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|  | STANDARD OPERATING PROCEDURE State Form 39870 (R/S-06) | Reference Number LAB-003 |
| | Subject Polygraph Examinations | |
| | Special Instructions Replaces LAB-003 dated November 9, 2017 | Effective Date December 29, 2022 |

I. PURPOSE

Establish guidelines for the supervision, and utilization of polygraph examiners.

II. POLICY

Department polygraph examinations may be conducted for: applicants requesting employment with the Indiana State Police Department or other state agency approved by the Superintendent; employees who have or will have direct access to the Criminal Intelligence Unit files; and administrative, internal, and criminal investigations.

III. PROCEDURE

A. Supervision of polygraph examiners.

1. Polygraph examiners shall be supervised directly by the Polygraph Unit Supervisor.
2. The Polygraph Unit Supervisor shall oversee the performance of each polygraph examiner under the supervisor’s authority.

B. The Laboratory Division shall establish and maintain polygraph quality control policies to ensure the highest level of professionalism. All polygraph examinations shall be audio/video recorded for quality control and evidentiary purposes.

C. Scheduling of polygraph examiners.

1. The procedures for scheduling polygraph examinations and the utilization of polygraph examiners, when they are not conducting examinations, shall be at the discretion of the Laboratory Division Commander.

2. Each polygraph examiner shall keep the Polygraph Unit Supervisor informed of any cancellations, so the examiner may be assigned other duties.

D. A polygraph examination shall be used in conjunction with, not in the place of, a thorough investigation. In all instances, a thorough investigation shall be completed prior to scheduling a polygraph examination.

E. Only the polygraph examiner shall instruct the person being examined, in any polygraph procedure or theory.

F. The polygraph examiner shall have the sole and final authority in deciding whether a polygraph examination should be started or should be continued.

G. Polygraph examination relative to administrative investigations requested by other agencies.

1. After a thorough investigation has been completed, the head of the requesting agency shall make a written request, preferably on agency letterhead, to the Superintendent for a polygraph examination.
2. The Superintendent will review each request on an individual basis. If the Superintendent approves the request, the Superintendent may forward the request to the examiner. The examiner shall maintain the approved request in the polygraph file of that case.
3. No person shall be examined for another agency without this written request and authorization by the Superintendent.

H. Criminal investigations involving Department personnel.

1. When a Department employee, sworn or civilian, becomes a victim, witness, suspect, or accused in a criminal investigation, the polygraph may be utilized, as it would be in any other criminal investigation.
2. Authorization by the Superintendent is not required for the examination of a Department employee during a criminal investigation.

I. Examinations in criminal investigations.

1. Department investigators shall utilize Department polygraph examiners. In instances when a Department examiner is not available, the Department investigator shall contact the Polygraph Unit Supervisor for the recommendation of an approved polygraph examiner.
2. The investigator shall be responsible for the custody of the person(s) to be examined.
3. All available information relative to the crime under investigation shall be made available to the examiner prior to the examination.
4. It shall be the investigator's responsibility to confirm the physical condition of the person examined and the person's ability to take the polygraph examination. The investigator should discuss any special problems with the examiner prior to the date of the examination.
5. If applicable, the investigator should have all juvenile waivers and stipulations signed prior to the examination.

J. Polygraph examination reports.

1. The polygraph examiner shall maintain custody of all files, including audio/video recordings, from a polygraph examination conducted relative to criminal cases.
2. All files and/or audio/video recordings, relative to all polygraph examinations relating to criminal investigations by Department investigators, shall be maintained by the Laboratory

Division a minimum of 100 years, except for homicide cases which shall be maintained indefinitely.

3. Polygraph examination reports may be released to the following when the examination was relative to a criminal investigation conducted by Department personnel:

- a. Superintendent;
- b. Commander of the Special Investigations Command;
- c. Commander of the Laboratory Division;
- d. Applicable zone commander;
- e. Department's investigator of the case;
- f. Prosecutor of the county having venue; and/or
- g. Court hearing the case.

4. Polygraph examination reports may be released to the following when the examination was relative to a criminal investigation conducted by another agency:

- a. Superintendent;
- b. Head of the requesting agency;
- c. Requesting agency's investigator of the case;
- d. Commander of the Laboratory Division;
- e. Prosecutor of the county having venue; and/or
- f. Court hearing the case.

K. Internal investigations (refer to SOP IIS-001).

1. Polygraph examination files, involving internal investigations shall be segregated from other polygraph files and shall be maintained indefinitely.

2. Polygraph examination reports may be released to the following when the examination was relative to an internal investigation:

- a. Superintendent;
- b. Commander of the Laboratory Division;
- c. Commander of the Internal Investigation Section; and/or
- d. Internal Investigator

L. Administrative investigations for other agencies (refer to SOP INV-015).

1. Polygraph examination files from administrative investigations for other agencies shall be surrendered to the requesting authority.

2. Release of polygraph examination results from an administrative investigation for other agencies is at the discretion of the requesting authority.

M. Applicants requesting employment with the Department.

1. The list of questions used in applicant selection for recruit school candidates and the method

used to present results to the Applicant Polygraph Review Board shall be mutually prepared by the polygraph examiners and the Applicant Polygraph Review Board members.

2. Applicant examination schedules shall be mutually arranged between the Human Resources Division and the Polygraph Unit.

N. Dissemination of pertinent information developed during applicant examinations and polygraph reports, relative to applicant examinations, shall be restricted to the following:

1. Superintendent;
2. Chief of Staff;
3. Commander of the Laboratory Division;
4. Assistant Chief of Staff (AC/S) Human Resources and Administration (HRA);
5. Commander of the Training Division;
6. The applicable employee assigned to a pre-employment investigation; and
7. Any law enforcement agency (with a signed waiver by applicant).

O. Applicant polygraph examination files shall be secured in the custody of the Laboratory Division for a period of five (5) years and then destroyed.

P. Criminal Intelligence Unit applicant's and current employee's polygraph examinations.

1. Polygraph examinations may be used to assist in determining employee suitability for initial and continued employment and/or assignment to sensitive positions within the Special Investigations Division.

2. Employees refusing to submit to a scheduled polygraph examination or failing to pass a polygraph examination may result in reassignment or termination.

3. Applicants for Criminal Intelligence Unit vacancies shall be examined prior to assignment to the unit.

4. Polygraph examinations for employees in sensitive job positions may be scheduled by mutual agreement between the Special Investigations and Laboratory Division Commanders. These examinations may be conducted for each employee. Affected employees include:

- a. Special Investigations Command (SIC) Commander;
- b. Special Investigations Command Assistant Commander;
- c. Applicable zone commander;
- d. Employees permanently or temporarily assigned to the Criminal Intelligence Unit (CIU);
- e. Communication and Information Technology System employees assigned to support CIU operations; and
- f. CID employees whose job descriptions require they have direct access to CIU intelligence files.

5. Release of polygraph examination results, relative to personnel listed in Section S. 4. a-e is restricted to the:

- a. Superintendent;
- b. Assistant Superintendent;
- c. AC/S Communication and Information Technology System; and
- d. Special Investigations Command Commander.

6. Polygraph examination files shall be maintained by the Laboratory Division.

Q. Voice stress analyzers.

- 1. Only polygraph instruments shall be utilized for determining truth or deception.
- 2. A polygraph can be defined as an instrument that records respiration, cardio, and electrodermal activity.
- 3. Voice stress analyzers, such as Computerized Voice Stress Analyzers (CVSA) shall not be utilized by Indiana State Police personnel in any case where ISP personnel are associated.

R. Upon retirement, resignation, or reassignment, a polygraph examiner's files and/or audio/video recordings shall remain in the custody of the Laboratory Division.

S. A person who is, or may reasonably be, a suspect in a criminal wrongdoing shall not be ordered or coerced to waive any rights granted under the Constitution of the United States or the Constitution of the State of Indiana. The polygraph examiner shall use an administrative advice of rights form in an internal investigation. If the examination is being done for another agency, similar documentation shall be provided by the requesting agency.

T. Nothing in this procedure shall preclude the discussion of any examination between Department polygraph examiners for the purpose of consultation and quality control.

U. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.