

Polygraph License Advisory Committee

January 11, 2007

4190 Aumsville Hwy. SE

Salem, OR 97317

Attendees:

Members:

Ken Simmons, Chair

C. W. Bear Bryant

Sally Jo Donahue

James Wygant

Staff:

Bonnie Salle, Certification & Records Coordinator

Sandy Quiring, Files Maintenance Specialist

Marilyn Lorance, Standards & Certification Supervisor

Members Absent:

Richard Cowan

Glenda Leutwyler

Meeting called to order at 9:15 am.

I. **Meeting Minutes**

A. Review of September 14, 2006 Minutes

MOTION: Mr. Wygant moved to approve the minutes, Mr. Simmons seconded; motion passed unanimously.

II. **Old Business**

- A. Cindy Morse (Hanners) – Ms. Salle informed the committee that the rule for the polygraph log states that they need to be kept a minimum of five years. According to OAR 259-020-0030 (1) (A) (vi) concerning Denial, Suspension, or Revocation of Licenses: “Failing to maintain any or all written records, along with polygraph charts or polygrams, of all polygraph examinations which they conduct. For purposes of validation, credibility, and/or accreditation, these records and charts are to be maintained in a manner consistent with State Archivist rules pertaining to reports of investigations conducted by Oregon State Police.” Ms. Salle stated that she was unable to locate the retention schedule for the Oregon State Police investigations. In OAR 259-020-0015 (C) (5) it states that the log needs to be maintained a minimum of five years unless State Archivist rules require longer maintenance. Ms. Salle suggested a proposed revision to the Oregon Administrative Rules to maintain the log permanently. Ms. Salle stated that Cindy Morse (Hanners) license expires in March and she needs 30 hours of training before she can renew her license. The committee discussed the validity of using CDs from APA for training, and would like to get more information on whether they monitor the trainees, if they are required to take a test, etc. Ms. Salle will call and get more information on the training by CDs. Mr. Wygant said that all training

needs to be pertinent to polygraph and if Ms. Morse hasn't performed polygraph exams in five years then maybe they need to call her stating that she needs polygraph training in order to renew her license.

III. **New Business**

A. Intern – General Exam Review

- a. 9:30 a.m. – Lucinda Gardner – The committee went out of order to review the charts for her general license. Ms. Gardner took the test December 20, 2006 and passed. The committee gave her some suggestions on shortening the questions and rephrasing her relevant questions; but overall felt that she was organized and doing a good job. Ms. Gardner said that she will have her Bachelor's degree completed at the end of May 2007, but her license expires May 11, 2007. She will need an extension for about 3 weeks in order to get her bachelors degree finished. Mr. Wygant suggested she write a letter before the next meeting requesting an extension. She would still be able to conduct tests with her trainee license until the next meeting. She has performed over 600 tests since she received her trainee license in May 2005.

MOTION: Mr. Simmons moved to approve her general license once she completes her Bachelor's degree. Mr. Bryant seconded, the motion passed unanimously.

- b. 10 a.m. – Ingrid Mathewson – The committee reviewed the charts she brought in to the committee. She also passed her test on December 20, 2006, and she has completed her 200 exams. The committee gave some suggestions on questions and control questions, but felt that she was doing a good job. Ms. Donahue liked the notes printed on the charts.

MOTION: Mr. Simmons moved to approve her general license. Ms. Donahue seconded the motion, the motion passed unanimously.

- B. Carol Miller – The committee read the letter from her requesting an extension due to a family illness.

MOTION: Mr. Simmons moved to approve her extension for 6 months. Ms. Donahue seconded the motion, the motion passed unanimously.

II. **Old Business**

- B. Paul Tesi – Ms. Salle told the committee that he is an examiner from out of state and his state doesn't require a polygraph license. He reported to her that he has done 3 polygraph tests and sent in copies of the charts for the committee to review. He did not pass his initial written examination. Mr. Bryant has talked with Mr. Tesi and he had questions about some of the questions that were on the test and their relevance. Ms. Salle said that there are 200 questions and 100 are randomly selected for each test. Mr.

Wygant suggested emailing the questions to the committee members for review before the next meeting since they have not been reviewed by the committee for a few years. Mr. Bryant said that Mr. Tesi doesn't have a log; it is not required in Washington. Mr. Bryant will evaluate Mr. Tesi's charts and contact him to suggest he make a log of the 500 tests he has performed out of state and study for the test.

- C. Polygraph School – Ms. Salle told the committee that it is not possible at this time for DPSST to add a polygraph school. Mr. Simmons suggested DPSST look into providing 8-hour seminars for polygraph.
- D. Term Limitations (Bryant, Donahue, Leutwyler, Wygant) – The letter from Director Minnis was read by the committee appointing each to a new 2 year term.

III. New Business

- C. Paul Tesi – Chart Review – The committee already reviewed the charts submitted.
- D. Intern Updates – The committee reviewed the critiques for Ms. Martin and Mr. Stark that were submitted to DPSST.
- E. Complaint – Greg Anderson – Mr. Simmons received a written complaint against Mr. Anderson. Mr. Simmons suggested that they send a copy of the complaint to Mr. Anderson and have him respond; and send a copy of the chart in question to the committee.

MOTION: Mr. Wygant moved to send Mr. Anderson a copy of the complaint and ask him to respond to the Committee before the next meeting; Mr. Simmons seconded the motion, motion passed unanimously.

- F. SOSN Bill - Mr. Wygant noted that most of the references to polygraph examiners have been removed from the bill. He had a question about page 4 at the top under exceptions it states “All other persons working with sexual offenders shall be under the direct supervision of a Certified Clinical therapist and/or Certified Sexual Arousal/Interest Examiner and will not be recognized as the sex offender therapist/examiner.” Mr. Wygant was concerned that this will include polygraph examiners. He also questioned on page 6 the last rule that “The Board shall maintain a list of Post-Conviction Sex Offender Testing (PCSOT) certified polygraph examiners”. Item (h) on page 7 states ‘The Board shall adopt a code of ethics for certified providers/examiners’. Mr. Wygant said that they do not realize that PCSOT examiners in Oregon are not required to be licensed as PCSOT examiners. He will compose an email and send it to the committee members for review.

Mr. Wygant said that Ms. Leutwyler has heard that there may be legislation requiring pre-employment polygraphs for law enforcement officers. Ms. Lorange said that she just received a copy of House Bill 2392 which authorizes law enforcement units to use polygraph

examinations in screening applicants for positions as police officers. Copies were made for the committee members. Mr. Wygant said that the state of Washington has an exception in their law allowing pre-employment polygraphs for law enforcement officers. He suggested looking at their law as a model for Oregon.

G. HB 2227 – Ms. Salle told the committee this is the bill dealing with polygraphers registering with the County Clerk. Mr. Wygant said that Washington is trying to do the same thing. Ms. Salle said that they are moving forward with repealing that law, it may come up next week. Ms. Lorance will be writing testimony and going to the Legislature to testify that this is a good bill and is supported by the County Clerks and the PLAC and should be passed.

H. Schedule Meeting Dates for 2007 - Mr. Simmons said that he will be on vacation during the last of April and first part of May. He will email with dates he is available for the next meeting.

IV. NEXT MEETING

A. April ? 2007 – They will check schedules and email dates available for the next meeting.

V. ADJOURN

MOTION: Ms. Donahue moved to adjourn; Mr. Wygant seconded the motion, motion passed unanimously.

Meeting adjourned at 11:50 am.