

Dear Sunset Commission,

In November 2020, the Texas Association of Polygraph Examiners held our only annual meeting of this year, due to COVID 19. During this meeting, we discussed the potential sunset of our statute and/or TDLR's enforcement of our law. Our organization unanimously voted that we want to retain our law and a body to enforce it, thus holding us accountable. We all discussed that Texas citizens would no longer have examiners administering their tests who have met at least minimum education requirements, are using at least minimum instrumentation, have met continuing education requirements, and are governed by ethical guidelines on how Texas citizens submitting to exams should be treated. If the law remained, but there were no governing body to enforce the law, violations would simply go unenforced and unreported.

The population of examiners in Texas is small and few people know even one examiner. For this reason, we are likely quieter than and not as profitable as barbers, auctioneers, or other more common professions regulated by TDLR, but I would argue that we are of abundant importance. In an average day, a busy examiner administers four polygraph tests. We help ensure sex offenders, to include those who are Civilly Committed, have not reoffended sexually. We test the justly and falsely accused for all types of crimes. We administer pre-employment exams on applicants for police and fire departments. Through these exams we have learned applicants have molested children, sold drugs, assaulted family members and committed other crimes.

I believe that over time capitalism thins out the unsuccessful. In our profession, "unsuccessful" means an examiner who is making the wrong calls (Calling a truthful person a liar or a deceptive person truthful). This examiner would exist at a much higher rate if minimum standards were not required by the State of Texas. Unfortunately, this means letting rapists, killers, and child molesters off the hook. It means calling a molested child a liar, freeing a killer, and creating more crimes and victims. Conversely, this would also mean incarcerating more innocent people, who were falsely accused. We are often the last possible avenue for an investigator when they are at a dead end. We are frequently the only voice for the most vulnerable in our society, like infants, children, and the elderly. If it were your child who were molested or injured, wouldn't you want the examiner testing the suspect to be licensed, educated, and held to minimum standards set forth by the State of Texas?

We were also informed our profession has had only one founded complaint that resulted in a fine; thus, we are not bringing in enough revenue to TDLR to justify our existence. Raise our licensing fees. Raise our continuing education fees. Our industry is made up primarily of former law enforcement. We are, in general, a group of rule and law followers when they are enforced. Do not punish the citizens in this great state because we comply with the law. All we are asking is that you hold us accountable.

We have other voluntarily followed guidelines in Texas outlined by the Joint Polygraph Committee on Offender Testing "JPCOT." The guidelines of JPCOT are frequently violated, as the guidelines have no teeth. They only apply to the testing of sexual offenders who are on probation or parole and there is no authority to enforce them; therefore, they are often broken.

The enforcement of our statute keeps us honest. When we are tempted to take a shortcut, we currently have consequences to consider and have since the 1950s. Don't take that away from the citizens of Texas!

Sincerely,

A handwritten signature in black ink, appearing to read 'Clayton Wood', written in a cursive style.

Clayton Wood

President

Texas Association of Polygraph Examiners