

Approved

Date

Thomas F. Walker
2/24/87

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at
Chairperson

9:00 a.m./p.m. on February 17, 1987 in room 522-S of the Capitol.

All members were present except:

Representative Barr

Representative Peterson

Committee staff present:

Carolyn Rampey - Legislative Research Dept.

Mary Galligan - Legislative Research Dept.

Avis Swartzman - Revisor

Jackie Breymeyer - Secretary

Conferees appearing before the committee:

Representative Nancy Brown - Bill Sponsor

Bruce Howell - President, Greater Kansas City Polygraph Association

Gary Cowden - Secretary-Treasurer, Greater Kansas City Polygraph Association

Pat Neal - Loss Prevention Director, Duckwall - Alco, Inc.

Lt. Rick Fahy - Topeka Police Department, Polgraph Division

Casey Jones - Topeka Fire Department

Tom Kelly - Kansas Bureau of Investigation

Tim Etzel - JET Service

Dave Vogel - Security Manager, Southwestern Bell

Pat Towel - Security, Falleys, Inc.

Marsha McCoy - Kansas Polygraph Association

Katie Trotter - Krigel Jewelry

The meeting of the House Governmental Organization Committee was called to order by Chairman Walker. He said the minutes would stand approved at the end of the meeting if no members had any corrections or additions.

March 11 was sent as the tentative date for the dinner John Peterson will host for the joint House and Senate Governmental Organization Committees.

HB 2223 - An Act Concerning Polygraphists

Chairman Walker called on Representative Brown, one of the sponsors of the bill, to begin. Her handout included letters from Arthur H. Griggs, Assistant Secretary of Administration, Paul Vial, Polygraph Examiner of the Kansas City, Missouri Police Department and Robert Bates, Special Agent and Polygraph Examiner with the Federal Bureau of Investigation. (See Attachment 1). Representative Brown outlined in layman's terms what the bill would do. She directed the committee's attention to line 0226 of the bill where the number "250" would be changed to "100". She has talked to Governor Hayden about the bill. After a few additional comments, Representative Brown introduced Bruce Howell, President, Greater Kansas City Polygraph Association.

Mr. Howell spoke in support of the bill, stating the need for adequate training to give validity to polygraph testing and to make these persons accountable for the jobs they perform. There may be as many as 60 examiners in the state. There are 15 in the Kansas City area, along.

Gary Cowden, Secretary-Treasurer of the Greater Kansas City Polygraph Association, distributed copies of his testimony in support of HB 2223. (See Attachment 2) Many examiners have taken no proper test - they are fly-by-night types, some of whom have operated out of the trunks of their cars, trying to make as much money as they can in a short time. Many do not have the proper equipment. These types of situations can endanger the reputation of the person who takes a polygraph test. Mr. Cowden said that many persons will confess to crimes, knowing they will have to take the test. It can also refocus manpower to a positive area with good results in many cases.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 522-S, Statehouse, at 9:00 a.m./p.m. on February 17, 1987

Mr. Pat Neal, Loss Prevention Director of Duckwall-Alco, Inc., Abilene, Kansas, spoke in support of HB 2223. In a store such as Duckwall-Alco, many people have access to safes, money or merchandise. The polygraph test is used as a tool to help the investigator identify the person who is the culprit. An employee would not be terminated on the basis of a polygraph test, alone. Testing is also done in sexual harrassment cases where, in many instances, there are no witnesses, no evidence, and where there has been direct or indirect confrontation. Mr. Neal brough forms to distribute which contained pre-employment questions. (See Attachment 3)

Lt. Rick Fahy, Topeka Police Department Polygraph Division, spoke as a proponent of HB 2223. He invited the committee to visit the department and get the complete dialogue on the poly-technique. Detective John Sams, who was also present, would be glad to do this also. Detective Sams works the second shift. Lt. Fahy has worked for the Topeka Police Department 19 years. He has done polygraphy 5 years, and has conducted over 500 tests. As there were no accredited schools in Kansas, Lt. Fahy spent seven weeks at a school in Arcadia, California, taking 340 hours of classroom study plus one week internship at the Los Angeles Police Department. He also has taken a 160 hour class at Quantico, Virginia. He said some examiners lie about their qualifications. More control is needed over examiners to give credibility to the ethics of the profession. A polygraph examination can take a minimum of two hours. This includes an in-depth interview. Any person can refuse to take the test. The actual machine testing is only a part of the total interview.

Casey Jones, Topeka Fire Department, said the Department uses polygraphists in recruitment. He classified the tests as 'snake oil' or very professional. The test serves two purposes; protection for the user, as well as protection for the person who sits in the chair. It is a key to the weeding out or elimination of some types of persons when hiring, but not the total hiring process. He explained to the committee there are different types of questions a business firm can ask as opposed to the types of questions a police department or fire department can ask.

Tom Kelly, Kansas Bureau of Investigation, presented his testimony to the committee. He supports the concept of the bill, as does the Attorney General's office. He expressed some concern with parts of Sections 5 and 6. (Attachment 4)

Tim Etzel, JET Service, was present to give input from the private sector. He said it is vital to have qualified examiners. He has used testing for 20 years and has never known it to be wrong, but he said the testing is only as good as the person who administers it. The human dignity factor requires professionalism and quality because the person being tested is owed the very best in undergoing the testing.

Dave Vogel, Security Manager, Southwestern Bell, stated he is very supportive of the yellow pages, but it is very difficult to find qualified people at times. He said their testing is used as proof of innocence and to verify innocence. It is an effective tool but only as good as the operator. The criteria he looks for in an examiner is; can they question properly; do they have good interviewing skills. He expressed some concern with Section 5, Subsection (d). He wanted to know if there would be someone or somewhere in the state for complaints to be directed.

Pat Towel, Falley's, Inc., said his firm also uses polygraph testing to establish innocence in its 26 stores in 3 states. He would like to see qualified persons giving the tests.

Marsha McCoy, Kansas Polygraph Association, said she would like to see the polygraphist profession helped in Kansas. It is vitally important to upgrade the profession.

Katie Trotter, Krigel's Jewelry Stores, voiced her support for HB 2223. They have used testing since the 1970's. The examiners have run from the very unprofessional to the very professional. The stores have saved untold amounts of money in many cases.

A letter in support of HB 2223 was given to the Chairman from Steve R. Starr, President, Kansas Polygraph Association, to be entered in the testimony. (See Attachment 5)

A news item from the Wichita Eagle Beacon entitled "Polygraph Regulation Is Needed", was also distributed to the committee. (See Attachment 6).

As there were no other persons present to testify on the bill, the Chairman declared the hearing closed on HB 2223. It will be taken up at a later date.

Carolyn Rampey, Research, explained a technical error on a piece of last year's legislation that needs to be cleaned up in the statutes. Rep. Hassler moved to introduce legislation to clean up this technical error. Rep. Sughrue seconded the motion. Motion carried.

The meeting was adjourned.

HB 2223 - ESTABLISHING KANSAS BOARD OF POLYGRAPHISTS

Testimony by

Representative Nancy Brown

February 17, 1987

Mr. Chairman and members of the Government Organization Committee:

It is my pleasure to testify before you today, not as a member of this committee, but as sponsor of HB 2223, An Act concerning polygraphists; establishing the Kansas board of polygraphists; providing for the licensure and regulation thereof.

There are numerous conferees much more knowledgeable and involved with polygraph testing than I, so my testimony will be brief. However, I thought I could make a contribution to the committee by breaking down the bill into more understandable components and explain in layman's terms what HB 2223 really does. I have attempted to do this through the attached document, which I would like to review with you very quickly.

After the review, I will introduce some of the conferees who inturn may make other introductions. In addition to those conferees who are listed as proponents of the bill, the following organizations also wish to go on record in support of the concept of HB 2223 (It is my understanding that no one from these organizations will be here to testify today):

*Attachment 1
G.O. Comm.
2/17/87*

Kansas Peace Officers Association

Kansas Sheriffs Association

KACP (Chiefs)

Kansas Troopers Association

KBI Agent Association

Kansas County/District Attorney

Kansas District Magistrate Judges

For your information, I have talked with Governor Hayden about this legislation and he asked me to forward a copy to Mr. Arthur Griggs, Assistant Secretary of Administration, for his comments. His response is attached, along with copies of two other letters in support of the proposed legislation.

Now if I may introduce some of the proponents who do wish to testify. And if you have any questions now or at the end of their testimony I will be happy to try to answer them. Thank you!

TESTIMONY

on

HB - 2223 - ESTABLISHING KANSAS BOARD OF POLYGRAPHISTS

What it does: (0039-0040)

Establishes the Kansas Board of Polygraphists

Composition of Board: (0041-0044)

Five members appointed by attorney general, subject to confirmation of the Senate

Qualifications of Board Members: (0047-0071)

- U.S. Citizen, Kansas resident for 1 year
- Four members must have personally conducted at least 500 exams during 5 years proceeding appointment
- Two shall be privately employed as polygraphists; Two shall be employed by law enforcement agencies as polygraphists
- Fifth member to be voting public member, registered voter (other qualifications relating polygraph interests - see bill)

Term of Office, Requirements: (0072-0091)

- Three Year Term, staggered
- No two members to reside in same congressional district
- Attorney General may remove from office
- Majority constitutes quorum
- No compensation paid, but entitled to reimbursement for milage and expenses

Costs Involved: (0112-0127)

- No cost to state
- Fees set to produce revenue

Licensure: (0128-0172)

- Effective January 1, 1988 - must be licensed
- Must take examination conducted under testing conditions established by Board
- Board grants a license as an intern or polygraphist
- License may be renewed within two years without re-examination

Qualifications: (0182-0226)

- Must take oath
- Applicant must be 21 years of age
- U.S. citizen
- Good moral character; not convicted of felony or any crime involving moral turpitude
- Have bachelor's degree from accredited university or college, or
- Two years of study at accredited college or university, and two years experience as an investigator, or served a minimum of two years internship under supervision of licensed examiner
- Shall have completed polygraphy training course, 250 hours of recognized instruction
- Shall pass both a written and practical examination conducted or approved by the Board
- Shall successfully completed an internship under the personal supervision and control of polygraphist - 250 exams

Waivers by Board: (0227-0245)

- Training or internship may be waived
- Upon certain conditions as outlined

Revocation, Denial, Suspension: (0257-0317)

- one or a combination of causes as outlined

District Court Proceedings: (0322-0335)

Effective Date: (0344-0345)

Nancy Brown - February 17, 1987

STATE OF KANSAS



DEPARTMENT OF ADMINISTRATION

State Capitol
Topeka 66612-1572
(913) 296-3011

H. Edward Flentje, *Secretary*

February 13, 1987

TO: Representative Nancy Brown
FROM: Arthur H. Griggs, Assistant Secretary of Administration *AG*
SUBJECT: House Bill 2233

As you requested, I have read House Bill 2233, concerning polygraphists licensure.

I appreciate the sensitive nature of this type of testing and for that reason, I believe there may be some merit to the concept of licensing polygraphists and regulating administration of such examinations.

While my review did not reveal any glaring technical deficiencies in the bill, I do not have any great familiarity with polygraph testing. Therefore, I encourage you to work closely with the Attorney General's Staff and other law enforcement agencies in refining the bill further.

I hope that this information is of some help to you.

AHG:jDeS

POLICE DEPARTMENT
KANSAS CITY, MISSOURI 64106



LARRY J. JOINER
Chief of Police

February 12, 1987

Representative Nancy Brown
State Capitol Building
Room 181-W
Topeka, Kansas 66612

Dear Ms. Brown:

I am presently employed as a polygraph examiner with the Kansas City, Missouri Police Department, and as such, have a vital interest in the profession regardless of jurisdiction. Though I do not claim to represent the position of my employer, I do send this letter as a token of my personal support for H.B. 2223 and your efforts on its behalf.

As a former examiner for ACE Hardware Corporation, a billion dollar retailer who maintains substantial representation throughout the Midwest, I was involved in efforts to defeat National anti-polygraph legislation. I enclose a letter I sent to Representative Pat Williams (D- Montana) on behalf of ACE Hardware Corporation in opposition to H.R. 1524, which subsequently died in the Senate. I include a copy of this letter because the points referenced in defense of polygraph remain valid today.

All individuals have a right to dignity and fair treatment in the polygraph setting, just as the examiner has the obligation to provide same. The burden of assuring this climate now rests with the legislature. By mandating uniformity in examiner training/competence and in the testing process itself, the legislature will best serve both it's Corporate and individual constituencies.

As so much public suspicion and fear is bred of ignorance, I see H.B. 2223 as a necessary foundation for the professional uniformity which will help overcome the damage of myth and misinformation. I applaud your efforts in this cause and sincerely hope the Kansas Legislature is farsighted enough to recognize the benefits to the State of professionalizing our field.

Respectfully,

A handwritten signature in cursive script that reads "Paul Vial".

Paul Vial
Polygraph Unit



Ace Hardware Corporation
2200 Kensington Court
Oak Brook, IL 60521
(312) 887-6600

July 8, 1985

The Honorable Pat Williams
House of Representatives
Washington, D.C. 20515

Dear Mr. Williams,

As a member of the Employment Opportunitties Subcommittee, I am writing to you concerning House Rule 1524.

Distribution
Centers:

Atlanta
Baltimore
Chicago
Dallas
Lincoln
Little Rock
Los Angeles
San Francisco
Tampa
Toledo
Yakima

ACE Hardware Corporation views internal security as a vital part of the operating strategy which will catapult the Company over the billion dollar sales plateau in 1985. While physical and procedural safeguards constitute major portions of the Corporate security program, no single factor plays a more important role than the pre-employment screening measures instituted during the application process. During the screening phase, ACE Hardware Corporation attempts to identify individuals who maintain a sense of integrity appropriate for positions of trust within any of our Corporate locations. The nature and value of our inventories dictate this. With that goal in mind, ACE Hardware believes the polygraph technique offers the best alternative for applicant evaluation through a dignified procedure that is fair to both applicant and employer.

To better appreciate this position, it is appropriate to clarify what a professionally administered polygraph examination does and does not do. A trained and competent examiner simply elicits truthful answers from his/her subjects regarding matters pertinent to the issue of employment. When a subject makes a statement during this process, understand that the person is simply recounting a truthful occurrence on a voluntary basis. A professionally administered polygraph examination is not a process where examiners maliciously concoct and report results unfounded on truth or fact.

While the end result of curbing abusive polygraph practices is undoubtedly for the good of all, HR 1524 seeks to achieve this end via unnecessarily drastic action. Unfortunately, the price the business community would pay as a result of the passage of 1524 is grossly out of proportion to the benefits the general public might realize. It is ironic to imagine that legislation designed in the interest of prospective employees might ultimately come back to threaten the job security of the people the bill was originally drafted to protect. In this context it would be interesting to study the history of pre-employment screening in businesses whose failures were attributed to employee misdeed.

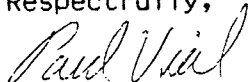
The solution to the problem of abusive practices rests in instituting controls over the testing process, not in eliminating the technique. This can be accomplished through National legislation mandating;

- A. Educational, training and licensing requirements for all examiners.
- B. Standards of confidentiality regarding test results.
- C. Strictly limiting the scope of a pre-employment examination to areas relevant to job suitability.

Mr. Williams, ACE Hardware Corporation opposes the passage of HR 1524 on the ground that it is neither unfair nor unreasonable to utilize polygraph as an aid in determining the truthfulness of information submitted by a job applicant. We believe that in place of HR 1524, the House would more constructively serve it's constituency, individual and corporate alike, by proposing National legislation incorporating the above mentioned safeguards.

In closing, ACE Hardware Corporation feels that the vast majority of it's employees are hard working and honest individuals, traits which we feel the pre-employment polygraph helped emphasize. ACE Hardware extends sincere appreciation for your time and attention.

Respectfully,



Paul Vial
Senior Investigator
ACE Hardware Corporation

February 13, 1987

Representative Nancy Brown
State Capitol Building
Topeka, Kansas

Dear Representative Brown:

This letter is to voice my support for H.B. 2223.

Although I am not a resident of the State of Kansas, I previously have conducted polygraph examinations in your state as a result of my employment as a Special Agent of the Federal Bureau of Investigation, assigned to the Kansas City Division.

The polygraph profession would welcome a strong licensing bill such as H.B. 2223. Through such legislation I feel that many objectionable practices will be eventually eliminated. I urge your support in this matter. Thank you.

Sincerely,



Robert J. Bates

Federal Bureau of Investigation

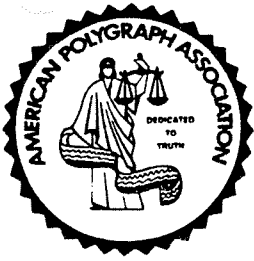
ROBERT J. BATES

Special Agent - Polygraph Examiner



811 Grand
Kansas City, MO 64106

(816) 221-6100



GREATER KANSAS CITY POLYGRAPH ASSOCIATION

COURT SQUARE BUILDING, 110 SOUTH CHERRY, SUITE B, OLATHE, KANSAS 66061 (913) 782-3134
A DIVISION OF THE AMERICAN POLYGRAPH ASSOCIATION

My name is Gary Cowden & I am a polygraph examiner from Olathe, Ks. I have a degree in Corrections & Psychology, am a graduate of the National Training Center of Polygraph Science, am a member of the American Polygraph Association, am the Editor of the Newsletter of the Missouri Polygraph Association, & am the Secretary-Treasurer of the Greater Kansas City Polygraph Association.

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BOARD OF GOVERNORS

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KANSAS REPRESENTATIVE

Rick Lees
Olathe, Ks. Police Dept.
501 East Highway 56
Olathe, KS 66061
(913) 782-4500

In my five years as a polygraph examiner, I have had the opportunity to gain extensive experience with the use of the polygraph & I believe it is an important investigative tool. I feel the U. S. Congress acted correctly when it voted 333-71 to support expanded use of the polygraph in protecting national security. The directors of our government's intelligence agencies have described the polygraph as a legitimate investigative tool that is valuable in helping them to carry out their mission. American business also needs this tool to fulfill its responsibility to protect billions of dollars in company & stockholder assets.

A report released by the U. S. Department of Justice states, "Up to 30% of the nation's employees are hard-core pilferers, and up to 80% will become involved in employee theft when no active prevention measures are employed." (1) The Commerce Department has estimated the cost of internal theft at \$40 billion annually, and has stated it is increasing at a compound rate of 15% per year.(2/3) The U. S. Chamber of Commerce estimates that 30% of business failures are a result of employee theft.(4) From the standpoint of the consumer, the polygraph is an important tool in controlling prices. The polygraph helps in isolating those few employees who violate their employers' trust, enabling businesses to control losses & therefore costs.

Anti-polygraph people always raise the invasion-of-privacy issue, usually from a lack of understanding or possibly as a defense so as not to have to take a polygraph exam. Realistically, data required on any employment application, whether used by government or by private industry, either strips or partially strips a person of their "privacy" at the outset. The American Polygraph Assoc. & those states that require licensing of examiners have not ignored the privacy issue. Both have declared religious & racial matters, politics, sex, & union or labor-organization matters off-limits during pre-employment exams. In states that permit pre-employment polygraphing, the legislators feel that employers should not have to hire people involved in criminal activities.

When you stop to think about it, polygraph science has many things in common with medical science. Both were born of a need - a need to identify, & hopefully inhibit the spread of pain & grief. Both strive to protect us & improve our quality of life. Both are constantly evolving & improving. Both utilize sophisticated

instrumentation & knowledge, knowledge derived from extensive academic training & practical experience, to pursue their goals. Both require a high level of competency in their practitioners to achieve their objectives. Society has functioned, & could continue to function without either science. However, logic, common sense & experience have shown us we can function far better with an appropriate application of both of these valuable sciences.

We are here today to discuss whether or not the state of Kansas should license polygraph examiners. There is no doubt that the quality of the polygraph instrument continues to improve, as does the quality of most examiners. However, the polygraph instrument today, even though it is an excellent piece of equipment which costs thousands of dollars, is still just a tool. It is no better, nor worse than the person who is using it.

I have seen countless instances in which the polygraph has been invaluable to employees, employers & those who, through no fault of their own, have been wrongfully accused of illegal acts. Therefore, I strongly support legislation which would provide strict guidelines for examiners & strong protections for the rights of examinees. I believe that protections for examinees & guidelines for examiners are essential to protect both employees & employers. I also believe it is the responsibility of the State to enact & enforce such legislation. States have the Constitutional right & duty to regulate the businesses & industries that provide goods & services to their citizens. They license doctors & dentists, insurance & real estate brokers, utility companies, & numerous other trade & professional groups. Most states are accepting this responsibility &, to date, at least 31 of them have passed legislation regulating the use of polygraph examinations & licensing of polygraph examiners.(5)

Legislators throughout our country are working to develop legislation which:

1. Protects the rights of those taking an examination;
2. Establishes training & educational requirements for examiners;
3. Sets standards for the type & quality of equipment used for examinations; and,
4. Restricts the types of questions asked during examinations.

This bill, H.B. 2223, would do exactly that. It would establish those rules necessary to both assist & protect every person who would come into contact with polygraph in the state of Kansas by a) eliminating those persons who are not qualified to conduct polygraph examinations, and by b) holding those who are qualified accountable for their actions.

Thank you.

- (1) Ron Young, "Balancing The Equation To Prevent Retail Losses", Security Management, March, 1985, pp. 87-88.
- (2) Tobie Sullivan, "Are On-The-Job Honesty Tests The Best Policy?", Family Weekly, June, 1983, p.12.
- (3) Richard Phalon, "The Games Where Nobody Loses But Everybody Loses", Forbes, 123 April, 1979, pp.55-63.
- (4) Lynn Adkins, "The High Cost Of Employee Theft", Dun's Business Month, 120 October, 1982, pp. 66-76.
- (5) Norman Ansley, Quick Reference Guide To Polygraph Admissibility, Licensing Laws, And Limiting Laws, 10th Edition, 1985, American Polygraph Association.

AFFILIATED INQUIRY, INC.
Court Square Building
110 S. Cherry, Suite B
Olathe, Kansas 66061
(913) 782-3134



INSTRUCTIONS

1. Working environment requires that all employees hold a position of responsibility and trust. In order to protect our customers, employees, and company, a "periodic" type polygraph examination is requested of all employees. The periodic polygraph is designed to identify those few individuals who violate the responsibility and trust delegated to them.
2. This polygraph is concerned with your activities as an employee. It is not designed to probe into your personal life.
3. Be sure to review the questions to be asked before the examination begins. Additional, directly related questions, may be asked where you answer "Yes" or where the examiner believes you are being "Deceptive".
4. Please complete and sign the below statement indicating: 1) You have reviewed the questions to be asked; 2) You have had the examination procedure explained to you; 3) Your voluntary agreement to be given this security polygraph examination; and, 4) Your permission to release the findings to _____.

Date of Exam: _____ City: _____ State: _____

I, _____, do hereby voluntarily, without duress, coercion, promise of reward or immunity, request that I be examined on the polygraph in connection with my activities as an employee. Having had the polygraph examination explained to me, and after reviewing the questions that I will be asked, I do hereby release, absolve, and forever hold harmless _____ of Affiliated Inquiry, Inc. and _____ from any and all claims and demands whatsoever by reason of this examination.

Signed: _____ Date: _____

Witness: _____

ATTENTION: _____ TITLE: _____

COMPANY: _____ DATE: _____

EXAMINEE: _____ POSITION: _____

HIRE DATE: _____ UNIT/LOCATION: _____

DATE OF LAST POLYGRAPH: _____ PRE-EMPLOYMENT/PERIODIC/SPECIFIC (circle one)

*Attachment 3
G.O. Comm.
2/17/87*

PERIODIC QUESTIONS

SYLT: Since Your Last Test,

O/T: Other Than what you told me,

1. O/T - SYLT, have you stolen any merchandise or property from _____ ?
 2. O/T - SYLT, have you stolen any money from _____ ?
 3. O/T - SYLT, have you stolen anything from _____ ?
 4. O/T - SYLT, have you been involved in the use of illegal drugs?
 5. O/T - SYLT, have you sold any illegal drugs?
 6. O/T - SYLT, have you committed any undetected serious crimes?
 7. O/T - SYLT, have you been convicted of any felonies?
 8. O/T - SYLT, have you worked with any outside interests that compete with _____ ?
 9. O/T - SYLT, have you used any company property for personal gain?
 10. O/T - SYLT, have you been involved in the use of alcohol on the job?
- _____
- _____

PRE-TEST ADMISSIONS/COMMENTS:

POST-TEST ADMISSIONS/COMMENTS:

CONCLUSIONS:

VERBAL REPORT TO: _____ DATE: _____ TIME: _____

EXAMINER'S SIGNATURE: _____ DATE: _____

INSTRUCTIONS

1. Working environment requires that all employees hold a position of responsibility and trust. In order to protect our customers, employees, and company, a "pre-employment" type polygraph examination is requested of all employees. The pre-employment polygraph is designed to identify those few individuals who violate the responsibility and trust delegated to them.
2. This polygraph is concerned with any past wrongful activities as an employee. It is not designed to probe into your personal life.
3. Be sure to review the questions to be asked before the examination begins. Additional, directly related questions may be asked where you answer "Yes" or where the examiner believes you are being "Deceptive".
4. The examiner must explain the polygraph procedure to you.
5. Please complete and sign the below statement indicating: 1) You have reviewed the questions to be asked; 2) You have had the examination procedure explained to you; 3) Your voluntary agreement to be given this security polygraph examination; and, 4) Your permission to release the findings to _____.

Date of Exam: _____ City: _____ State: _____

Hire Date (if already hired): _____ Date of Last Polygraph: _____

I, _____, do hereby voluntarily, without duress, coercion, promise of reward or immunity, request that I be examined on the polygraph in connection with my activities as an employee. Having had the polygraph examination explained to me, and after reviewing the questions that I will be asked, I do hereby release, absolve, and forever hold harmless _____ of Affiliated Inquiry, Inc. and _____ from any and all claims and demands whatsoever by reason of this examination.

Signed: _____ Date: _____

Witness: _____

ATTENTION: _____ TITLE: _____

COMPANY: _____ DATE: _____

APPLICANT: _____ POSITION: _____ UNIT: _____

ADDRESS: _____

S.S.#: _____ PHONE #: _____

DL# _____

EMPLOYMENT HISTORY

| COMPANY | CITY, STATE | POSITION | FROM-TO | REASON |
|----------|-------------|----------|---------|--------|
| 1. _____ | _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ | _____ |

1-Quit 2-Fired 3-Layed Off 4-Better Job 5-More Money 6 - Argument With Company
 7-Company Closed 8-School 9-Moved 10-Other

Applicant's General Physical Condition: Good _____ Fair _____ Poor _____

School Year Finished: _____ Now Attending: _____

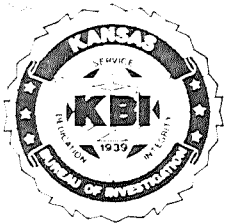
Military Service: Status: _____ A AF N MC CG From: _____ To: _____

Rank: _____ Discharge Type: _____

Lived In Metro Area: _____ Owns/Rents: _____

Last Saw A Doctor: _____ Reason: _____

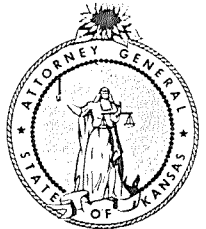
Financial Obligations: _____



THOMAS E. KELLY
DIRECTOR

KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL
STATE OF KANSAS
1620 TYLER
TOPEKA, KANSAS 66612
(913) 232-6000



ROBERT T. STEPHAN
ATTORNEY GENERAL

TESTIMONY BY THOMAS E. KELLY

DIRECTOR, KANSAS BUREAU OF INVESTIGATION

ON HOUSE BILL 2223

FEBRUARY 17, 1987

I have been asked by the Attorney General to express his support for the concept of House Bill 2223.

In addition, I wish to express my support of the concept of this bill and certainly endorse the need for stated standards in the licensure and regulation of polygraphists in our state.

I do have a concern with Section 5, (g) regarding charts, written reports, documents, and other pertinent papers concerning each polygraph examination being made available to the board on request upon a grievance, complaint or subpoena. This authority, in the case of investigation reports by a law enforcement agency, is inconsistent with an exception to the open records acts which protects the disclosure of such report unless disclosure is required by court order.

Section 6 (g) requires an internship of 250 polygraph hours under the personal supervision and control of a polygraphist before the license shall be granted. It may be very difficult for law enforcement interns to accumulate 250 examinations doing criminal investigation examination. In the smaller communities there is usually only one polygraph operator and it will be difficult to find a polygraphist to personally supervise and control his work. In addition, polygraphists who are not in law enforcement may not be permitted to review, supervise or control examinations conducted by a law enforcement intern. To do so may give rise to questions of privacy and security on the part of the person being examined.

Section 6 (j) essentially serves as a "grandfather" clause for persons who have met the training, internship and examination requirements for those who have been conducting polygraph examinations for at least one year immediately preceding the effective date of the act, and has the required training and experience. Although this paragraph permits waiver of the training, internship and examination requirements, it does not permit a waiver of the educational requirements set forth in Sec. 6 (3)(A) & (B). Section 6 (H) may be considered as a way to waive the internship requirement but no mention is made of any educational requirements other than the internship.

*Attachment 4
H. O. Cornman
2/17/87*

KANSAS POLYGRAPH ASSOCIATION

Post Office Box 4382
Topeka, Kansas 66604

February 17, 1987

House Governmental Organization Committee
Capitol Building
9th & Van Buren
Topeka, KS 66612

Dear Mr. Chairman:

As President of the Kansas Polygraph Association, I would like to ask the committee's favorable endorsement of House Bill #2223, the Kansas Polygraph Licensing Act.

Polygraph examinations, in both commercial and law enforcement use, have been available for use one half a century. During that time, many horror stories have circulated concerning their use or abuse. Most validated stories have been attributed to unskilled, untrained and unethical individuals who claimed to be polygraph examiners. In reality, with no licensing requirement, anyone can buy a polygraph instrument, a \$50 book, hanging out a shingle and prey on the public. That is why at least 30 states have adopted statutes to license polygraph use. Many others including Missouri are developing legislation.

House Bill #2223 establishes a five member board to establish and enforce the laws applicable to polygraph examinations. Barbers, cosmetologists, insurance agents and other occupational groups have State Boards which establish, govern and enforce their occupational standards. The establishment of a Polygraph Board would serve a similar purpose of protecting the public.

House #2223 also establishes minimum standards of training for both an examiner and an intern examiner. These standards call for at least 250 clock hours of training. This is approximately six 40-hour weeks and is consistent with the minimum curriculum of all training schools approved by the American Polygraph Association.

*Attachment 5
G.O. Comm.
2/17/87*

House Governmental Organization Committee
February 17, 1987
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In conclusion, the Kansas Polygraph Association recommends the concept of House Bill #2223, and encourages passage by the State Legislature.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve R. Starr".

Steve R. Starr
President

SRS/jjc

Polygraph Regulation Is Needed

CONSIDERING the abuses to which polygraphs — “lie detectors” — can be put, a bill proposing that the state establish a new five-member board to license and regulate polygraph operators makes sense. The House Governmental Organization Committee, which begins work on the bill today, should resolve to expedite its passage.

Polygraphs, strictly speaking, don't detect lies. They measure changes in heart rate and breathing, and galvanic skin responses. Some subjects can lie blithely without generating such responses. Because they're inherently nervous, other subjects generate such responses when they're not lying. That's why the polygraph always has had a propensity for abuse — especially when law enforcement officials and employers use them to make crucial decisions.

In the hands of a skilled operator aware of

its limitations, though, the polygraph can be a useful tool. The bill's sponsors, a bipartisan group that includes Rep. Wanda Fuller, R-Wichita, propose that Kansas “polygraphists” be well-trained and have 250 hours of polygraph experience before being licensed. Once licensed, operators would have to follow strict procedures to respect their subjects' right to consent to a test, and to refuse to take it. Questions regarding sexual behavior, political or religious beliefs, and attitudes about labor unions could not be asked, unless such were at issue in a polygraph examination.

The bill, in short, protects the rights of those taking polygraph tests without unduly limiting the polygraph's usefulness to law enforcement and to employers. Because it's a vast improvement over the current situation — no state regulation of polygraph operators — it deserves to go on the books.

Earle Beason
2/17/87

Attachment 6
H.O. Comm.
2/17/87