



POLYGRAPH EXAMINATIONS

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I. POLICY

Polygraph examinations are an investigative tool used in determining deception during the course of an investigation. An examination should not be conducted until all conventional methods of closing a case are exhausted. Only individuals trained at an accredited school in the use of polygraph will administer examinations. Polygraph equipment shall be operated only by those personnel trained and qualified in its use.

II. PURPOSE

This policy is to provide specific guidelines and procedures for requesting a polygraph examination. Officers requesting polygraph examinations should also understand its capabilities and limitations.

III. DEFINITIONS

- A. **Polygraph:** The polygraph is an instrument that simultaneously records three or more channels of physiologic activity. The term now most commonly signifies the instrument and techniques used in psychophysiological detection of deception.
- B. **Polygraph Use:** The polygraph is used to determine the validity of a subject's statement by evaluating consistent physiological responses recorded during the examination. It can be very useful in obtaining a confession or admission from a subject who would otherwise remain silent.
- C. **Polygraph Examiner:** The Polygraph Unit for the Anne Arundel County Police Department is comprised of civilian personnel categorized as mid-level managers. Minimum qualifications required for Polygraph Examiners are graduation from an accredited four-year college or university with major course work in psychology, sociology, or the criminal justice field; considerable experience in the administration of criminal case examinations; graduation from an American Polygraph Association accredited school; and full membership in the American Polygraph Association.

IV. POLYGRAPH EXAMINATIONS

- A. A polygraph examination will not be given until the investigation has established sufficient facts to enable the Polygraph Examiner to adequately construct comprehensive and objective questions.

- B. The polygraph examination may be considered applicable in the following circumstances:
 - 1. Determining the validity of a suspect or defendant's statement,
 - 2. Determining the validity of allegations made by a victim,
 - 3. Determining the validity of an informant or witness's statement.
- C. No assumption of guilt shall be given to the person who refuses to submit a polygraph examination.
- D. Department-ordered examinations of sworn officers will be conducted in accordance *with Index Code 303.2* and the department's Internal Affairs Section.

V. POLYGRAPH EXAMINER'S RESPONSIBILITIES

- A. The responsibilities for the proper administration of procedures lie within the command responsibilities of the Criminal Investigation Division, Major Crimes Section Commander.
- B. The Polygraph Examiner has the responsibility to determine the specific time and location of each examination.
- C. For each and every examination administered the Examiner will complete a "Polygraph Examination Information Sheet." This sheet will be filed and maintained in the Polygraph Unit Office. The sheet will contain at a minimum:
 - 1. Name of examinee.
 - 2. Address of examinee.
 - 3. Date of birth of examinee.
 - 4. The test or case number.
 - 5. Name of examiner.
 - 6. Examination results.
 - 7. Date and time of test.
 - 8. Name of individual requesting examination.
 - 9. Type of case.
 - 10. Remarks section.
 - 11. Current medications, if any
- D. The Polygraph Examiner shall determine whether or not the subject to be examined is physically and mentally capable of submitting to the examination at the time of the request. The Examiner shall not attempt a detailed medical or psychiatric analysis of the subject examined.
- E. The Polygraph Examiner shall verbally advise the subject that his/her participation is voluntary and also obtain a signed release by the subject or the subject's legal guardian prior to the administration of every examination. The waiver form must meet the legal necessities dictated by the Anne Arundel County Police Department's Office of the Legal Advisor.
- F. The Polygraph Examiner shall restrict the results of the polygraph examination to those persons with a "need-to-know" basis, as established by the Commander of the Criminal Investigation Division, and shall supply only that information which pertains to the particular case or issue in question. However, in the event the subject confesses to other crimes or violations of the law, the Examiner shall be duty bound to forward the additional information to the appropriate authorities.
- G. The Polygraph Examiner shall concern himself solely with the detection of deception or non-deception that is relevant to the investigation at hand.

- H. Upon completion of each examination, the Examiner shall:
1. Supply verbal results of the examination to the party who requested it.
 2. Provide a written report of the examination to their supervisor within fifteen working days. The report will state the subject's examination is either:
 - a. Deception Indicated
 - b. No Deception Indicated
 - c. **Significant Response**
 - d. **No Significant Response**
 - e. Inconclusive results. A subject with inconclusive results may require retesting.
 - f. No test. During a pre-test interview a subject may be determined by the Examiner to not be a suitable candidate or the subject has failed to follow directions during the examination.
- I. The Polygraph Examiner shall not utilize examination techniques not officially recognized and sanctioned by the American Association of Police Polygraphists and/or the American Polygraph Association.
- J. Polygraph Examiners will keep their supervisor advised of their test, court appearance, schools, or other activities they have scheduled on a daily basis.

VI. RESPONSIBILITIES OF THE INVESTIGATOR REQUESTING A POLYGRAPH

- A. Polygraph examinations will generally be scheduled Monday through Friday at 8:30 and 1230 hours. An exam generally lasts 3-4 hours to complete all phases of the examination. Evening and short-notice examinations are available upon request and should be considered in all serious Part I crimes and serious misdemeanor cases, especially murder, rape, robbery, child abuse, serious assaults and any other case where the validity of a statement or allegation is questioned and the investigating officer does not feel the suspect/witness will be available at a later date.

Members of the Anne Arundel County Police Department requesting a polygraph examination shall:

- B. Personally contact the Polygraph Examiner for the purpose of making an appointment for the examination. Personally discuss the particulars of the case or the issue in question with the Polygraph Examiner; this should include providing a copy of the incident report, written statement(s) or any other pertinent information, if available.
- C. Be cognizant to avoid requesting a polygraph examination after concluding an intensive interrogation of the subject. In order for the polygraph examination to be an effective investigative aid, the subject of the examination should not be either physically exhausted or emotionally distraught.
- D. Emphasize to the individual being afforded the opportunity of statement verification through the use of the polygraph examination, that the polygraph (forensic psychophysiology) is an extremely effective method of establishing the truth. Confidence should be expressed in both the accuracy of the procedure and the impartiality of the Examiner to those being examined.
- E. No attempt will be made to explain the scientific application of the polygraph examination or the methodology utilized by the members of the Polygraph Unit to the individual for whom the examination is being requested.
- F. If possible, withhold from the individual being examined, certain information believed to be known exclusively by the victim. The aforementioned withheld information may be of vital importance to the examination at hand.
- G. If the individual being examined is either under arrest or currently under incarceration, the investigator in charge of the case should maintain the custodial responsibilities for the aforementioned individual.

- H. If desired, make a formal request that the proceeding of the polygraph examination be recorded. This is accompanied by the applicable waiver and appropriate acknowledgment of the same by the Polygraph Examiner.
- I. Whenever an investigator requests that a test be conducted they will assure that they are immediately available and accessible to the Polygraph Examiner to answer any questions they may have. It is not the responsibility of the Polygraph Examiner to take a written statement\confession.

VII. PERSONS NOT TO BE EXAMINED

- A. Any person who is an unwilling participant and will not voluntarily sign the Polygraph Unit's "Polygraph Examination Waiver" form, submitted to that Unit through the Anne Arundel County Police Department's Office of the Legal Advisor.
- B. Any juvenile without the consent of at least one parent or guardian or probate judge having jurisdiction over that juvenile. The written consent should be expressed in this Unit's "Polygraph Examination Waiver" form.
- C. Pregnancy - No woman, known to be pregnant, will be administered a polygraph examination unless the Polygraph Examiner receives a signed document, from a licensed physician, stating clearly that the examinee may undergo a polygraph examination.
- D. Heart Conditions - Any individual who is currently being treated or who has a serious cardiac-related illness for which they are receiving medical treatment, by a qualified doctor of medicine, unless the Polygraph Examiner receives a signed document, from the attending physician, stating clearly that the examinee may undergo a polygraph examination.
- E. Epilepsy - Any individual who is currently being treated by a qualified physician for any of the commonly accepted forms of epilepsy will not be examined unless the Polygraph Examiner receives a signed document, from the attending physician, stating clearly that the examinee may undergo a polygraph examination.
- F. Mental Conditions – Individuals who are currently receiving treatment, by either a licensed psychiatrist or a clinical psychologist for certain conditions. Examples of recognized treatment programs are:
 - 1. Recovering alcoholics.
 - 2. Individuals recovering from some form of substance/drug addiction.Note: The aforementioned individuals may undergo a polygraph examination provided that the Polygraph Examiner determines that the individual's condition will not become aggravated, as well as, grossly affect the results of the examination. If the individual's condition is so severe or in question the Polygraph Examiner may request the expressed written approval from the applicable health care professional.
- G. Any individual who is recognized so under the influence of either alcohol or drugs (either prescription or CDS) that the person is incapable of following directions.
- H. Individuals from other Police Agencies - No polygraph examination will be administered upon members of other police agencies without first giving proper notification and receiving approval by the Chief of Police and/or the Commander of the Criminal Investigation Division of this department.
- I. In accordance with State of Maryland 42 U.S.C. 3796gg-8(a): No law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth or child victim of an alleged sexual offense as defined under Federal, State or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of an offense. In addition, the refusal of a victim to submit to a polygraph or other truth-telling examination shall not prevent the investigation, charging or prosecution of an alleged sexual offense.

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VIII. PROPONENT UNIT: CID Major Crimes Section.

IX. CANCELLATION: This directive cancels Index Code 1821, dated ***03-25-15***.