

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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## INTRODUCTION

The purpose of this policy is to establish administrative and operational guidelines for departmental polygraph examinations. The polygraph technique is an accepted and valuable investigative tool as used in conjunction with, but not as a substitute for, a thorough investigation. It may be used to verify, corroborate, or refute statements, obtain additional investigative leads, narrow or focus criminal investigations, screen candidates for employment, and/or assist in administrative investigations and other authorized situations as approved by the Chief of Police.

## POLICY STATEMENT

It is the policy of the Asheville Police Department to utilize polygraph examinations to aid in pre-employment, criminal, and administrative investigations, where appropriate. The polygraph will be used in accordance with all applicable legal guidelines and regulations.

## DEFINITIONS

Diagnostic Examination: an event-specific evidentiary or investigative polygraph examination conducted to assist in determining the veracity of an examinee regarding his or her knowledge of or involvement in a reported issue or allegation.

Polygraph Examiner: a department member authorized to conduct polygraph examinations who has successfully completed a course of study in polygraph science and methodology from an accredited institution.

Polygraph: a diagnostic instrument that graphically records physiological changes that take place in a person at a specific time.

Screening Examination: a polygraph examination conducted in the absence of a reported incident or allegation.

Test Data Analysis: any structured method for the evaluation and interpretation of the recorded physiological data in terms of probabilistic margins of uncertainty and or categorical test decisions concerning the examinee's truthfulness or concealed knowledge.

## RULES AND PROCEDURES

### 906.1 REQUESTING POLYGRAPH EXAMINATIONS

- A. Following approval by their immediate supervisor, department employees may request a polygraph examination from a department polygraph examiner.
- B. Polygraph examinations may be authorized when consistent with state law and department policy. Situations in which a polygraph may be requested/authorized include, but are not limited to:
  1. Assisting with a department criminal investigation. [42.2.5]
  2. As part of the department employment selection process/background investigation, see [Policy 2101 – Recruitment & Selection](#).
  3. Requests from other authorized criminal justice agencies.
  4. Assisting with a department administrative investigation, see [Policy 2301 - Administrative Investigations](#). [26.3.6 f]
- C. Requests for polygraph examinations from another law enforcement agency pursuant to an internal investigation must be in writing and be approved by the Chief of Police or designee.

**906.2 GENERAL GUIDELINES [42.2.5]**

- A. Polygraph examinations will only be administered by polygraph examiners who are authorized to conduct polygraph examinations and who have attended and successfully completed a course of study in polygraph science and methodology at a school accredited by the American Polygraph Association (APA). [31.5.4]
- B. The department's polygraph examiners are responsible for the following:
  - 1. Ensuring examinations are conducted in accordance with department directives and all applicable laws and regulations.
  - 2. The maintenance, safekeeping, and integrity of the polygraph equipment.
  - 3. Maintaining proficiency in the field, including knowledge of new techniques, changes in legislation, and familiarity in related fields of study. This includes:
    - a. Attending a minimum of forty (40) hours of advanced level or supplementary polygraph-related training every two (2) years.
    - b. Maintaining membership in the American Association of Police Polygraphists (AAPP) or APA to enhance knowledge, professional status, and stay current with research.
- C. Polygraph examinations may only be administered to individuals who volunteer to submit to such an examination, with the exception of individuals who have been directed to submit to a polygraph examination in an administrative investigation or in accordance with an employment background investigation.
- D. The administration of polygraph examinations should conform to all professional standards as recommended by the AAPP and/or the APA.
- E. Only testing techniques that have been scientifically researched, validated, and approved by the APA will be used by department polygraph examiners.
- F. Department polygraph examiners will only use techniques for which they have received formal training.
- G. The department will not conduct polygraph examinations on juveniles under the age of fourteen (14) or women who know or have reason to believe they are pregnant.
- H. All examinations will be recorded with audio and video unless precluded by law or policy. The recording should be continuous, with any stops or pauses explained on the recording.

- I. To avoid potential biases, polygraph examiners will not conduct an examination in an investigation where the polygraph examiner has been extensively involved. This includes screening examinations where a conflict of interest exists or could exist between the polygraph examiner and the candidate.

### **906.3 EXAMINATION PROCEDURES**

- A. Prior to the administration of any polygraph examination, an acquaintance control question test (ACQT) will be conducted with the examinee.
- B. The examinee will be provided with their legal rights consistent with agency policy and law.
- C. Polygraph examiners will obtain written consent from examinees prior to beginning the in-test portion of polygraph examinations. The consent of the examinee should be obtained after a brief explanation of the polygraph process.
- D. Screening examinations for candidates seeking employment with the department will only be conducted after the candidate has accepted a conditional offer of employment. Candidates will be provided with a list of areas from which questions will be drawn prior to the examination. [31.5.3]
- E. Polygraph examinations will cease immediately if requested by the examinee.
- F. The polygraph examiner will inquire about the examinee's health, medical history, and/or use of medications as necessary to determine their ability to take the examination. Polygraph examinations will not be conducted on any person who the examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include but is not limited to:
  1. Persons with heart conditions.
  2. Pregnant women.
  3. Individuals taking certain types of medication which may interfere with test results.
- G. If the polygraph examiner is unsure of the examinee's physical suitability for testing, the examinee may be requested to obtain a medical certificate from an appropriate health care provider.

### **906.4 TEST DATA ANALYSIS**

- A. Polygraph examiners should not render an opinion concerning the truthfulness of an examinee until after all test data suitable for analysis has been analyzed.

- B. Polygraph examiners should use validated evaluation methods that are appropriate for the type of test administered and for which the examiner has been formally trained.
- C. Based on the test data analysis, the polygraph examiner should render one of the following opinions:
  - 1. No Deception Indicated (NDI): there are no significant physiological responses noted to relevant questions.
  - 2. Significant Response (SR) or Deception Indicated (DI): there are significant physiological responses noted to relevant questions. *Significant Response* would be indicated in screening examinations, and *Deception Indicated* in diagnostic examinations.
  - 3. No Opinion (NO) or Inconclusive (INC): Sufficient criteria to render an opinion does not exist.

#### **906.5 REPORTS AND RECORDS**

- A. A polygraph report will be prepared by the polygraph examiner for each examination conducted. This includes any examination where the pre-test phase of the examination was initiated.
- B. The polygraph report and examination paperwork must be available for quality control reviews, including, but not limited to, worksheets, consent forms, ACQT, examiner notes, and score sheets.
- C. Unless otherwise required by policy or law, the polygraph examiner will maintain original copies of each polygraph report, together with polygraph charts and all related papers, for a period of five years and indefinitely in capital offenses. Results will also be submitted to the investigator for inclusion in the related case or background file.
- D. The results of all pre-employment examinations and their files will be maintained in a secure storage location, separately from criminal polygraph files.

#### **906.6 QUALITY CONTROL PROCEDURES**

- A. The department will ensure that quality control reviews of reports, charts, and related documents are conducted to ensure proper formatting, reporting procedures, and technical accuracy.
- B. Quality control reviews **may** be conducted by qualified polygraph examiners and include at least the following elements:
  - 1. Analysis of test question construction.

2. Independent evaluation of the polygraph charts.
  3. Overall review of the technical aspects of the test, ensuring all procedures were followed and that the recorded results are compatible with the opinion rendered.
- C. All examinations [may](#) be reviewed in their entirety, including an independent numerical evaluation of the polygraph charts, test question construction, and conformity to acceptable procedures.
1. Quality control examiners will either approve or disapprove of the charts and conclusions reached by the polygraph examiner.
  2. The quality control examiner will review all technical comments with the examiner.
- D. All department polygraph examiners will be available for quality control review of another polygraph examiner's polygraph upon request.

#### **906.7 EQUIPMENT AND FACILITIES**

- A. Examination facilities will meet all applicable room security and safety requirements established for department interview facilities in [Policy 903 – Interviews and Interrogations](#).
- B. Tests and interviews will be conducted in a clean, neat environment free from audible and visual distractions.
- C. Duty uniforms, badges, and other emblems of authority will not be worn. This does not include department identification and access cards.
- D. Polygraph instruments used will be from a commercial manufacturer and will have no fewer than three (3) functioning recording channels. At a minimum, the instruments should continuously record during testing with the following components:
1. Two pneumograph components to register thoracic and abdominal movement patterns associated with respiration.
  2. A component to record electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue.
  3. A cardiograph component to record pulse rate, pulse amplitude, and relative blood pressure changes.
  4. A movement sensor to aid in the detection of countermeasures.

BY ORDER OF:

A handwritten signature in black ink, appearing to read "David J. Zack". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

David Zack  
Chief of Police