

TEXAS DEPARTMENT OF PUBLIC SAFETY

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December 4, 2020

The Honorable John Cyrier, Chairman
The Honorable Dawn Buckingham, Vice Chairman
Texas Sunset Commission
P.O. Box 13066
Austin, TX 778711

Dear Mr. Chairman & Commissioners:

The Texas polygraph licensing process builds a solid foundation for the use of polygraph examinations in the state. While there are many organizations, agencies, and programs in Texas that make use of the polygraph, their success is due largely to the fact that state licensing establishes and ensures a minimum level of polygraph proficiency. As such, it is recommended that the Texas Department of Licensing and Regulation (TDLR) continue licensing polygraph examiners.

The Sunset Advisory Commission's recent report highlights the fact that there are only approximately 262 licensed polygraph examiners in Texas; however, these examiners administer tens of thousands of tests, including criminal testing, public safety applicant screening, and post-conviction sex offender testing. These exams directly and indirectly impact public safety in the state of Texas. For example, public safety applicant screening is an invaluable tool in ensuring that police agencies do not hire applicants with a history of involvement in previously undisclosed illegal activity or other behavior that would make them ill-suited for a career as a police officer.

The Sunset Advisory Commission's report also highlights the numerous organizations, associations, and committees associated with polygraph testing in the state and across the nation. However, these entities cannot ensure the continuing high standards of polygraph examinations in Texas without a strong state licensing and regulatory program. Most past presidents of the American Polygraph Association (APA), for example, will acknowledge that the APA cannot act as a polygraph regulatory agency. Furthermore, the guidelines established by the Joint Polygraph Committee on Offender Testing (JPCOT) outline the need for polygraph examiners to hold a state polygraph license in order to avoid the risks associated with the potential misuse of polygraph examinations.

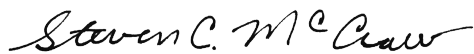
The Texas Department of Licensing and Regulation has excelled in polygraph licensing and regulation by implementing minimal competency requirements and proficiency testing standards. Few complaints ever arise from polygraph testing in Texas because the requirements and standards established by TDLR prevent sub-minimal candidates from obtaining a license. In fact, in each of the past three calendar years, dozens of applicants were successfully screened out by TDLR for not meeting state standards:

- CY 2017: 41.30% combined passing rate;
- CY 2018: 52.83% combined passing rate;
- CY 2019: 53.85% combined passing rate.

Eliminating TDLR licensing and regulation would thus flood Texas with improperly trained or incompetent polygraph examiners, damaging the state's reputation for high-quality polygraph standards and negatively impacting public safety.

In summary, polygraph licensing has resulted in greater public safety for the citizens of Texas, and deregulating this successful program would not be in the best interests of the state.

Respectfully,



Steven C. McCraw
Director