

- SUBJECT:** Exempting certain voice stress analyzers from polygraph regulations
- COMMITTEE:** Public Safety — committee substitute recommended
- VOTE:** 9 ayes — B. Turner, Keel, Berman, Carter, Driver, Gutierrez, Hupp, P. King, Najera  
0 nays
- WITNESSES:** For — Bill Bleckman, Central Association of Computer Voice Stress Analysts; Captain T.J. Brown, Fort Worth Police Department; Godfrey Eta; James Hamilton, Barling Police Department and Central Association of Computer Voice Stress Analysts; David Hughes, National Institute for Truth Verification; Gary McFarland; Patrick Wainscott, International Association of Certified Voice Stress Analysts, Inc.  
  
Against — Gary Loveday; Texas Association of Polygraph Examiners; Laura Lyons  
  
On — Frank Ditucci, Texas Polygraph Examiners Board; Gordon Moore, Department of Public Safety; William Teigen, Texas Polygraph Examiners Board
- BACKGROUND:** The Polygraph Examiners Act (VACS art. 4413(29cc)) regulates the use of instruments designed to detect lies or verify truth by measuring cardiovascular and respiratory patterns. Currently, the polygraph is the only instrument that meets these criteria. The Polygraph Examiners Act designates the state Polygraph Examiners Board as the agency responsible for regulating and licensing polygraph examiners. The law provides that information from a polygraph examination is confidential, and a violation of confidentiality regulations is a Class B misdemeanor. The Act also provides for a complaint process against misuse of a polygraph exam.
- DIGEST:** CSHB 3175 would exempt a licensed peace officer certified as an examiner using a computerized voice-stress analyzer machine from regulation under the Polygraph Examiners Act (VACS 4413, 29cc), as long as the officer was in the course of an official criminal investigation. The bill would prohibit a

peace officer from using a computerized voice-stress analyzer to interview a crime victim using the equipment without the victim's written consent.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS  
SAY:**

CSHB 3175 would allow law enforcement agencies to use a better form of technology to verify truth in a criminal investigation. More than 600 law enforcement agencies in 40 states use voice-stress analysis machines to help solve serious crimes. Only ten states, including Texas, forbid its use.

The computerized voice-stress analyzer (CVSA) tests take much less time, do not have to be given in person, and do not produce inconclusive results, one of the biggest problems with polygraphs. CVSA tests can be conducted via telephone or videotape and can be interpreted immediately. Polygraph tests may require more time and more personnel for correct interpretation.

CVSA equipment is affordable and easy to use, a benefit to smaller police departments. CVSA testing can be used to decide whether to open an investigation. If the instrument indicates that someone is making false accusations, law enforcement officers would not waste further time. An instant indication that a suspect is lying would help officers decide to proceed.

When polygraphs were first introduced, their operators were certified by the manufacturers of the machines, similar to the current process for certifying CVSA analyzers.

**OPPONENTS  
SAY:**

Exempting CVSA systems from the Polygraph Act would be detrimental to crime victims, alleged perpetrators, and law enforcement authorities. The bill would effectively exempt an unproven technology from any regulation, including state oversight, licensing, complaint proceedings, and confidentiality of information.

Currently, polygraph examiners must be licensed and bonded. CSHB 3175 would require a CVSA examiner only to be "certified." Serious questions have been raised about the CVSA certification process because, at present, the only certification available is through the sole manufacturer of CVSA technology.

CVSA technology is notoriously inaccurate. Tests of the system show that it has only a 48 percent success rate, making it less predictable than a coin toss. Yet because CVSA is cheaper than polygraph equipment, smaller departments might be tempted to use it instead of the more reliable polygraph exam.

The technology could open the door to civil liberty violations. While this bill would require that written permission to use CVSA during an interview with a crime victim, no such protection exists for suspects, or even members of the general public phoning in to report a crime. CVSA could be used to interview suspects during a phone call without their knowledge or permission.

NOTES:

The committee substitute would require that the victim of a crime give written consent before being interviewed.