a Certified PCSOT examiner for the past 10 years. She has completed more than 1200 PCSOT exams and is an APA Certified PCSOT Instructor. She can be reached at Candee@cncpolygraph.com. Comments in this article are strictly those of the author and do not necessarily represent the opinions of the American Polygraph Association.
much needed information in order to develop treatment plans and assess level of risk. This exam can be either a single issue or a multi-issue exam depending upon the offender and the circumstances. Even though multi-issue exams have less validity than single issue exams, the disclosures we receive are priceless.

**Maintenance** exam is used to ensure the offenders are complying with their conditions of release. Identified information may raise red flags and provide direction for probation/parole and treatment to investigate further.

**Monitoring** exam is utilized to investigate any further sexual offenses while being supervised. It is a single-issue exam and is typically used to validate third party accusations. It is usually requested by the supervising official.

While it may seem to the outside observer that there are no adverse consequences if a client lies, I am aware of many interventions by supervising officials that have resulted from information that was disclosed in a polygraph. These interventions have ranged from increased supervision to reincarceration. Treatment interventions are often not as overt and are harder to see as those of the supervising official. Therapists work with internal controls. Interventions occur within the treatment milieu and in the context of therapy.

Because supervision and treatment are not training in the polygraph process, it is imperative those of us in the polygraph profession help educate our team members about the advantages and limits of polygraph. Use of polygraph is new to both supervising officials and treatment providers. While there may be some initial resistance, when probation and treatment experience the benefits of polygraph, they are appreciative and supportive of our work. In well functioning teams, supervising officials have sat in on group therapy sessions and in post-examination interviews. Treatment providers frequently sit in on post-examination interviews. Polygraph examiners meet with therapy groups and with supervising officials and therapists together. When all three parts are working as a team, public safety is enhanced. We have a personal and professional responsibility to help make that happen.

I have not found **Sexual History** or **Maintenance** to have an increased rate of “No Opinion” or “Inconclusive” results. When an examiner is getting a high rate of those results, it is often because they are using either multi-issue relevant questions, i.e. “Have you used drugs or alcohol?”, or their comparison questions
were not being properly introduced. It is always easier to blame the process than for an individual to accept responsibility for his or her own mediocre skills or abilities. If an examiner has a consistently high inconclusive rate, that examiner has a professional responsibility to improve their skills, even if that means going back to school or checking with a mentor for remedial training.

It is time for traditional polygraph to accept and encourage PCSOT and other branches in which polygraphs are being utilized. The polygraph profession should appreciate these new branches. Not only does it challenge the polygraph process, but also our abilities as examiners to provide reliable and quality exams to our customers. Our customers have a right to expect us to do our very best.

Working together as team is a new concept for probation, treatment, and polygraph. PCSOT testing is a new venue in the polygraph community. Both aspects need encouragement, support, attention, and better quality control. My experience with PCSOT has been extremely positive, challenging, and rewarding.

???

THE POLYGRAPH QUESTION

A: Four

- Quiet period to establish baseline
- Free narrative period
- Cross examination period
- Final quiet period

Right: Graph showing the four periods. From “The Lie Detector Test” (1938) by Dr. William Marston
I think everyone would agree that most businessmen believe in the old adage, “Don’t put off until tomorrow what you can do today.” That may be true in the medical field where someone’s life is at stake, but that may not be the best advice in all things. There are actually compelling reasons for thinking just the opposite. Yes, you’re right, I’m talking about the concept of putting off even major decisions as long as you can and I’ll qualify this statement.

Executive problem solving or decision making should be a creative process. That is, we often need new and creative ways to handle decisions that confront us. I have been running a polygraph practice over 20 years and believe the concept of making just about any decision on any related issue is based on the theory that there will be a constant flow of new ideas, and new ideas need time.

All of the propaganda about the race going to the bold and swift ignores many of the points to be made on behalf of POSITIVE PROCRISTINATION which I’m calling THE CREATIVE USE OF INDECISION.

In this idea of “premeditated” procrastination, we give ourselves...
the gift of time; the time to think; to reflect; to take measure (to ask my wife Paula…) to take inventory. I’m talking about time to really appreciate the scope of the problem along with the array of possible alternative solutions. I’ve seen it and I know you have also, people who are in a hurry, people with a compulsion to act, or seem to have a need to exercise judgment in an almost spontaneous and arbitrary way, are people so occupied with mundane matters of the moment, they miss the opportunity to hesitate, to mediate if you will or even contemplate alternatives.

On the other hand, by withholding decision-making in order to explore all the alternatives as time will allow, we avoid the trap of giving in to the tendency to take the first choice that occurs, to make snap-finger, knee-jerk judgments. I think we can all remember a time even when doing mundane shopping and we bought something and later regretted that decision because we saw a better product or the same product at a different store at a much lesser cost.

The quickest is not necessarily best. My late brother Frank Baranowski and I use to talk about this years ago and I still remember him telling me about an old Latin phrase: “Festina lent” (I hope I have the spelling right) which loosely translated according to Frank, meant “Hasten Slowly.”

Now at the same time, recognizing that there are times when decisions must be made quickly, and at the same time recognizing that procrastination can be carried to absurd extremes, there is still a case to be made for positive procrastinating in many, if not all, non-urgent situations.

It’s not necessarily true that he who hesitates is lost as the saying goes, he may be a winner. A case can be made for inactivity. People in a crisis feel a need to act. Maybe that helps them psychologically if nothing else, but rarely helps their cases. Instead, when in difficulty, the message is to remain inactive.

In our lives, and particularly in our environment as polygraph examiners the problems that come before us are diverse. And admittedly, only rarely are they the “house-is-on-fire” urgency requiring an immediate action.

More often they are problems that don’t have to have that immediate knee-jerk solution. On the contrary, they are problems to which there are many
alternative approaches, one of which may be to do nothing for the time being.

One thing that is good about delaying a decision; the problem may solve itself. It may go away. And even if it doesn’t the process of positive procrastination will usually result in a far superior decision than hasty action.

But there is something that has developed in our makeup that causes us to put the person with a reputation for making quick, snap-of-the-finger decisions on a pedestal of admiration – and relegating the procrastinator to a much lower level of esteem. Maybe it’s role-playing. Maybe all of us like to relate to all those heroes seen in movies, the James Bond person, the Indiana Jones character, individuals in action roles, faced with constant judgment calls requiring on-the-spot decisiveness. But there we are back to the house-is-on-fire example, and for 99 percent of the problems that come before us in the workplace or even at home or wherever, it’s just not that way. These problems are ones that legitimately lend themselves to a more deliberate and considered process, one that explores the immediately apparent alternatives but also pursues to uncover many additional ones.

Decision making is a problem solving process, and at its best it is a stimulating exercise in creative thinking. It leads to the best possible solution that can be found in the maximum available period of time.

That means the decision should be put off for as long as possible with two provisions: One, that the period of indecision doesn’t hurt anybody, and two: that the time gained is used to create and consider alternatives.

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**Quotables**

*If ‘pro’ is the opposite of ‘con’ what is the opposite of ‘progress’?*

-Paul Harvey
Remote Polygraph

A Study of a New Concept with Old Technology

Terence J. Thompson

Background
Polygraph resources have always been scarce. Examiners require three to six months of training for certification and most do not attain substantial productivity levels until they have completed a year or more of practice. Current practice in most agencies requires a minimum four-year tour at which point the examiner is then encouraged to transfer to another discipline. Thousands of intelligence community (IC) employees are assigned overseas or in the continental U.S.; no longer are the vast majority of candidates largely resident in the Northeast and the West Coast of U.S. -- as was once the

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case. Moreover, the tragedy of September 11, 2001 has generated an explosion of polygraph use, with civil libertarian anxieties about its deployment, once so prominent, now secondary to security concerns. With this expansion has come the need for more arduous and expensive travel combined with greater logistical obstacles to actually getting an examiner and examinee together in the same room. Indeed, testing backlogs tend to present even in the most fiscally healthy of times and the imperiled state of future security budgets portends significant future difficulties in this arena.

In addition, as the Khost tragedy illustrates, vetting reporting assets presents the same difficulties—only to a greater extent. Examinees are frequently available only sporadically and sometimes unexpectedly. Their availability is often bounded by circumstances beyond their own control. In dealing with denied area reporters, this limited availability is compounded. It is not uncommon for an examiner to travel to a faraway location to conduct a scheduled test to then encounter obstacles that preclude administration of the test. This generates a significant waste of limited resources.

In response to this and other needs, the U.S. Government has experimented with several innovations—most notably Voice Stress Analysis (VSA) and Preliminary Credibility Screening System (PCASS). VSA has been aggressively adopted by several non-U.S. agencies. The drivers for this adoption appear to be the simplicity of use and the promise of rather extraordinary returns. Unfortunately, recent independent studies of VSA has shown the techniques to be no better than chance. The National Center for Credibility Assessment (NCCA) has conducted several studies of PCASS with findings in the neighborhood of 80% accuracy. NCCA has emphasized the preliminary nature of PCASS employment; it is designed to be used as an early part of an overall vetting posture and should be followed with more aggressive vetting—to include, in many cases, polygraph.

Remote Polygraph combines commercial polygraph software with a video teleconference (VTC) capacity theoretically enabling an examiner to test an individual sitting half-way around the world. It employs remote control capacity (as used by Help Desks) to allow the examiner at one site to control the terminal at the far site.

**Research Question**
Can a Remote Polygraph capacity be constructed and can its construction be both usable and practical in a real world
testing environment? This question reduces to two sub issues: 1) Can this be accomplished from a technical standpoint i.e. will issues such as log on capability and latency, both visual and chart latency, present significant or insurmountable obstacles; and 2) Will polygraph measurements such as quantity and quality of information derived and case resolution rates be negatively impacted?

**Approach**

A study was organized in which a significant number of first session staff reinvestigation cases were administered employing Remote Polygraph. Reinvestigation cases were selected as they typically present the least volume of complication. In the government, staffers are aggressively vetted at entry where many potential problem employees are eliminated. Moreover, those who successfully complete the test and are hired, know that they will face additional testing at regular intervals throughout their remaining years. This, presumably, presents a powerful deterrent to undesirable behavior. Having said this, it is axiomatic that when an agency confronts a problem employee, it can generate truly enormous bureaucratic issues for the agency and extraordinarily trying issues for the examinee.

In the pretest, all examinees were given an option to decline remote testing and face conventional testing. None exercised this option.

In cases that generated a second session, second sessions were administered in the conventional (face-to-face) method. This was done for two reasons: First and foremost to make certain that all examinees were given a fair test with maximum opportunity to successfully complete the test; and second, follow up sessions will sometimes require more earnest post test discussions and while this technology is in the embryonic stage such follow up discussions were best conducted in the conventional way. That is not to state that at some future date, when extensive research has been completed, second sessions may not be administered remotely, but that time has not yet come. Examiners were not excessively screened for this activity but inexperienced examiners (one year or less of daily testing) were not considered for participation.

In all cases, standard conference rooms were used as the examiner site. Locations of the examinee included several other sites and the near site (from one room to another). A standard VTC at each site was used for visual and audio communication.
The VTC from each site had zoom and angle viewing capability. Each site had standard information technology (IT) terminals with the far site equipped with standard polygraph attachments.

Quality control procedures remained the same as conventional testing. Supervisors were able to view the charts real time and examiners’ quality control routines were unchanged from conventional testing. Video and audio recording were also unchanged.

Initial logon procedures used incorporated a surrender of control of the far site terminal to the examiner at the near site. This was essentially the same procedure used by any help desk to assist a user with a problem. Employing certain IT contortions, it was also possible for the near site examiner to logon directly to the far site terminal— independent of the help desk.

The original design called for a facilitator at the far site to meet the examinee, escort him/her to the testing room, perform placement of the attachments and (in the early stages of the study) inflation and deflation of the blood pressure cuff. Both examiners and trained non-examiners were employed for this effort.

Later in the study, an automatic inflator was developed which allowed for the examinee, at the command of the examiner, to inflate and deflate the cuff as appropriate. This substantially reduced the amount of time the facilitator was required to be in the room.

By design, various examiners were employed for the study; some were primary examiners defined as on line, day-to-day examiners assigned to the study for a minimum of 30 days, and secondary examiners who were used as substitutes for primary examiners. The vast majority of cases were administered by primary examiners.

There was no prescreening of cases selected for the study—save one case which was thought to present significant potential problems.

**Limitations of the Data**

This study did not address the question of overall polygraph validity. There are ample studies already available which speak to that question.

The automatic inflator had not yet been developed, and therefore not employed in the study, until over 50% of the cases were already tested. The primary difference in use of the automatic inflator
was the absence of the facilitator in the testing room during the in-test phase. In both cases, the facilitator was not in the testing room for the pretest review of the questions nor any post-test discussion—if such were necessary. Since the automatic inflator was functionally equivalent to little more than a bicycle pump, there was no reason to expect any technical differences in the administration of the test.

Results
As aforementioned, a statistically significant number of examinees were administered Remote Polygraphs. Cases were randomly selected—save the one case referred to above. Consequently, there was no consideration of demographics. The metrics used to measure success/failure were: case resolution rates (i.e. how many cases required a second session to complete testing), was the quantity of information derived enhanced or diminished, and was the quality of information enhanced or diminished? While all three measurements are vitally important, the derivation of new information is THE primary factor in any polygraph testing program. Notwithstanding examiner errors or mismanagement, it is the withholding of information by the examinee that is believed to account for most unsuccessful outcomes. Occasionally the information in question proves to be egregious but more commonly, the examinee makes a judgment that he/she cannot surrender the information. This decision is usually made for two reasons: the information is simply embarrassing and the examinee is too ill at ease to admit it, or the information is in fact egregious and could result in denial or revocation of security clearance. Ergo, the derivation of information in the course of a polygraph is absolutely critical.

The data developed during the Remote Polygraph study was compared to that collected during conventional testing. There was little difference in outcomes. The outcome of No Significant Physiological Responses (NSPR, a “Pass” to the layperson) was approximately equal in the two venues as was the Inconclusive rate. The rate of cases determined to be Significant Physiological Responses (SPR, “Deception Indicated” to the layperson) were also the same. The one session case resolution rates were also very similar with only a 1% differential. Significant information was derived at about the same rates for conventional testing and for cyber testing. To this point the outcomes were remarkably similar. Remote Polygraph produced additional information, however, in significantly MORE cases.
In each case, a posttest interview with the examinee was conducted by a third party—usually the facilitator. In this interview, the examinees were asked, in essence, if they felt that Remote Polygraph helped, hurt or was immaterial to their completion of the test. The vast majority of examinees indicated the procedure was either helpful or of no consequence while only a handful preferred conventional testing. It is worth pointing out that all of the examinees had at least one prior polygraph and therefore had some frame of reference.

Discussion
The most salient finding was the increased volume of information derived in the Remote Polygraph setting. There are several possible explanations for this. The most likely would appear to be a reduction in the embarrassment factor born of the fact that the examinee is not in close personal quarters with the examiner. That is, it may be more difficult for certain individuals to discuss some perceived wrongdoing in a face-to-face conversation as compared to the use of an electronic medium—in this case a VTC screen. The medical profession has done some work in this area and found that patients may be more frank in providing medical information in such cases as sexually transmitted diseases when a computer is used as an interface. Moreover, the examiner, given the circumstances of the procedure, may project, intentionally or otherwise, a strong fear of detection which may devolve into intimidation. The remote presence of the examiner may ameliorate this.

Conversely, basic polygraph theory holds that an examinee must have a sense of jeopardy for the process to be effective. The absence of this apprehension is

It may well be the case that the comfort level associated with Remote Polygraph correlates to age . . . The explosive growth of cell phones, particularly those with screen capacity, would seem to support this. It may well be the case that as we become a more technology-based culture, the use of Remote Polygraph may be naturally facilitated.
thought to invalidate or minimize the effectiveness of the test. Had this fear of detection been diminished by the use of Remote Polygraph, however, we might have expected a diminution in the quantity of information. In fact, the opposite occurred which would suggest that there was no reduction in the sense of jeopardy.

It must be noted that this finding is a tenuous one. Information derived during staff reinvestigation cases tends not to be voluminous and what is collected is most often non-significant. The non-significant nature of the information generates skepticism as to this finding; further study is resolutely warranted.

In terms of the significance of the information developed, there was no substantial difference. The numbers of these cases, however, were so slight that scientific inference is not warranted.

There is another possibility. It may well be the case that the comfort level associated with Remote Polygraph correlates to age. It seems reasonable to speculate that the generation of 40 or under, certainly those under 30, are more comfortable with screen technology than older individuals. Thirty- to forty-somethings have been born and raised having conversations using electronic media. The explosive growth of cell phones, particularly those with screen capacity, would seem to support this. It may well be the case that as we become a more technology-based culture, the use of Remote Polygraph may be naturally facilitated.

In the field of interrogation/interviewing it has long been held that the immediate presence and skill of the interviewer is a primary determinant of information derivation. In other words, the interviewer uses the right mix of coaxing, support, subtle pressure and reality briefing to convince the interviewee that a full discussion of the issues is in his/her best interest. The use of Remote Polygraph may suggest just the opposite—that the personal presence of the interviewer may present a deterrent to information derivation. This is not to suggest that interviewer skills would not remain at a premium; such skills would remain critical but the filtering of those skills via an electronic medium might produce different returns.

Remote polygraph appears to offer significant potential for case facilitation. Early returns indicate that information is not lost and that polygraph outcomes are largely unaffected. It is evident, however, that this research must be replicated before implementation proceeds.
Comparative Review of Polygraph and Other Diagnostic Tools and Methods

by Tuvya T. Amsel

Abstract

Unlike the polygraph, many diagnostic tools and methods are admissible in court in spite of being as accurate as, or less accurate than, the polygraph. The data on various forensic and medical diagnostic tools and methods reviewed in this article conclusively leads to the conclusion that time has come to recognize the polygraph as an admissible forensic diagnostic tool.

*A lie can travel halfway round the world while the truth is putting on its shoes*

* Attributed to Mark Twain.

The author is a private examiner in Israel, and a regular contributor to the publications of the American Polygraph Association. The views expressed in this column are solely those of the author, and do not necessarily represent those of the American Polygraph Association. Publishable comments and replies regarding this column can be sent to editor@polygraph.org. The APA may publish responsible comments received by the publication deadline in the following issue of the APA Magazine.
Since the Frye decision in 1923 it seems that polygraph validity is haunted by what Justice Van Orsdel said: “The systolic blood pressure deception test had not gained enough standing and scientific recognition among physiological and psychological authorities to justify its admission as evidence in courts of law.”\(^1\) Justice Van Orsdel’s words were repeated too many times by jurists, researchers and other interested parties sometimes disguised in a humanitarian outfit. For too many decades polygraph has been on the defense without any favorable chances. Whereas fingerprinting and DNA are evidential royalties, polygraph is not even a commoner. While being realistic enough to face the polygraph flaws, in the same token when comparing the polygraph to other forensic and medical diagnostic tools and methods recognized by courts, one cannot avoid but cry, “The King is naked.”

### Latent Fingerprints

Although they are considered as “heavy weight” admissible evidence, the following case exemplifies its reliability:

In the trial of *United States of America v. Byron Mitchell* (1999), a latent print examiner testified to identification between two latent prints lifted from a getaway car and the 10-print card of the defendant. The defendant claimed innocence and challenged the accuracy of the fingerprint evidence. The FBI attempted to demonstrate the scientific certainty of the identification between the defendant’s 10-print and the two latent prints found in the car. As part of the demonstration presented at trial, the FBI sent the two latent prints, together with the defendant’s 10-print, to 53 different law enforcement agencies around the United States, told them that this request was very important, and asked that their most “highly experienced” examiners determine whether any identifications could be made. This was a unique opportunity for a demonstration of concurrence among experienced examiners. Thirty-nine agencies returned analyses of the prints to the FBI.

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\(^1\) *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923)
FBI. Nine of them (23%) found that either one or both of the latent prints did not match any of the prints from the defendant’s 10-print card.²

In 1994 the American Society of Crime Laboratory Directors (ASCLD) Proficiency Advisory Committee contacted the International Association for Identification (IAI) and asked for assistance in the manufacture and review of future testing materials. The IAI contracted with the Collaborative Testing Services (CTS), and, from 1995 to the present, the external latent fingerprint examiner proficiency test used by ASCLD has been administered by CTS, and designed, assembled, reviewed, and authorized by the IAI. Its format still consists of a number of latent prints and 10-print cards and the only responses required are identification or elimination. The summary responses reported by CTS combine consensus reports from laboratories and from individual examiners. The overall results for the seven years from 1995 to 2001 are listed in the following table:³

<table>
<thead>
<tr>
<th>Year of Test</th>
<th>Number of Examiners</th>
<th>All Correct Responses %</th>
<th>One or more Erroneous ID %</th>
<th>One or more Missed ID %</th>
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<tr>
<td>1995</td>
<td>156</td>
<td>44</td>
<td>20</td>
<td>36</td>
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<td>1996</td>
<td>184</td>
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<tr>
<td>2001</td>
<td>296</td>
<td>80</td>
<td>3</td>
<td>17</td>
</tr>
</tbody>
</table>

* Respondent made more than one kind of error


³Ibid, Haber
DNA

If fingerprints are the queen of evidence than the DNA is definitely the king, or is it really?

As a result of quality control case re-analysis, the Illinois State Police discovered an error rate of 25% in negative biology/DNA work. In other words, biology/DNA cases that were really positive for semen were being reported as negative.4

“The Houston Police Department (HPD) shut down the DNA and serology section of its crime laboratory in early 2003 after a television exposé revealed serious deficiencies in the lab’s procedures, deficiencies that were confirmed by subsequent investigations. Two men who were falsely incriminated by botched lab work have been released after subsequent DNA testing proved their innocence. In dozens of cases, DNA retests by independent laboratories have failed to confirm the conclusions of the HPD lab. The DNA lab remains closed while an outside investigation continues. In Virginia, post-conviction DNA testing in the high-profile case of Earl Washington, Jr. (who was falsely convicted of capital murder and came within hours of execution) contradicted DNA tests on the same samples performed earlier by the State Division of Forensic Sciences. An outside investigation concluded that the state lab had botched the analysis of the case, failing to follow proper procedures and misinterpreting its own test results.

• In 2004, an investigation by the *Seattle Post-Intelligencer* documented 23 DNA testing errors in serious criminal cases handled by the Washington State Patrol laboratory.

• In North Carolina, the *Winston-Salem Journal* recently published a series of articles documenting numerous DNA testing errors by the North Carolina State Bureau of Investigation.

• The Illinois State Police recently cancelled a contract with Bode Technology Group, one of the largest independent DNA labs in the country, expressing “outrage” over poor quality work.

• LabCorp, another large independent lab has recently been accused of botching DNA tests.

One chronic problem that is now being recognized is the uneven quality of forensic DNA laboratories. Laboratories vary greatly in the care with which they validate their methods and the rigor with which they carry them out. Another problem now emerging into the light is an unexpectedly high rate of laboratory errors involving mix-up and cross-contamination of DNA samples. Errors of this type appear to be chronic and occur even at the best DNA labs. A third problem now emerging is dishonest DNA analysts who falsify test results. I suspect this third problem is closely related to the second problem: DNA analysts are faking test results to cover up errors arising from cross-contamination of DNA samples and sample mix ups.”

Of the 2,749 victims of the 9/11 WTC attack, 1,592 were identified by a variety of forensic techniques. Although the identity of the missing persons were known and although the families provided DNA comparison samples, only 111 (4%) missing persons identifications were made from the 23,608 extracted DNA samples recovered from the WTC site.

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Comparative Bullet Lead Analysis (CBLA) a.k.a Compositional Analysis of Bullet Lead (CABL)

The CBLA was first used in 1963 in JFK’s assassination investigation. The CBLA matches the chemical composition of a bullet lead found in the scene with bullets and/or bullet box found in the suspect’s possession, under the assumption that the molten (melted lead alloy) source has a uniform chemical composition throughout, so no two molten sources have the same chemical composition. CBLA is considered a scientific, flawless and accurate technique. Since its first use the FBI Crime Lab performed about 2,500 analyses that led to conviction. Due to on-going critique by defense lawyers and the press the FBI finally asked the United States National Academy of Sciences to research the scientific merit of the process. The Academy conclusion was that, “Variations among and within lead bullet manufacturers make any modeling of the general manufacturing process unreliable and potentially misleading in CABL comparisons.”

Medicine

Research regarding the cause of diagnostic error in medicine found that, “We argue that physicians in general under-appreciate the likelihood that their diagnoses are wrong and that this tendency to overconfidence is related to both intrinsic and systemically reinforced factors.” The error rate in some instances is alarming.

Some excerpts from the research:

- “126 patients who died in the ICU and underwent autopsy, physicians were asked to provide the clinical diagnosis and also their level of uncertainty. Clinicians who were ‘completely certain’ of the diagnosis before death were wrong 40 percent of the time.”

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8 Berner, E.S., & Graber, M.L., (2008). Overconfidence as a Cause of Diagnostic Error in Medicine, The American Journal of Medicine, (121)5, S2-

9 Ibid, Brener

10 Ibid, Brener
<table>
<thead>
<tr>
<th>Conditions</th>
<th>Findings</th>
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<tr>
<td>Pulmonary TB</td>
<td>Studies that have specifically focused on the diagnosis of pulmonary TB; 50% of these diagnoses were not suspected ante-mortem</td>
</tr>
<tr>
<td>Pulmonary embolism</td>
<td>Of 67 patients who died of pulmonary embolism, the diagnosis was not suspected clinically in 37 (55%)</td>
</tr>
<tr>
<td>Ruptured aortic aneurysm</td>
<td>Of 23 cases involving abdominal aneurysms, diagnosis of ruptured aneurysm was initially missed in 14 (61%); in patients presenting with chest pain, diagnosis of dissecting aneurysm of the proximal aorta was missed in 35% of cases</td>
</tr>
<tr>
<td>Subarachnoid hemorrhage</td>
<td>Updated review of published studies on subarachnoid hemorrhage: 30% are misdiagnosed on initial evaluation</td>
</tr>
<tr>
<td>Cancer detection</td>
<td>Of the 250 malignant neoplasms found at autopsy, 111 were either misdiagnosed or undiagnosed</td>
</tr>
<tr>
<td>Breast cancer</td>
<td>50 accredited centers agreed to review mammograms of 79 women, 45 of whom had breast cancer; the cancer would have been missed in 21%</td>
</tr>
<tr>
<td>Melanoma</td>
<td>Second review of 5,136 biopsy samples; diagnosis changed in 11%</td>
</tr>
<tr>
<td>Bipolar disorder</td>
<td>The initial diagnosis was wrong in 69% of patients with bipolar disorder and delays in establishing the correct diagnosis were common</td>
</tr>
<tr>
<td>Appendicitis</td>
<td>Retrospective study at 12 hospitals of patients with abdominal pain and operations for appendicitis. Of 1,026 patients who had surgery, there was no appendicitis in 110 (10.5%); of 916 patients with a final diagnosis of appendicitis, the diagnosis was missed or wrong in 170 (18.6%)</td>
</tr>
<tr>
<td>Cancer pathology</td>
<td>The error rate of pathologic diagnosis was 2%–9% for gynecology cases and 5%–12% for non-gynecology cases</td>
</tr>
<tr>
<td>Endometriosis</td>
<td>Digital videotapes of laparoscopies were shown to 108 gynecologic surgeons; the inter-observer agreement regarding the number of lesions was low (18%)</td>
</tr>
<tr>
<td>Psoriatic arthritis</td>
<td>1 of 2 SPs with psoriatic arthritis visited 23 rheumatologists; the diagnosis was missed or wrong in 9 visits (39%)</td>
</tr>
<tr>
<td>Atrial fibrillation</td>
<td>Review of automated ECG interpretations read as showing atrial fibrillation; 35% of the patients were misdiagnosed by the machine, and the error was detected by the reviewing clinician only 76% of the time</td>
</tr>
<tr>
<td>Infant botulism</td>
<td>Study of 129 infants in California suspected of having botulism during a 5-yr period; only 50% of the cases were suspected at the time of admission</td>
</tr>
</tbody>
</table>
Lack of knowledge *per se*, such as seeing a patient with a disease that the physician has never encountered before. More commonly, cognitive errors reflect problems gathering data, such as failing to elicit complete and accurate information from the patient; failure to recognize the significance of data, such as misinterpreting test results; or most commonly, failure to synthesize or put it all together.

The breakdown in clinical reasoning often occurs because the physician isn’t willing or able to ‘reflect on [his] own thinking processes and critically examine [his] assumptions, beliefs, and conclusions.’ In a word, the physician is too ‘confident.’"

**Psychiatry**

In order to avoid punishment in criminal trials a defendant’s use of the insanity defense is where s/he claims not being responsible for her/his actions due to mental health problems which are being determined by psychiatrists.

The “Rosenhan experiment”\textsuperscript{12} examined the validity of psychiatric diagnosis. The study consisted of two parts. The first involved eight “pseudo-patients” – people who had never had symptoms of mental disorder – who, as part of the study,

\begin{itemize}
\end{itemize}
briefly reported auditory hallucinations in order to gain admission to psychiatric hospitals across the United States. After admission, the pseudo-patients no longer reported hallucinations and behaved as they normally would. The pseudo-patients remained in hospital for 7 to 52 days. None of the pseudo-patients were detected, and all but one were admitted with a diagnosis of schizophrenia and were eventually discharged with a diagnosis of schizophrenia in remission. Although they were not detected by the staff, many of the other patients suspected their sanity (35 out of the 118 patients voiced their suspicions). In the second part of the experiment staff at a teaching hospital, who had learned of Rosenhan’s above results, were informed that one or more pseudo-patients would attempt to be admitted to their hospital over an ensuing three-month period. Out of the 193 admitted 41 patients were subsequently identified as likely pseudo-patients but in fact no pseudo-patient had been sent at all.

**Polygraph Compared to Other Forensic and Diagnostic Tools**

Widacki & Horvath (1978) examined in laboratory conditions the relative validity of the polygraph with three other common methods of criminal investigation. The table below represents their findings.\(^\text{13}\)

Crewson (2003)\(^\text{14}\) reviewed 1,158 articles and abstracts (145 fit the objectives of the literature review, yielding data on 198 studies) which compared the validity of polygraph with other medical and

<table>
<thead>
<tr>
<th>Diagnostic Tool</th>
<th>Correct</th>
<th>Incorrect</th>
<th>Inconclusive</th>
<th>False Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polygraph</td>
<td>90%</td>
<td>5%</td>
<td>5%</td>
<td>1.30%</td>
</tr>
<tr>
<td>Handwriting</td>
<td>85%</td>
<td>5%</td>
<td>10%</td>
<td>1.40%</td>
</tr>
<tr>
<td>Eyewitness</td>
<td>35%</td>
<td>20%</td>
<td>45%</td>
<td>9.10%</td>
</tr>
<tr>
<td>Fingerprint</td>
<td>20%</td>
<td>0%</td>
<td>80%</td>
<td>0%</td>
</tr>
</tbody>
</table>


psychological screening and diagnostic tools. The comparison revealed the following data:

<table>
<thead>
<tr>
<th>Diagnostic Tool</th>
<th>Sensitivity</th>
<th>Specificity</th>
<th>Combined</th>
<th>Studies (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polygraph (Diagnostic)</td>
<td>0.92</td>
<td>0.83</td>
<td>0.88</td>
<td>37</td>
</tr>
<tr>
<td>MRI</td>
<td>0.86</td>
<td>0.88</td>
<td>0.87</td>
<td>17</td>
</tr>
<tr>
<td>CT</td>
<td>0.83</td>
<td>0.89</td>
<td>0.86</td>
<td>19</td>
</tr>
<tr>
<td>US</td>
<td>0.84</td>
<td>0.87</td>
<td>0.86</td>
<td>38</td>
</tr>
<tr>
<td>X-Ray</td>
<td>0.77</td>
<td>0.85</td>
<td>0.81</td>
<td>12</td>
</tr>
<tr>
<td>MAST</td>
<td>0.64</td>
<td>0.92</td>
<td>0.78</td>
<td>3</td>
</tr>
<tr>
<td>Polygraph (Screening)</td>
<td>0.59</td>
<td>0.9</td>
<td>0.74</td>
<td>2</td>
</tr>
<tr>
<td>DSM-IV</td>
<td>0.72</td>
<td>0.68</td>
<td>0.7</td>
<td>1</td>
</tr>
<tr>
<td>MMPI</td>
<td>0.68</td>
<td>0.65</td>
<td>0.67</td>
<td>17</td>
</tr>
<tr>
<td>MMPI (Screening)</td>
<td>0.7</td>
<td>0.53</td>
<td>0.61</td>
<td>5</td>
</tr>
</tbody>
</table>

see page 55 for a description of diagnostic tools

In addition, a reliability (inter-rater agreement) comparison was made and revealed the following data:

<table>
<thead>
<tr>
<th></th>
<th>Polygraph</th>
<th>Medicine</th>
<th>Psychology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreement</td>
<td>91%</td>
<td>81%</td>
<td>88%</td>
</tr>
<tr>
<td>No. Subjects</td>
<td>102</td>
<td>150</td>
<td>174</td>
</tr>
</tbody>
</table>

**Validity and reliability of the polygraph**

A compendium of various researches done by Ansley in 1983 and later in 1990 averages the validity and the reliability of the polygraph around 94%.15

---

Additional Pro-Polygraph Considerations

The efficiency of the polygraph as an investigative tool aid was demonstrated in the Light and Schwartz (1993) study. 1,069 forensic examinations involving 920 felony investigations conducted in the second half of 1990 by the US Army CID were surveyed. Eight primary forensic disciplines that were used in support of the investigations were used in this study. Of those forensic examinations, 584 (55%) were in traditional laboratory disciplines combined, and 485 (45%) were with the polygraph. The polygraph provided the investigator with 432 (89%) opinions that contained positive results and the laboratory disciplines provided positive results in 431 (74%) examinations. The

<table>
<thead>
<tr>
<th>Tool</th>
<th>N</th>
<th>Positive Results</th>
<th>Negative Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polygraph</td>
<td>485</td>
<td>89%</td>
<td>11%</td>
</tr>
<tr>
<td>Latent Finger Prints</td>
<td>154</td>
<td>59%</td>
<td>41%</td>
</tr>
<tr>
<td>Questioned Documents</td>
<td>145</td>
<td>72%</td>
<td>28%</td>
</tr>
<tr>
<td>Illicit drugs</td>
<td>133</td>
<td>93%</td>
<td>7%</td>
</tr>
<tr>
<td>Firearms</td>
<td>51</td>
<td>76%</td>
<td>24%</td>
</tr>
<tr>
<td>Trace Evidence</td>
<td>51</td>
<td>65%</td>
<td>35%</td>
</tr>
<tr>
<td>Serology</td>
<td>40</td>
<td>85%</td>
<td>15%</td>
</tr>
<tr>
<td>Photographic</td>
<td>10</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>
polygraph was the most utilized and effective of the individual disciplines.\textsuperscript{16}

Additional considerations:

- Due to its mobility polygraph tests can be executed almost everywhere without the need of an expensive laboratory.

- In comparison to fingerprints and DNA, which disqualifies over 50\% of specimens, almost none are disqualified by the polygraph (inconclusive tests are solved by re-examinations). Yet, if examiners want to play it safe and increase the numerical scoring threshold the error rate would be around 2\%.\textsuperscript{17}

- The fact that about 69\% of specific test examinees are found truthful\textsuperscript{18} leads to the conclusion that the polygraph assists the innocent to prove their innocence.

**Final Note**

The data detailed in this article bear no intention of discrediting any of the described diagnostic tools or methods. It is offered to highlight the fact that tools and methods which are less accurate than polygraph are being accepted by the legal community while the polygraph is not, which in turn raises the question: why? Some apparent explanations might be:

- **Conservatism** – Insistence on preserving the legal framework results in conservatism (and in some rare instance in stagnation), and to a slower pace of adopting innovation (take the Frye precedent as an example). “Beyond a shadow of a doubt” exemplifies the legal system point of view.

- **Fear of Unemployment** – No matter how simplistic it sounds the fact remains that excessive utilization of polygraph tests to determine guilt will downsize the legal system workforce as automation did to production lines.

- **Self-Preservation** – Nowadays the legal system is more concerned with protecting and preserving its bureaucratic


procedures than making justice as in setting free a serial rapist or a serial murderer for technicalities and letting him endanger society. The objective of making justice was sacrificed in favor of sacred means.

• Unrealistic Expectations - Unlike courts that decide upon an accused’s guilt after tedious long sessions, polygraph examiners do it in about an hour. This speedy decision making on such sensitive issues creates normally a very high level of expectation to the point of requiring 100% accuracy, which in return leads to zero tolerance of mistakes, but a 100% accuracy, the polygraph cannot provide.

While these explanations are but circumstantial, the direct and last nail in the polygraph’s inadmissibility coffin is:

• Exclusivity (Monopolism) – Unlike the polygraph examiner, all forensic experts’ opinion points indirectly at the accused’s guilt. For example a specimen of an accused latent fingerprint and/or DNA found in the scene of crime does not prove her/his guilt but merely her/his presence there, providing an undiscriminating logical explanation to the accused’s presence obsoletes the forensic expert’s opinion.

The polygraph examiner expert’s opinion is the only forensic expert opinion that actually points directly at the accused’s guilt. By doing so the examiner penetrates the court authority and interferes in a decision that is exclusively granted to the court and juries.

Conclusion

“Imperfection is the only perfection”

Polygraph should not be judged in absolute terms but in relative terms and its relative accuracy is at least as good if not better than any other forensic diagnostic and non-diagnostic tools or methods which are being accepted as admissible evidence.

Approximately two out of three examinees are found truthful which from a social point of view is significant, especially when an accused has no other mean to prove her/his innocence.

Polygraph is the most cost-effective (time, cost, results, availability) diagnostic tool.

In an era where sacred cows, admissible evidence, is bleeding (some of them to death), the time has come for the legal community to embrace the polygraph and use it in its quest for truth, internalizing Aristotle’s perception: “The whole is greater than the sum of its parts.”
Yes, But is it ‘Politically Correct’?

Michael B. Lynch

Examiner: “John, why are we here today? What do the police say you did?”
Examinee: “They say I offed that fag Sam.”
Examiner: “Oh really, what fag is that?”
Examinee: “Sam, that bitch I was living with.”
RQ 1: “Did you off that fag Sam?”
RQ 2: “Did you shoot that bitch Sam you were living with?”
RQ 3: “Last Thursday, did you fire the shot that entered Sam’s body?”

----------------------------------

Examiner: “John, why are we here today? What do the police say you did?”
Examinee: “They say I stabbed that priest.”
Examiner: “Oh really, what priest is that?”
Examinee: “That priest in that church on third street.”
CQ 1: “As a teenager, did you ever violate even one of the Ten Commandments?”
CQ 2: “Before last year, did you ever violate any Sacrament?”
CQ 3: “Have you ever lied to a priest in confession?”

----------------------------------
Test question construction is based upon the examinee’s understanding of the issue upon which he or she is being tested. Many examinees lack a formal education and therefore tend to understand their circumstances in the vernacular of the culture from which they come. Often, this vernacular is not ‘politically correct’ or expressed in language not indigenous to the examiner or ‘socially acceptable’ to the ‘correct’ community. These words are sometimes used by the examinee for emotional rather than intellectual understanding. Sentences containing racial slurs, homophobic attitudes or gender bias are common in homogeneous populations such as ethnic neighborhoods, street gangs and prisons.

Although ‘politically incorrect’, polygraph examiners need to take these words into consideration when writing test questions. It is not necessary to recite here a litany of ‘politically incorrect’ words. All examiners have heard them. It is, however, important to understand the consequences of their use in relevant and comparison questions.

In ancient days gone by, it was not uncommon for an examiner to inject a homophobic question into some part of the polygraph examination as a ‘control’ question, even if the issue was theft or assault. No school taught such a protocol; it was strictly polyester polygraph, if it looked good it must be good. (See: Employee Polygraph Protection Act of 1988)

Today, American society is beset with prohibitions against all nature of words that offend others. Polygraph examiners are a unique culture within that society. There are times when we should use this ‘politically incorrect’ language to insure our examinee understands the question. If the examinee uses a ‘politically incorrect’ word during pre-test interview, that is his or her frame of reference. It would be inappropriate to reword our test question to accommodate political correctness or a boilerplate question designed to fit all circumstances. To do so would create a high probability the examinee would not understand the question.

All mammalian bipeds of the homo sapien order residing in crypto-crystoline edifices should refrain from the propulsion of all inanimate objects.

About the author: Michael Lynch is a Primary Instructor with Marston Polygraph Academy. He can be reached at mlynch@lawyerspolygraph.com. The opinions and comments expressed in this article do not necessarily reflect those of Marston Polygraph Academy or the American Polygraph Association.
Early in July of 2007, 16-year-old Volkan Kayik was reported missing by his father, Erhan Kayik. The report was made to the Martinez Police Department in Martinez, California. The boy and his father had immigrated to California from Turkey when Volkan was five years old. The case did not get much attention as Volkan was a habitual runaway and had prior reports of physical confrontations with his father.

In September of 2007, a family relative contacted detectives at the Martinez Police Department and told them that Erhan Kayik had admitted killing his son. Police immediately began 24/7 surveillance of Erhan Kayik which included a wiretap. A task force was utilized to continue the effort. Numerous Turkish interpreters were hired and trained to monitor the wiretap 24/7 for the next 10 to 15 days.

The task force team observed Erhan Kayik disposing pieces of a mattress in a dumpster behind a local school. Other than that observation, the investigation had come up empty. Time was now of
the essence as Erhan Kayik was planning to leave the country in two days for a business trip in Turkey. He was expected to be gone for several months.

The decision was made to confront Erhan Kayik and see if he would submit to a polygraph examination. Much to everyone’s surprise, he agreed. On October 3, 2007, I met with Erhan Kayik in the polygraph lab at the Contra Costa District Attorney’s Office.

Erhan Kayik denied having anything to do with his son’s disappearance and insisted Volkan was a runaway. The polygraph exam was especially challenging. We had little or no evidence and no body.

I decided to act on the assumption that Volkan Kayik was in fact, deceased. A You-Phase exam was administered utilizing the following questions:

C46: “During the first 39 years of your life, have you ever told a lie to anyone in authority?”

R33: “Did you kill Volkan?”

C47: “Between the ages of 18 and 39, have you ever threatened anyone?”

R35: “Was Volkan Killed by you?”

C48: “During the first 18 years of your life, have you ever physically hurt anyone?”

Three charts were collected and I made a determination of “Deception Indicated.” The charts were scored using the Backster scoring system. The scores were: R-33: -14, R-35: -7. The charts were also evaluated using both the Axciton and the White Star Scoring Algorithms. Both systems rated the responses from the suspect as “extreme deception indicated.” Months later, the charts were also reviewed by Elmer Criswell at the AAPP seminar in Jacksonville, Florida, who came to the same conclusion. I have since scored the charts using the ESS-3 system with no difference in the determination.

Returning now to the polygraph session, I confronted Erhan Kayik and told him “You killed your son.” As the interrogation continued, Erhan Kayik continued to deny having anything to do with the disappearance of his son. I then attempted the sympathetic approach and asked Erhan Kayik to at least help us return his son home for a decent burial. After quite a while—it worked!

Erhan Kayik stated “I buried him well.” He then went on to describe how he broke his son’s neck during a physical
struggle inside their home. He refused to tell us where he disposed of his son’s body.

After several more hours of interrogation, Ehran Kayik admitted that he had buried his son in the woods near a place that the two of them liked to visit in better times. Erhan Kayik then led the task force to a shallow grave in the desert near the California/Nevada border. The partial remains of Volkan Kayik were recovered including a damaged cervical vertebra which was determined to be linked to the cause of death.

After a lengthy trial that lasted several weeks, Erhan Kayik was convicted and sent to prison for the death of his son. There is no doubt amongst the investigators involved in this case that the case would be unsolved today had it not been for the successful polygraph examination. Erhan Kayik’s numerous appeals were also denied by the court. It is anticipated that he will die in prison for his crimes.

The supervisor in this case, Sergeant Gary Peterson, went on to be promoted to the rank of Commander. Peterson now serves as the Chief of the Martinez Police Department.

Below is a You Tube link to a music video that was produced by Volkan’s friends in his memory.

http://www.youtube.com/watch?v=t7mi9gqgWU&feature=player_detailpage

Chart 1
Chart 2

Chart 3
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Membership Status: ( ) Full Member ( ) Life Member ( ) Associate Member

Current Dues Paid In Full: ( ) Yes ( ) No

Approved Advanced & Specialized Training: Attach Certificate(s)

<table>
<thead>
<tr>
<th>Course Name</th>
<th>Hours</th>
<th>Date(s)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
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<td></td>
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</table>

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____________________________________
Applicant

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