

DALTON POLICE DEPARTMENT

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| <i>Subject</i> Polygraph Examination Procedures | | | |
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I. Policy

It is the policy of the Dalton Police Department to utilize professional, ethical, and evidence-based detection of deception practices through the use of polygraph as a supplement to criminal and background investigations.

II. Administration

- A. The polygraph function of the Department shall fall under the direct supervision of the Division Commander of the division to which the personnel are assigned.
- B. Personnel assigned as polygraph examiners shall have successfully completed a basic course of polygraph instruction at a polygraph school accredited by the American Polygraph Association and shall meet all requirements set forth by the American Polygraph Association.
- C. Examiners shall conduct their official duties in a manner which reflects the highest standards of ethical conduct as a polygraph examiner and peace officer.
- D. The function of the polygraph examiner is to gather all facts concerning the details of the examination in both pre-employment and specific issue exams.
- E. The examiner shall perform the following activities as part of conducting an examination:
 - 1. Review all facts and all questions to be asked with the examinee prior to the examination.
 - 2. Record chart tracings and interpret the results of the examination.
 - 3. Advise the examinee of the results.
 - 4. Generate and maintain all required documents concerning the examination.

III. Operational Procedures

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- A. There are two types of polygraph examinations; issue examinations and pre-employment examinations.
 - 1. The issue examination is an examination of specific facts of a criminal investigation and / or internal administrative investigation.
 - 2. The pre-employment examination is an examination of stated background facts and general questions to determine if a prospective applicant would be suitable for employment.
- B. Appointments
 - 1. Appointments for examinations shall be scheduled with the polygraph examiner or examiner's designee. Priorities shall be established based upon the seriousness of the crime / incident involved.
 - 2. The most likely suspects of a criminal investigation shall be polygraphed first.
 - 3. The polygraph examination shall not be used as a substitute for a thorough investigation.
 - 4. The polygraph examination shall not be used unethically or contrary to constitutional procedures.
 - 5. Documentation of details of the crime / incident, including the initial reports, etc., should be provided to the examiner at the time of scheduling. Known pertinent information shall not be withheld from the examiner.
 - 6. No less than three (3) hours shall be scheduled for any issue-specific examination or two (2) hours for any pre-employment examination.
 - 7. Recognizing the possible detrimental effect of examiner fatigue upon accuracy, routinely there shall be no more than two (2) issue-specific examinations or three (3) pre-employment examinations within the course of any duty day, with some exceptions based on the examiner's independent evaluation of the circumstances.
- C. Examination Procedures
 - 1. In the absence of physical evidence and / or witnesses, which contradict the allegations, the suspect should be asked to submit to an examination prior to asking the victim in the case. The victim shall not be scheduled for an examination if adequate physical evidence exists to support the allegations.

Exception: In the event a citizen or an employee of the Department makes an allegation of misconduct against another employee, or there is not adequate evidence to support the allegation, the accuser shall be asked to submit to the examination before the accused employee.

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2. In the event an employee becomes involved as a suspect or witness in a criminal investigation, he / she shall be treated in the same manner as any other suspect or witness.
3. No employee shall be scheduled for an examination without first informing the Chief of Police or his / her designee.
4. Persons under the age of seventeen (17) shall not be scheduled for an examination until consent is obtained from the individual's parent or legal guardian or by court order.
5. The Department provides assistance to other governmental agencies by conducting polygraph examinations, provided these examinations are of a criminal nature. Pre-employment polygraphs may be conducted for other public safety agencies with the specific permission of the Chief of Police.
6. Examinations scheduled for other agencies shall be scheduled on a time availability basis, and the needs of the Department must take priority.
7. All examinations shall be recorded.

D. Pre-Examination Preparation

1. Prior to the examination, the polygraph examiner shall review all existing reports and statements pertinent to the issue under investigation and, along with Investigators, formulate exam questions.
2. It shall be the responsibility of the examiner to prepare all necessary and / or required waivers or consent forms, except the polygraph stipulation for admissibility form. This form shall be the responsibility of the investigating Officer.
3. Upon first contact between the examiner and the examinee, the examiner shall explain to the examinee all required waivers and consent forms.
4. The examiner shall advise the examinee of the procedures which will be followed during the examination, step by step, in chronological order. The polygraph instrument and its attachments and functions shall be explained in a manner understandable by the examinee. The theory of polygraph shall also be discussed in this manner.
5. Personal data that adequately identifies the examinee shall be obtained and recorded in writing.
6. The examinee shall be queried concerning recent or ongoing health problems, general physical conditions, and the examinee's use of medicines, drugs, or alcohol during a recent period preceding the examination.
7. The examiner shall not proceed with the examination if he / she has reason to believe the process could be detrimental to the physical well-being of the

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examinee without first obtaining the advice of a competent medical authority. It shall be the examiner's responsibility to make the final decision as to the examinee's suitability for polygraph testing.

8. The issue under investigation shall be discussed in detail with the examinee. During this discussion, the questions to be asked on the examination shall be reviewed with the examinee. No questions shall be asked during the examination which have not been discussed and reviewed by the examinee.
9. The questions on the examination shall be relevant to the specific area of focus of the investigation. The polygraph shall not be a "fishing expedition" to develop information in areas that are not the focus of the investigation.

E. Polygraph Room Procedures

1. When the polygraph room is utilized, the following procedures shall be followed:
 - a. The polygraph examiner shall maintain control of his / her Departmentally-approved weapon in an authorized holster.
 - b. Prior to usage, the polygraph room shall be searched for weapons and / or contraband.
 - c. If the interview or interrogation involves an individual that is already in custody:
 - (1) The arrestee shall be searched prior to entering the polygraph room.
 - (2) Handcuffs and / or ankle restraints may be removed at the discretion of the polygraph examiner.
 - d. Typically, the polygraph examiner and examinee are the only persons permitted in the polygraph room while the polygraph test is being administered. Other personnel, such as translators, may be needed in the room to conduct the examination.
 - e. The polygraph examiner may summon for assistance by activating the duress button mounted on the wall of the polygraph room.
 - f. The polygraph room shall be equipped with the polygraph equipment, a small table / desk, and enough chairs to accommodate the occupants.
2. The examinee shall be afforded an opportunity to address his / her personal needs before taking the polygraph test. During a break in the process, if the examinee wishes to utilize the facilities (restrooms, water, etc.) he / she shall be escorted by the examiner at all times within any secured area of the Police Services Center.

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IV. **Post-test Activities**

- A. The examinee shall be advised of the examiner's opinion resulting from the evaluation of the charts obtained.
- B. If the resulting opinion is one of deception, the examinee shall be given the opportunity to explain the recorded reactions indicating deception. Absent any feasible explanation, interview techniques shall be employed in an effort to arrive at the truth of the issue addressed by the examination.
- C. A report shall be prepared for each examination conducted by the Department and shall be disseminated to the authority requesting the examination and / or the examinee upon request. No other dissemination shall be made, except as required by law.
- D. It shall be the responsibility of the polygraph examiner to maintain a file in a manner that provides security and protects the confidentiality of all reports, records, documents, and recordings obtained during the course of an examination. These records shall be held for a period of not less than three (3) years, as required by law. After such time, these may continue to be held or subject to be destroyed.
- E. Information obtained that would exclude an examinee from taking the test, which is covered under the American Disability Act, cannot be disseminated to anyone. This information is confidential and shall be maintained by the polygraph examiner.

This policy supersedes any policies previously issued.

BY ORDER OF

CHIEF OF POLICE

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