

# North Carolina Polygraph Association

## NOVEMBER 2016 NEWSLETTER



“Dedicated to the improvement of the qualifications of Polygraph Examiners through high standards of professional ethics, conduct, education, and achievement.”

Dustin Nowatka, President  
Amanda Nosalek, Vice-President  
Diane J. Chapin, Secretary/Treasurer

Michael E. Lane, Private Sector Representative  
Andrew Newsom, Law Enforcement Representative  
Cory Kramer, Board Member

### *Up Coming December Conference:*

The next training conference will be **Thursday-Friday, December 8-9, 2016 at the Raleigh Police Department Training Center, located at 4205 Spring Forest Road, Raleigh, NC 28616, telephone number 919-996-4144.** The training center is located behind Fire Station 19, located at 4209 Spring Forest Road. Hotel reservations can be made at: Holiday Inn Express, located at 11400 Common Oaks Drive, Raleigh, NC 27614, phone number (919) 570-5550. The discounted NCPA group rate is \$76.99 plus tax per night. Reservations can be made at our host hotel using the group code: NCP. This hotel offers a Manager’s Reception on Wednesday evening and complimentary breakfast each day. **Our block of rooms will be released on Monday, November 21, 2016. Therefore, to guarantee your room and rate, please make your reservation before this date.**

### Training Schedule for Winter 2016 NCPA Meeting in Raleigh, NC

#### Thursday-December 8, 2016

8:30-9:00 Registration  
9:00-12:00 Interview Route Maps (IRM)  
- Navigating Screening Interviews with Flexibility - Dan Weatherman  
12:00-1:00 Lunch  
1:00-4:00 Investigative Interviewing using Cognitive Load Tools- Dan Weatherman  
4:00-5:00 NCPA Business Meeting

#### Friday-December 9, 2016

9:00-12:00 Legal Considerations for Polygraph Relative to the Americans With Disabilities Act (ADA) and the Employee Polygraph Protection Act (EPPA) – David Nagle  
12:00-1:00 Lunch  
1:00-4:00 Credibility Assessment through Linguistic Analysis - Dan Weatherman

Remember training conferences are free to dues paying members. Non-members may attend both days of training for \$50 or a single day for \$25, payable to NCPA at the event. Members are encouraged to invite examiners in their area who are not currently active in the association to become a part of the NCPA. Prospective members can contact a NCPA officer for more information.

## **PLEASE REMEMBER TO BRING DOOR PRIZES!!!!!!**

### *PPSB Approval Codes:*

We have not received approval codes from the Tri-State training. Secretary Chapin will provide them and the training materials to attendees once PPSB approves the training. President Nowatka submitted the required paperwork to PPSB on August 22, 2016.

### *Secretary/Treasurer's Reports:*

A dues invoice is included in this newsletter. Dues are due by January 31 each year. Please submit your \$50 membership dues for 2017 as soon as possible. To insure you receive credit for your dues, please print your name on the enclosed invoice and submit it with your payment. Dues should be mailed to NCPA, C/O Diane Chapin, 116 Neuse Harbour Blvd., New Bern, NC 28560. Remind your agency we do not have a federal tax ID number needed for a W-9 form etc.

Financial activities since March:

We have not yet finalized our finances from the 2016 Tri-State Conference. With that said, we currently have a balance of \$11,810.51 in our checking account. We deposited \$5,975 and withdrew/debit/checks \$3,853.38.

### **Business Meeting from August 17, 2016:**

Our Membership meeting was held at the Chestnut Tree Inn in Cherokee, NC. The following board members were present: President Dustin Nowatka, Secretary/Treasurer Diane Chapin, Private Sector Representative Eddie Lane and Past President Cory Kramer.

The website needs to be updated with the December training which will be held December 8-9, 2016 at the Raleigh Police Department's training center. Instructors and hotel will be determined at a later date. Our spring 2017 training will be held in the Concord area. Our fall 2017 training will be held in the east.

Frank Suddreth advised the membership he spoke with Directors of the polygraph schools on the east coast and they agreed to give CVSA examiners switching to polygraph a two for the price of one on polygraph school fees. Polygraph manufacturing companies also are offering discounts on polygraph instruments in exchange for CVSA instruments.

The following were approved for membership:

Donald Worrell, Onslow County Sheriff's Office	John T. Porter, NCALE
Jerry L. Morse, Onslow County Sheriff's Office	Omar F. Qureshi, NCALE
Mark R. Scott, Onslow County Sheriff's Office	Matthew T. Stemple, NCALE
Nelson Webb Corthell, NCALE	William Brent Massey, NCALE

Chapin recommended we meet with PPSB to obtain approval of NCPA's training log for use in submitting proof of training to PPSB. Kramer recommended we send our information to Garcia Graham or PPSB Director Terry Wright for approving future training.

Dustin Nowatka proposed we purchase audio visual equipment for the Association. After some discussion, a vote was taken and approved. The Association will be purchasing our own equipment. The president will be responsible for maintaining, storing and providing the instructors with the equipment at each training session.

The meeting was adjourned.

### [NCPA Apparel:](#)

NCPA Polo shirts can still be ordered on-line: however, the hyperlink on our Association's website will need to be activated to place an order. If you wish to order an NCPA shirt, please send an email to [cory.kramer@highpointnc.gov](mailto:cory.kramer@highpointnc.gov) so Cory can have the link opened for this training event. You can have your clothing shipped for a nominal fee or have Cory deliver it to you at the Association meeting.

### [President's Award:](#)

The annual NCPA "President's Award" is given to a member who has generally demonstrated great polygraph work, used polygraph to contribute to a significant case, offered leadership or assistance to benefit Association members, or made some other significant polygraph related contribution. If you have any nominations for the 2017 award, please forward the information to President Dustin Nowatka or Secretary Diane Chapin.

# North Carolina Polygraph Association NOVEMBER 2016 NEWSLETTER



“Dedicated to the improvement of the qualifications of Polygraph Examiners through high standards of professional ethics, conduct, education, and achievement.”

Dustin Nowatka, President  
Representative  
Amanda Nosalek, Vice-President  
Representative  
Diane J. Chapin, Secretary/Treasurer

Michael E. Lane, Private Sector  
Andrew Newsom, Law Enforcement  
Cory Kramer, Board Member

## INVOICE

DATE: November 1, 2016

FOR: \_\_\_\_\_

North Carolina Polygraph Association dues are due in January of each year. Our dues are \$50 to help cover the cost of the two, free training sessions we host each year. Please consider this invoice for your 2017 dues. Failure to pay the dues by January 31, 2017, may result in your removal from the NCPA membership. There is a \$25 application fee in addition to the \$50 membership dues when reapplying for membership

---

<u>Description</u>	<u>Dues</u>	<u>Total</u>
2017 Membership Training Dues	\$50.00	\$50.00
	<b>Total</b>	<b>\$50.00</b>

\* Make checks payable to: NCPA and remit to below address.

Diane J. Chapin  
c/o 116 Neuse Harbour Blvd.  
New Bern, NC 28560

## Outline

**Dave V. Weatherman**

### **Interview Route Maps (IRM) – Navigating Screening Interviews with Flexibility**

- The IRM is a tool used for elicitation, comprehension, and standardization in the polygraph screening environment. It can be used in both the pretest and post-test interviews. It has been laboratory and field tested. Statistics from the field research reveal a 100% to 500% improvement in reportable information.
- The instruction will cover background, general concepts, application, advantages, examinee perception, and field study results.

### **Investigative Interviewing using Cognitive Load Tools**

- An overview of the forensic application of techniques to increase cognitive load in liars and reduce stress in truth-tellers during the criminal issue polygraph process. The block will cover methods to increase the cooperation of an examinee (such as branding, priming, predictable dialogue, and the principles of persuasion).
- An overview of cognitive load tools such as free recall, reverse order, direct eye contact, sketching, strategic use of evidence, and the asking of unanticipated questions will be highlighted.

### **Credibility Assessment through Linguistic Analysis**

- An overview of a 40 hour course designed to identify new investigative leads hidden in most statements. The block of instruction will review some basic rules governing linguistic analysis and will be supplemented with a few statements that have been in the national media recently.

**Curriculum Vitae**  
(Short Form)

**Dan V. Weatherman**

---

425 Holly Berry Circle  
Blythewood, SC 29016  
Phone: (803) 234-3308

[dweatherman@sc.rr.com](mailto:dweatherman@sc.rr.com)

---

**Education**

Air War College	2003
Master of Science	1993
Bachelor of Arts	1977

---

**Employment History**

National Center for Credibility Assessment, Fort Jackson, SC  
Polygraph Specialist/Senior Instructor – Threat Analysis and Strategic Support  
June 2005 – November 2016

Air Force Office of Special Investigations, Andrews AFB, MD  
Special Agent/Deputy Program Manager  
June 2004 – June 2005

Defense Academy for Credibility Assessment, Fort Jackson, SC  
Special Agent AFOSI/Senior Instructor  
September 1999 – June 2004

Department of Defense Polygraph Institute, Fort McClellan, AL  
Special Agent AFOSI/Polygraph Instructor  
September 1991 – September 1999

National Reconnaissance Office, Chantilly, VA

Polygraph Examiner/Security Specialist

April 1991 – September 1991

Air Force Office of Special Investigations, Maxwell AFB, AL

Special Agent/Polygraph Examiner

August 1985 – December 1990

Air Force Office of Special Investigations, Eglin AFB, FL

Special Agent – Chief, Fraud Investigations

January 1984 – June 1985

Air Force Office of Special Investigations, Clark AB, Philippines

Special Agent – Chief, Narcotics Suppression Team

January 1981 – January 1984

Air Force Office of Special Investigations, Chanute AFB, IL

Narcotics suppression and General Crimes

September 1977 – January 1981

Air Force Office of Special Investigations, St. Louis, MO

Special Agent – Joint Duty Assignment – Defense Investigative Service

August 1974 – September 1977

---

### **Polygraph Instruction Taught**

Pretest Interview; Post-test Interview; Test Data Analysis; Test Question Construction; Zone Comparison Test; Modified General Question Test; Test for Espionage and Sabotage (TES); Advanced TES; Peak of Tension; Searching Peak of Tension; Acquaintance Test; Credibility Assessment through Linguistic Analysis; Managing Conversation in the CI Screening Environment; Comprehensive CM course; CM Refresher course; Operational Source Testing; Polygraph testing using Interpreters; Directed Lie Comparison Test; Asset Forfeiture testing using Interview Route Maps

---

### **Professional Presentations**

Air Force Office of Special Investigations; Army Intelligence Polygraph Program; Defense Intelligence Agency; Naval Criminal Investigative Service; National Geospatial-Intelligence Agency; National Reconnaissance Office; National Security Agency; US Army Criminal Investigative Command; Alcohol, Tobacco, Firearms and Explosives; US Customs and Border Protection; Coast Guard Investigative Service; Central Intelligence

Agency; Drug Enforcement Administration; Department of Energy; Federal Bureau of Investigation; Homeland Security Investigations; Internal Revenue Service; US Postal Inspection Service, Office of Inspector General; US Secret Service; New Scotland Yard Counter-terrorism unit; American Polygraph Association; American Association of Police Polygraphers; South Carolina Association of Police Examiners; Suffix County Sheriff's Department



**jackson | lewis**

Preventive Strategies and  
Positive Solutions for the Workplace<sup>sm</sup>

**Presentation to the  
Winter Meeting of the  
North Carolina Polygraph Association**

***Raleigh, North Carolina***

***December 9, 2016***

**Legal Update  
Polygraph in the Workplace**

*Presented by:*

**David E. Nagle**  
**Jackson Lewis PC**  
701 East Byrd Street, 17<sup>th</sup> Floor  
Richmond, Virginia  
(804) 648-4077  
[nagled@jacksonlewis.com](mailto:nagled@jacksonlewis.com)  
[www.jacksonlewis.com](http://www.jacksonlewis.com)

## **ABOUT YOUR SPEAKER**

### **DAVID E. NAGLE**

David Nagle is a partner in the Richmond, Virginia office of Jackson Lewis. He is called upon to represent employers in all manner of litigation arising from the employment relationship, including claims based on allegations of employment discrimination, harassment, retaliation, wrongful discharge, breach of contract, unpaid wages, defamation, invasion of privacy and various other statutory, contract and tort claims. In addition, David has considerable experience in trial and appellate courts enforcing agreements to arbitrate workplace claims, including his successful argument in the United States Supreme Court on behalf of the employer in *Circuit City Stores v. Adams*, 532 U.S. 105 (2001). He practices in the federal courts throughout the country as well as in state courts in Virginia.

David has done considerable work relating to the use of polygraph in the workplace. He is pleased to serve as counsel to the American Association of Police Polygraphists (AAPP). Over the years, he has made numerous presentations to the annual meetings of the AAPP, the American Polygraph Association (APA), and numerous state associations of examiners. He worked with the APA during the unsuccessful efforts to defeat the Employee Polygraph Protection Act legislation, and with AAPP leadership in addressing polygraph issues arising under the Americans with Disabilities Act. In addition to litigation involving use of the polygraph by employers, he served on the Virginia Polygraph Examiner Advisory Board, and wrote *The Polygraph in the Workplace*, 18 University of Richmond Law Review 43 (1983).

Much of David's time is devoted to counseling employers and training management with respect to personnel policies and practices, in order to avoid the disruption, expense and uncertainty of litigation. David has received recognition from his peers, being listed in *The Best Lawyers in America*, as well as in Chambers' *America's Leading Lawyers for Business* and in *Virginia Super Lawyers*. An adjunct faculty member at the School of Law of the University of Virginia, he is a graduate of Georgetown University, LL.M. (Labor Law), the University of Richmond, J.D., and The College of William and Mary, B.A.

## **ABOUT JACKSON LEWIS**

Jackson Lewis LLP, with 50 offices and 800 attorneys nationwide, is dedicated to representing management exclusively in workplace law and related litigation. The firm represents employers before state and federal courts and administrative agencies on a wide range of issues including discrimination, wrongful discharge, wage/hour, affirmative action, immigration, and pension and benefits matters. Jackson Lewis negotiates collective bargaining agreements, participates in arbitration proceedings and represents union-free and unionized employers before the NLRB and other federal and state agencies. The firm counsels employers in matters involving workplace health and safety, family and medical leaves and disabilities.

The materials contained in this handout were prepared for the attendees' own reference in connection with management education seminars. Since these materials and related discussions are informational and educational in nature and represent the speaker's own views, attendees should consult with counsel before taking any actions and should not consider these materials or discussions thereabout to be legal advice. Professional advice should be obtained before attempting to address any legal situations or problems. Thank you.

**Presentation to the Winter Meeting  
North Carolina Polygraph Association**

**December 9, 2016 Raleigh, North Carolina**

**Legal Update: Polygraph in the Workplace**

Presentation by David E. Nagle of Jackson Lewis PC

- I. Discussion of the legal environment, and workplace litigation generally**
- II. Discussion of the Employee Polygraph Protection Act and related legal issues**
- III. Discussion of other litigation arising from use of polygraph in the workplace, including claims arising under the Americans with Disabilities Act and other federal and state statutes and common law**
- IV. Discussion of relevant cases and developing trends in workplace litigation**
- V. Discussion of selected cases from the last decade relating to polygraph in the workplace, including the following:**