

**Purpose**

The polygraph examination is a valuable investigative aid as used in conjunctions with, but not as a substitute for, a thorough investigation. The polygraph may be employed, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this or other criminal justice agencies; and assists in internal investigations, when needed.

**Policy**

It is the policy of the Cecil County Sheriff's Office to provide investigators and other deputies with general knowledge, guidance and procedures for the use of polygraph examinations.

**Definition**

*Polygraph:* The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to determine truth or deception. A polygraph simultaneously records and measure respirations, psycho-galvanic skin resistance and conductivity, and relative blood pressure and pulse rate.

**Procedures**

- A. Requesting Polygraph Examinations
  - 1. Following approval by their immediate supervisor, employees of this agency may request a polygraph examination from this agency's authorized polygraph examiner.
  - 2. Polygraph examinations may be authorized when consistent with state law and agency policy. Situations in which authorization may be requested and approved include, but may not be limited to:
    - a. requests from the office of the prosecutor as part of an agreement with the defense attorney or for other investigative purposes;
    - b. an element of a background investigation of a candidate for a sworn or civilian position in this agency;
    - c. requests from other authorized criminal justice agencies;
    - d. attempts to verify or reconcile statements of parents or guardians (e.g. in suspicious cases of missing or abused children) as well as witnesses or other individuals when alternative investigative means have been exhausted;
    - e. efforts to confirm or refute an allegation(s) that cannot be verified or disproved by other evidence;

- f. efforts to establish probable cause to seek a search warrant; or
  - g. as part of an administrative or criminal internal investigation of an officer of this agency or another criminal justice agency consistent with this policy (see item A.4.).
- 3. The polygraph should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.
  - 4. Requests for polygraph examinations from another law enforcement agency pursuant to an internal investigation must be in writing and be approved by the agency's chief executive or his designee.
  - 5. Submission to a polygraph examination must be a voluntary action with the exception of employees of this agency formally directed to take an examination as part of an internal investigation. In all other cases, polygraph examinations shall not be administered without the subject's written approval, waiver or other instrument as required by law.
- B. Preparing for Polygraph Administration
- 1. The requesting deputy is responsible for providing the examiner with all pertinent information concerning the case and for reviewing, clarifying or elaborating on that information as the examiner may deem necessary. This includes, but may not be limited to:
    - a. information obtained in the investigation that supports and justifies the use of the polygraph;
    - b. copies of crime/offense reports and investigative reports;
    - c. evidence available and withheld from the subject;
    - d. background information on the subject to be examined, to include criminal record and possible motivation;
    - e. any statements made by the subject, complainants and witnesses to include alibis; and
    - f. newspaper articles or other general information concerning the case.
  - 2. If the subject is hearing impaired or does not speak English, the deputy will help make arrangements for a sign language interpreter or translator as determined by the polygraph examiner.
  - 3. Deputies shall not interrogate a subject just before he/she is to take a polygraph.

4. In any interrogation of a suspect who has agreed or who may reasonable be asked to agree to a polygraph, the interviewer shall not pursue questions that may reveal information only the perpetrator could know. This includes, but is not limited to:
  - a. method of entry;
  - b. property taken;
  - c. weapons or type of force used to commit the crime;
  - d. evidence left at the scene;
  - e. clothing worn by the subject during the crime;
  - f. unusual acts of the suspect during the crime; or
  - g. location from which the property was taken.
5. Deputies shall not attempt to explain procedures that will be used in the examination but shall advise subjects that these will be explained fully by the examiner. Subject may be advised of the following:
  - a. The examination is voluntary, unless otherwise provided by this policy in cases of internal affairs;
  - b. Results of the examination are not acceptable in a court of law unless all parties agree in advance ; and
  - c. Results of the polygraph examination, taken alone, do not provide substantiation for a criminal charge.
6. Should the subject be late for or cancel the appointment, the requesting deputy shall immediately notify the polygraph examiner.
7. If possible, the requesting deputy shall report with the subject and any other authorized persons-such as attorneys, parents or legal guardians-to the examination location and shall remain on hand until completion of the test. The polygraph examiner shall be solely responsible for interviewing any persons inside the examination or observation rooms.

#### C. Conducting Polygraph Examinations

1. Only fully trained polygraph examiners and intern examiners under their direction are authorized to administer polygraph examinations.
2. The polygraph examiner shall make such inquiries of the subject's health, medical history and/or use of medications as necessary to determine his/her ability to take the examination. Polygraph examinations shall not be conducted on any person whom the

examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include but is not limited to persons with heart conditions, women who are pregnant and individuals taking certain types of medication that may interfere with test results. When in doubt, the examiner may seek guidance from medical or psychological professionals as authorized by this agency and/or request the examinee to obtain a medical certificate from an appropriate health care provider.

3. An examiner shall not conduct a polygraph examination upon a subject if it is felt for any reason that an unbiased examination cannot be given.
4. Where appropriate, the examiner shall read *Miranda* rights to the subject and explain the voluntary nature of the test. Where required, the examiner shall obtain a signed consent prior to administering the examination as well as a signed waiver of *Miranda* rights.
5. An examination shall cease immediately if requested by the subject.
6. Prior to the test, the examiner shall explain the polygraph procedure to the subject and prepare him/her for the examination.
7. The examiner shall be responsible for preparing all questions used in the examination. Prior to the examination, each test question shall be reviewed with the person being tested.
8. The examiner shall independently interpret the chart tracings and render an opinion on findings that includes, but is not limited to, one of the following conclusions:
  - a. No Deception Indicated
  - b. Deception Indicated
  - c. No Significant Responses
  - d. Significant Responses
  - e. Inconclusive
  - f. No Opinion
  - g. Terminated
9. The polygraph examiner shall determine whether a second polygraph examination is necessary and appropriate.

D. Pre-Employment Examinations

1. The polygraph examiner shall review all relevant applicant screening reports, applicant personal history summaries and any prior polygraph examination reports prepared by this agency before conducting the examination.
2. Pre-employment polygraph examinations shall be scheduled by authorized members of this agency according to established agency policy.
3. Polygraph examinations shall not be used as the sole determinant of suitability for employment.
4. Polygraph examination questions shall be reviewed with candidates of employment prior to the commencement of the examination.

E. Equipment and Record Keeping

1. The polygraph examiner is responsible for the maintenance, safe-keeping and integrity of the polygraph equipment.
2. The polygraph examiner shall provide such summary activity or statistical reports as may be directed by the agency chief executive.
3. Unless otherwise provided in this policy or by state law, the polygraph examiner shall maintain copies of each polygraph report, together with polygraph charts, audio and video recordings, and all allied papers for a period of five years and indefinitely in capital offenses.
4. The results of all pre-employment examinations – including chart tracings, polygraph reports and related examination results – shall be maintained in a secure storage location, separately from criminal polygraph files. Duration of storage and stipulations for release of this information shall be governed by state law or the policy of this agency.

F. Examination Rooms

1. Tests and interviews shall be conducted in a clean, neat environment free of audible and visual distractions.
2. Certificates, diplomas and the like shall be displayed so as not to be in the sight of subjects during testing.

3. Examiners shall be neat and well-groomed, and will dress in a manner consistent with standards of the professional business community.
  - a. Duty uniforms, badges and other emblems of authority shall not be worn. This does not include departmental identifications cards, where required.
  - b. Service weapons may be worn if required but should not be openly displayed.

G. Equipment

1. Polygraphs used shall be of commercial manufacture and shall have no fewer than three functioning recording channels.
2. Calibration
  - a. Calibration charts and/or maintenance logs shall be maintained at the instrument's location or with case files.
  - b. Calibration checks of instruments should be conducted every six months or twice annually and whenever the instrument is moved to a different location.

H. Professional Development

1. Examiners are required to participate in thirty hours of continuing education in-service required every two years with fifteen hours of Post Convicted Sex Offender Testing training where applicable for the certified PCSOT Examiner.