



Policy 1601

Subject

POLYGRAPH PROCEDURES

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By Order of the Police Commissioner

POLICY

1. **Thorough Investigations.** It is the policy of the Baltimore Police Department (BPD) to ensure that all criminal incidents are thoroughly investigated in a professional manner.
2. **Victim's Well-being.** The BPD investigates all reported rapes and other sexual offences. Those comprehensive investigations by a sworn police officer shall display the utmost regard for the victim's physical and emotional well-being. Members shall be trained to interact with the victim with a trauma informed approach. The BPD complies with the policy of the State of Maryland regarding the investigation of rape and sexual offense, as stated by the Governor's Office on Crime Control and Prevention on July 21, 2009 to wit:
 - 2.1. No law enforcement officer, prosecutor or other government official shall ask or require the victim of an alleged sexual offense to submit to a polygraph examination or other truth verification device as a condition for proceeding with the investigation of that offense;
 - 2.2. The refusal of a victim to submit to a polygraph or other truth verification test shall not prevent an investigation from going forward.

GENERAL

1. A polygraph examination is available in support of the following:
 - 1.1. Internal Investigations.
 - 1.2. Pre-employment screening and testing.
 - 1.3. Voluntary examination by members of the BPD, sought as a means of exculpation.
2. Mass testing of possible suspects to produce a real suspect shall not be done.
3. Polygraph examination results shall be made available to members of the BPD on a need to know basis only and shall not be disseminated outside the BPD without authorization by the Police Commissioner.

EXCEPTION: Results of polygraph examinations may be made available to Assistant State's Attorneys assigned to criminal investigations, conducted by members of the BPD.

4. Results of pre-employment polygraph examinations may be provided to other law enforcement agencies, with the applicant's authorization.

REQUIRED ACTION**Member**

1. Request polygraph examinations of the suspect(s) when investigation reveals there is reasonable cause to believe that the suspect(s) had motive, opportunity, and means to commit an offense and additional information is needed to further the investigation.
2. Request polygraph examinations of witnesses, complainants, and informants when:
 - 2.1. You have cause to believe the individuals are withholding information vital to the successful resolution of the investigation.
 - 2.2. The individual's motives, allegations and/or reliability are in question.
3. Make tentative arrangements for a polygraph examination with the Polygraph Examiner either by telephone or personal contact. The normal hours of the Polygraph Unit are 0800 to 1630, Monday through Friday.
4. Schedule an examination for Saturday or Sunday, by prior appointment, when a prospective examinee is unavailable Monday through Friday, when all provisions of this order have been met.
5. The Polygraph Unit will conduct a case review to determine if the polygraph examination will be a valuable resource.
6. Immediately notify the Polygraph Examiner, and reschedule or cancel the examination when:
 - 6.1 Member cannot locate a person scheduled for examination.
 - 6.2 The subject is ill.
 - 6.2.1. Advise and check documentation for any medical condition that may cause a health risk during the course of the examination.
 - 6.3 The subject declines to submit to the examination.
7. Ensure that a parent or guardian is present during the examination of a juvenile; or
8. Obtain permission for the examination and a signed "Form of Consent", Form LD 301, from the parent, guardian or Juvenile Judge with jurisdiction.
9. Brief the examiner on details of the investigation.
10. Provide the examiner with:
 - 10.1. A copy of the offense report.
 - 10.2. Sufficient established facts to enable the examiner to construct relevant test questions.
 - 10.3. Any specific questions relevant to the investigation that you want the examinee

to answer.

- 10.4. Unpublicized facts of the offense, particularly those expected to be known only to the individual(s) involved.
- 10.5. Verified detailed facts, because general facts, theories, and suspicions are not enough.
- 10.6. Any written or recorded statements made by victims.
11. Be present during the examination in order to assist the examiner should a matter arise with which the examiner is not familiar.
12. Witness the reading and explanation of the subject's rights and privileges, and confirm the voluntary nature of the subject's signature on the "Explanation and Waiver of Rights," Form 069/05 and the "Form of Consent," Form LD 301.
13. Obtain and make available all pertinent information, relative to the examination, when the examinee has been examined on the same case by any other examiner, such as, report techniques used, charts, and/or list of questions, so the examiner may review it and determine if a re-examination is warranted.
14. Reduce the subject's verbal statement to writing, if you are advised by the examiner that the examinee has made an incriminating statement that is critical to the investigation.

Polygraph Examiner

1. Properly conduct polygraph examinations, following the Standing Operating Procedures of the Polygraph Unit.

NOTE: The Polygraph Examiner has the authority to decide at any time whether or not an examination should be conducted, and once started, whether it should be continued.

2. Prior to examining an applicant for employment, review the current pre-employment investigative files of the applicant.
3. Prior to examining a member of the BPD for a possible transfer to a sensitive assignment, review their personnel file for the purpose of obtaining necessary background information relative to their service with the BPD.
4. Immediately notify the investigator, if during the examination, the examinee makes an incriminating statement that you consider critical to the investigation.

Personnel Section

1. Make available to the Polygraph Unit, a member's personnel file, when a polygraph examination is required for possible transfer.

RESCISSION

Remove and destroy/recycle General Order P-1, *Polygraph Procedures*, dated 10 May 2010.

COMMUNICATION OF POLICY

This Policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.