

21.00.090 POLYGRAPH (CALEA 42.2.6)

The polygraph is used as a technical aid for the detection of deception in criminal investigations. Use of the polygraph shall be in compliance with all relative Federal and State laws and shall not be used as the sole determinant for filing charges against a subject accused of allegedly committing a crime.

Voluntary Examination

Excluding a court order to conduct a polygraph exam, an examination will only be given to a person who has voluntarily agreed to submit to the examination in writing.

Procedures Governing the Use of the Polygraph

The polygraph will only be administered by a certified polygraphist, whose certification is on file with the Department.

Polygraph operators and/or examiners must be graduates of institution(s) providing training for this purpose.

In order to maintain their certifications, polygraph operators will comply with the continuing education requirements as set forth in the by-laws of the American Polygraph Association (APA) and the Northwest Polygraph Examiners Association (NWPEA).

Any investigator may authorize a polygraph examination following the guidelines established in the following procedure.

Basic Uses of Polygraph

Investigators must remember that the polygraph is a supplement to, not a substitute for, a good field investigation.

The best time to use the polygraph is when the investigation has narrowed down to one or several individuals who, after preliminary interrogation, still maintain their truthfulness and innocence.

In an official criminal investigation within the statutory authority, the examination may be conducted upon:

- ❖ Suspects
- ❖ Victims
- ❖ Witnesses
- ❖ On other matters only upon the order of the Chief of Police

Polygraph examinations will not be conducted on a person once he has been formally charged with a crime, except when a stipulation and agreement is made by the King County Prosecutor's Office or the Bellevue Prosecutor's Office. Other exceptions may arise and should be referred to the polygraphist for approval.

Preliminary Arrangements for Polygraph Examinations

A polygraph examination must be administered under strictly controlled conditions; therefore, the examination should be conducted at the Bellevue Police Department's designated polygraph office unless circumstances dictate that an alternate location be used.

When a polygraph examination is requested, the case investigator should provide the examinee's contact information to the polygraph operator. The polygraph operator will contact the examinee to schedule the appointment and give pre-polygraph instructions to the examinee.

Case Records Required for Polygraph

The following records are required before a polygraph examination can be made:

- ❖ Crime reports of suspect offense(s)
- ❖ Background information of the person to be examined (NCIC III).
- ❖ Any statements or denials made by the person

It is recommended the investigator provide the polygraph operator the above information at least two full days before the appointed time. On a complicated case, information should be submitted several days prior to the scheduled time.

Interview Prior To Time of Examination

The investigator should not attempt to interview the subject of a polygraph on the day of the exam. Intensive interviews should be avoided prior to the examination so an accurate determination of truthfulness or untruthfulness of the person can be accomplished. If this is unavoidable, the person should be allowed to rest for at least thirty minutes prior to the examination. This can be accomplished while the examiner learns the case facts from the investigator.

If deemed necessary the person may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime and motive or desire. Prolonged interviews produce an exhausted or antagonistic person who may then not be a fit subject for the examination.

Factors that may Prohibit Examinations

If possible, the person undergoing a polygraph exam should have a normal amount of food and sleep during the twenty-four hour period preceding the polygraph examination. A person's physical and mental condition should be as nearly normal as possible;

A person suffering from the influence of alcohol, sedatives, opiates, physical pain, severe cold, or respiratory disorders is not considered to be in a fit condition for an examination.

A polygraph examination will not be conducted on any person, if the polygraphist feels the person is physically or mentally unfit, or the examination may be a detriment to his health.

The investigator must keep in mind that there are several other factors that can be cause for non-examination:

- ❖ Subjects who are pregnant
- ❖ Persons with paralysis
- ❖ Persons with amputations affecting placement of instrument attachments
- ❖ Persons recovering from recent major surgery – usually the human body requires at least six months to recover
- ❖ Persons with physical disabilities – high or low blood pressure and cardiac (heart) trouble
- ❖ Persons suffering from severe cold or respiratory disorder
- ❖ Narcotic addicts and alcoholics, especially during their withdrawal period
- ❖ Person with emotional instability resulting from their involvement in an incident, especially if the incident was of a violent nature

Information given/withheld from the person

The case investigator should not instruct the polygraph examinee regarding the operation of the polygraph instrument, nor on the methods by which the examination is to be conducted. The person should be told that the polygraphist will explain the entire procedure.

Details of crime to be withheld

The investigative officer should avoid disclosing to the person any details or facts established during the investigation.

Facts concerning the crime, which could only be known by the perpetrators, should never be told to the person, press, or the general public. These facts could be of vital importance to the polygraphist in test and question formulation.

The following information should not be divulged:

- ❖ Method of entry – tools used to make entry, point of entry, extent of damage at point of entry, whether or not entry was made by use of key.
- ❖ Property taken – specific amount, denominations of currency, unusual articles, and description of articles.
- ❖ Weapon or force used to commit the crime – club, knife, poison, also number and location of wounds and bruises.
- ❖ Evidence left at the scene of the crime by person – tools, weapons, articles of clothing.
- ❖ Unusual acts of suspect before, during and/or after the commission of the crime.
- ❖ Means of exit from the scene – if by vehicle, anything unusual about same, such as dents, missing portions, loud muffler, damage; if on foot, direction taken from scene, if noted.
- ❖ Locations from which property was taken – where safe or cash box was located, type of container from which money or articles were taken such as green metal cash box, cigar box, laundry bag, paper sack, or color of the container.

Juvenile suspects

Juvenile suspects under the age of 14 years are very difficult to examine because of lack of maturity, both physical and mental. Many times, a conclusive opinion cannot be obtained by use of a polygraph because of these factors. The polygraph operator and the case investigator will jointly decide, on a case by case basis, if a polygraph examination is appropriate for a juvenile suspect.

A parent or legal guardian must sign a consent form prior to conducting a polygraph exam on a juvenile.

Administering the Examination

Examinations will be conducted without the investigator or investigating agency represented during the complete examination, however, the investigator must be accessible during the examination.

During the polygraph session, the well-being of the person being tested will be the responsibility of the polygraphist. However, if the person being tested is a prisoner and/or in custody, the responsibility for the security and well-being of the examinee is jointly shared by the case investigator and the polygraphist; therefore the case investigator (or an assisting investigator) must be in close proximity and immediately available during the polygraph session.

Both the investigator and the subject should be prepared to stay whatever length of time is necessary for the examination.

The investigator, or agency representative, will be required to be present if examinee is:

- ❖ Potentially violent
- ❖ A juvenile
- ❖ In custody