



To: House Judiciary Committee

From: Kevin Campbell
Oregon Association Chiefs of Police &
Oregon State Sheriffs Association

Date: February 21, 2016

Re: Support for SB 1555 A

Chair Barker and Members of the Committee, my name is Kevin Campbell and I am here today on behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association in strong support SB 1555 A.

In today's society, our peace officers are entrusted and empowered with significant authority that must be appropriated with care and integrity. In order to protect the public, to guard carefully the honor of the law enforcement profession and to respect peace officers that serve our communities with distinction, it is critical for law enforcement agencies to have a full range of pre-employment hiring tools. Only the most trustworthy and capable applicants for law enforcement positions should be allowed to wear a badge and carry a gun. SB 1555 A would ensure that law enforcement agencies have an additional tool necessary to make fully informed hiring decisions by authorizing the use of polygraph for pre-employment. **The most important human resource decision a law enforcement agency makes is the first one...who to hire.**

The key provisions of SB 1555 A include:

- Permits law enforcement agencies to utilize a polygraph examination as a pre-employment screening measure before a person's initial full-time employment as a peace officer. The measure is permissive and is not a mandate and the authorization is subject to an applicable collective bargaining agreement.
- Prohibits employers from requiring or requesting polygraph examinations of peace officers any time, for any reason after they've been hired.
- Exempts documents, materials and other information relating to polygraph tests administered under ORS 659.840 from public records disclosure under ORS 192.505.

Oregon is one of only a handful of states that does not allow pre-employment polygraph for peace officer hiring and several states actually require a polygraph. Both Washington State and California utilize polygraph for pre-employment. As a result, **Oregon is becoming an attractive place for police officer candidates who fail a polygraph in another state or who avoid the polygraph because they know they can't pass one if tested.**

We believe the polygraph should be utilized in addition to the full range of other tools law enforcement agencies use to screen new applicants (e.g., interviews, personal history questionnaire, background investigation, psychological exam, post psych background investigation follow-up). We fully believe that use of a polygraph will screen out individuals who secretly engage in behaviors that would undermine the integrity of the law enforcement profession and put our communities at risk. **Hidden behaviors, like a propensity for domestic violence or sexual predation, are more apt to be identified when polygraphs are added to the current pre-employment screening tools.**

One doesn't need to look very far to see cases of officers who were hired who later committed criminal acts or behaviors resulting in decertification where use of a pre-employment polygraph may have prevented their hire in the first place.

Our Oregon law enforcement profession is known for its high ethical standards, a well-regarded 16-week basic training academy, and an aggressive decertification program designed to remove officers when they are no longer qualified to serve in a law enforcement role. While we have strong systems of training and accountability, we need the additional tool of a polygraph in order to ensure that our hiring decisions are well informed.

We urge your support of SB 1555 A!

Additional Background:

1. The polygraph, when used in police and public safety selection is primarily an information-gathering tool that markedly improves the value of the other character assessment procedures such as the background investigation and the psychological assessment.
 - The polygraph as used in the job selection process is not used to determine guilt or innocence as it is in criminal investigations. In fact, fewer than 5% of police applicants are identified by polygraphers as “deceptive,” and most of those are because of flagrant use of countermeasures (such as excessive body movements, deep breathing, use of anti-anxiety drugs). In summary, it is the admission of negative behaviors during the polygraph process – which are used by a department's background investigator – to reject applicants; not the opinion of the polygraph operator.

- The use of the polygraph in the selection process results in a doubling of negative behavioral admissions such as arrests, spouse abuse, job terminations, etc.
 - Knowing that a polygraph is part of a police officer screening process causes a number of candidates to not apply because of issues they know will disqualify them from the profession.
2. If the polygraph is not used in the selection process the department may hire applicants who have lied about or failed to disclose undesirable pre-hire behavior. Two things are noteworthy:
 - Peace officer applicants who have committed undesirable behaviors before being hired are at much greater risk of continuing those behaviors after being hired;
 - Failure to administer a polygraph is unfair to job applicants who disclose undesirable past behaviors and subsequently get rejected, while applicants who don't disclose a similar history get hired.
 3. There is a potential “negligent hiring” issue if an applicant who has a negative pre-hire history is hired due to their deceptive responses because the department did not exercise due diligence by using the polygraph – which is the norm for police agencies (particularly on the West Coast).
 4. Adding the use of a polygraph to the other pre-employment screening tools can avoid a bad hiring decision that later puts the community at risk, results in a criminal act or ethical breach that impacts public confidence in the public safety system and

Candidate Admissions With and Without Use of Polygraph:

According to the California POST *Peace Officer Psychological Screening Manual*, “The usefulness of these measures is perhaps most evident in the higher rate of admissions to various negative behaviors by applicants applying to agencies that administer a polygraph as compared to applicants applying to agencies that do not administer a polygraph. Johnson, Roberts & Associates (2004) compared life history information provided by approximately 17,000 peace officer candidates who applied to law enforcement agencies administering a polygraph against the responses of 10,500 candidates who applied to agencies not using a polygraph. In nearly every instance, the presence of the polygraph was associated with a higher rate of negative admissions.”

Behavioral Admission	No Poly N=10,500	Poly N=17,314
Referred to collection agency	34%	36%
Failed to file income tax	5%	5%
Ever arrested	12%	28%
Convicted of a misdemeanor	9%	17%
Stole goods worth \$25 or more	2%	6%
Has Hit Spouse or Romantic Partner	5%	9%
Missed Work Due to Alcohol	2%	3%
Drives Under the Influence (2+/Yr)	6%	5%
Has Driven After Using Drugs	4%	11%
Has Sold Drugs	1%	2%
Ever Used Marijuana	34%	58%
Ever Used Drugs Besides Marijuana	9%	22%
Suspended from High School	14%	17%
Fired from Job	14%	22%
Failed Job Probation	4%	8%
Quit Job Without Notice	9%	15%
Reprimanded at Work	31%	47%
Received Workers Compensation	13%	20%
Stole Money from Work	1%	5%
Had Drivers License Suspended	19%	17%
2+ Traffic Accidents in Last 3 Years	11%	10%
Assigned Risk Auto Insurance	7%	10%
Declared Bankruptcy	6%	6%