


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 1205
	POLYGRAPH EXAMINATIONS	ISSUE DATE 02/19/2008
	CHAPTER: PROFESSIONAL STANDARDS	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 6

I. PURPOSE

It is the purpose of this policy to provide investigative officers and others with general knowledge of, guidance and procedures for the use of polygraph examinations.

II. POLICY

The polygraph examination is a valuable investigative aid as used in conjunction with, but not as a substitute for, a thorough investigation. The polygraph may be employed, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this or other criminal justice agencies; and assist in the conducting of internal police investigations, among other authorized purposes.

III. DEFINITION

POLYGRAPH: The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to ascertain truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

IV. PROCEDURES

A. REQUESTING POLYGRAPH EXAMINATIONS

1. Following approval by their Division Commander, employees of this Department may request a polygraph examination be conducted by the Department's authorized polygraph examiners.

2. Polygraph examinations may be authorized when consistent with state law and Department General Orders. Situations in which authorization may be requested and approved include, but may not be limited to:
 - a. Requests from the prosecuting attorney's office as may be appropriate for investigative purposes;
 - b. An element of a background investigation of a candidate for sworn or civilian position as determined by the Office of the Chief of Police; [CALEA 32.2.4]
 - c. Requests from other criminal justice agencies consistent with the specified requirements of this Order;
 - d. As may be deemed necessary in the furtherance of a criminal investigation;
 - e. As part of an internal administrative or criminal investigation of an officer or civilian employee of this Department or of another criminal justice agency consistent with the specified requirements of this Order. [CALEA 52.1.7e]
 - f. The polygraph should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.
 - g. Requests for polygraph examinations from other law enforcement agencies pursuant to an internal investigation must be in writing and be approved by the Office of the Chief of Police.
 - h. Submission to a polygraph examination must be a voluntary action with the exception of employees of this Department formally directed to take an examination as part of an internal investigation. In all other cases, polygraph examinations shall not be administered without the subject's written approval, waiver or other instrument as may be required by law or this policy.

B. PREPARING FOR POLYGRAPH ADMINISTRATION

1. The requesting officer is responsible for providing the examiner with all pertinent information concerning the case and for reviewing, clarifying or elaborating on information as the examiner may deem necessary. This includes, but may not be limited to:
 - a. Information obtained in the investigation that supports and justifies the use of the polygraph;
 - b. Copies of offense reports and investigative reports;
 - c. Evidence available and withheld from the subject;
 - d. Background information on the subject to be examined, to include criminal record and possible motivation;
 - e. Any statements made by the subject, complainants and witnesses to include alibis; and,
 - f. Newspaper articles or other general information concerning the case.

2. If the subject is hearing impaired or does not speak English, the requesting officer will make arrangements for a sign language interpreter or translator as determined by the polygraph examiner.
3. Officers shall not interrogate a subject just before he is to take a polygraph.
4. Officers shall not attempt to explain procedures that will be used in the examination but shall advise subjects that these will be explained fully by the examiner. Subjects may be advised of the following:
 - a. The examination is voluntary, unless otherwise provided by this Order in cases of Office of Professional Standards investigations;
 - b. The results of the examination are not admissible in a court of law unless all parties agree in advance; and,
 - c. The results of the polygraph examination, taken alone, do not provide substantiation for a criminal charge.
 - d. Should the subject be late for or cancel the appointment, the requesting officer shall immediately notify the polygraph examiner.
 - e. If possible, the requesting officer shall report with the subject and any other authorized persons, such as attorneys, parents or legal guardians, to the examination location of the test. The polygraph examiner shall be solely responsible for authorizing any persons inside the examination or observation rooms.

C. CONDUCTING POLYGRAPH EXAMINATIONS

1. Only fully trained polygraph examiners or intern polygraph examiners under the direction of a certified polygraph examiner are authorized to administer polygraph examinations. [CALEA 42.2.8, 32.2.5]
2. The polygraph examiner shall make such inquiries of the subject's health, medical history and/or use of medications as may be reasonably necessary to determine his ability to take the examination. Polygraph examinations shall not be conducted on any person whom the examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include, but is not limited to, persons with heart conditions, women who are pregnant and individuals taking certain types of medication that may interfere with test results. When in doubt, the examiner may request the examinee to obtain a medical certificate from an appropriate health care provider.
3. An examiner shall not conduct a polygraph examination upon a subject if it is felt for any reason that an unbiased examination cannot be given.
4. Where appropriate, the examiner shall read Miranda rights to the subject and obtain a waiver of rights. The examiner shall also explain the voluntary nature of the test and obtain a signed release form prior to administering the examination.

5. An examination shall cease immediately if requested by the subject, except when an employee has been ordered to undergo a polygraph examination as part of an Office of Professional Standards Investigation.
6. Prior to the test, the examiner shall explain the polygraph procedure to the subject and prepare him for the examination.
7. The examiner shall be responsible for preparing all questions used in the examination.
8. Prior to the examination, each test question shall be reviewed with the person being tested.
9. The examiner shall independently interpret the chart tracings and render an opinion on the findings that include, but is not limited to, one of the following conclusions:
 - a. No Deception Indicated;
 - b. Deception Indicated; or,
 - c. Inconclusive.
10. The polygraph examiner shall determine if a second polygraph examination is necessary and appropriate.
11. Juveniles being polygraphed will be given the same constitutional protection as adults. Requesting officers will notify the parent or legal guardian prior to administering the polygraph examination.

D. PRE-EMPLOYMENT EXAMINATIONS

1. The polygraph examiner shall review all relevant applicants screening reports, applicant personal history summaries and any prior polygraph examination reports prepared by this Department before conducting the examination.
2. Pre-employment polygraph examinations shall be scheduled by authorized members of the Office of Professional Standards.
3. Polygraph examinations shall not be used as the sole determinant of suitability for employment. [CALEA 32.2.6]
4. Candidates shall be provided with a list of questions that may be used in the examination. [CALEA 32.2.4]

E. EQUIPMENT AND RECORD KEEPING

1. The polygraph examiner is responsible for the maintenance, safekeeping and the integrity of the polygraph equipment.
2. The polygraph examiner shall provide such summary activity or statistical reports as may be directed by the Office of the Chief of Police.
3. Unless otherwise provided in this Order or by state law, the polygraph examiner shall maintain copies of each polygraph report, together with polygraph charts and all associated papers, for a period of three (3) years and indefinitely in capital offenses.
4. The results of all pre-employment examinations, including chart tracings, polygraph reports and related examination results, shall be maintained in a secure storage location, separately from criminal polygraph files. The duration of storage and the stipulations for release of this information shall be governed by Departmental policy regarding the maintenance of personnel records. [CALEA 32.1.7]

F. EXAMINATION ROOMS

1. Tests and interviews shall be conducted in a clean, neat environment free of audible and visual distractions within the Office of Professional Standards.
2. Certificates, diplomas and such shall be displayed so as not to be in the sight of subjects during testing.
3. Examiners will be neat and well groomed, and will dress in a manner consistent with standards of the professional business community.
4. Duty uniforms, badges and other emblems of authority shall not be worn. This does not include departmental identification cards, where required.
5. If required, service weapons may be worn by the examiner but should not be openly displayed.
6. As per Policy 1200 (Office of Professional standards Procedures) Section XIV (Weapons Not Allowed In the Office Of Professional Standards) Paragraph A, *"Before entering the Office of Professional Standards the employee under investigation, either full time, part time, sworn, volunteer, or civilian, will leave his/her weapon in their vehicle. This applies to departmental issued and personal weapons of any type, make, or manufacturer"*.

G. EQUIPMENT

Polygraph instruments used shall be of commercial manufacturers and shall have no fewer than three functioning recording channels.

H. CALIBRATION

1. Calibration charts and/or maintenance logs shall be maintained at the instruments location or with case files.
2. Calibration checks of instruments should be conducted at least twice per month and whenever the instrument is moved to a different location.