



COLUMBIA POLICE DEPARTMENT

"Policing Excellence through Community Partnerships"

Directive Type: General Order	Effective Date: 05-20-2016	General Order Number: 05.02
Subject: Polygraph		
Amends/Supersedes: Section 05, Chapter 02, Polygraph, 12-27-2012	Chief of Police:	
Distribution: All Personnel	Review Date: July 1	# of Pages: 6

1.0 INTRODUCTION

A polygraph examination monitors individual's respiration, heart rate, and skin conductivity while being asked specific questions. The information gathered during the examination can be used to evaluate the individual's truthfulness. Polygraph examinations are a useful investigative tool that may be used to assist in criminal investigations, pre-employment investigations, and internal investigations.

Although the polygraph technique is considered highly reliable, the polygraph results are not to be relied upon to the exclusion of other evidence or information obtained during the course of an investigation. The use of the polygraph for the screening of large numbers of suspects, or as a substitute for investigation by conventional means, is prohibited.

All polygraph examinations shall be administered and evaluated by a qualified polygraph examiner with credentials from a polygraph school certified by the American Polygraph Association and the South Carolina Law Enforcement Division. Polygraph examination techniques will be limited to those techniques that are recognized, taught, and endorsed by the American Polygraph Association as standardized and validated examination procedures. Polygraph examiners shall attend a minimum of 40 hours skill building seminars/workshops every two calendar years to maintain necessary proficiency and skills.

The Columbia Police Department shall only use conventional and/or computerized polygraph instruments made by nationally recognized commercial manufacturers.

Polygraph examiners will strictly adhere to Department directives and the provisions of State and Federal law.

2.0 REQUESTS FOR POLYGRAPH EXAMINATIONS

Officers requesting a polygraph must have conducted a thorough investigation and made reasonable attempts to resolve the case prior to requesting a polygraph. Officers shall review the case with their supervisor; if the supervisor believes the case warrants polygraph examination, the investigating officer will be referred to the Department's polygraph examiner.

Under exigent circumstances, the polygraph examiner may agree to perform an examination when there are no leads to

follow without an examination. In the absence of physical evidence and/or witnesses, to contradict the allegations, the suspect will be asked to submit to examination before the victim in the case. Victims will not be scheduled for examination if adequate physical evidence exists to support their allegations.

Polygraph examinations may only be requested by individuals directly affiliated with a law enforcement agency or judicial circuit. The Department does not perform polygraph examinations for civilians or private companies.

Polygraph examinations will be administered with the approval of the Chief of Police or his designee and at the discretion of the polygraph examiner.

- Requests for criminal polygraph examinations from an outside agency may be approved by the Captain of Investigations.
- Polygraph requests for pre-employment examinations may be approved by the Captain of Investigations.
- Polygraph requests for internal affairs/criminal cases involving all City of Columbia employees are approved by the Chief of Police.

Polygraph examinations will not be performed at the request of a suspect's attorney, unless the investigating officer and/or the Solicitor support the request.

Polygraph examinations shall only be conducted when, in the examiner's professional judgment, it is believed the results will be accurate. If at anytime there is any question as to whether a polygraph examination should be conducted, the final decision will be made by the polygraph examiner.

2.1 Special Considerations

- Information believed to be known only to the victim or persons with "guilty knowledge" shall be withheld from the suspect during the preliminary investigation. (Examples: the exact amount of money stolen, the point of entry by the criminal, or the type and caliber weapon used, etc.)
- Attempts shall be made to make certain that subjects to be examined are not physically or mentally ill, suffering from injuries, or under the influence of drugs or alcohol (Subjects are never to be advised to refrain from taking their medication.) The polygraph examiner shall be made aware of any medications the subject is known to be taking.
- Subjects 16 years of age or younger must sign the "Consent to Interview with Polygraph" form and have written permission from a parent or guardian. If a parent or guardian cannot be present for the polygraph examination, the Juvenile Waiver Form must be signed and witnessed prior to testing or written authorization from the family court judge must be provided, with a copy available for the polygraph examiner.

3.0 POLYGRAPH EXAMINATION RESTRICTIONS

Individuals known to be examined previously by another polygraph examiner concerning the same matter will not be given another polygraph examination unless both of the examiners have conferred regarding the matter.

Individuals that have been tried, convicted, and sentenced for a crime shall not be subjected to a polygraph examination addressing the same incident except when authorized by appropriate prosecuting authority or court of competent jurisdiction.

3.1 Restricted Individuals

Polygraph examinations shall not routinely be administered to the following persons:

- Subjects under the age of fourteen (14) years old. Under exigent circumstances, the polygraph

examiner may agree to perform an examination if, during the pre-test interview the examinee demonstrates the ability to understand the polygraph process.

- Any person with a history of heart attack, stroke, or epilepsy, and/or diabetics taking insulin injections. (These individuals may be tested only with a signed medical release from a physician.)
- Any person who is known to be pregnant.
- Any person who is under the influence of drugs or alcohol.
- Any person with other physical or mental conditions which, in the opinion of the examiner, may render the person unsuitable for testing.
- Any person having undergone extensive interview or interrogation immediately preceding an examination.

3.2 Restricted Topics

The following topics shall not be probed during the course of a polygraph examination unless the topic is relevant to the investigation:

- religious beliefs or affiliations
- beliefs or opinions regarding racial matters
- political beliefs or affiliations
- beliefs, affiliations, or lawful activities regarding unions or labor organizations
- sexual preferences or activities

4.0 PRE-EMPLOYMENT POLYGRAPH EXAMINATIONS

Polygraph examinations are used as an investigative aid to assist in determining an applicant's suitability for employment and to verify information provided on their application. The Human Resources Unit shall advise all applicants that they are required to submit to a polygraph examination during the hiring process, unless exempted by the Chief of Police.

All applicants will be provided with a list of areas from which polygraph relevant questions will be drawn prior to the examination.

Applicants will be required to complete a "Consent to Interview with Polygraph" form.

Polygraph examinations found to be inconclusive or indicating deception may not be used as the single determinant for denial of employment. However, failure to submit to a polygraph examination or failure to satisfactorily cooperate during the examination shall result in denial of employment.

5.0 POLYGRAPH EXAMINATIONS OF EMPLOYEES

Polygraph examinations may be administered to Department employees under the following guidelines:

5.1 Criminal Investigation of Employees

A polygraph examination may be given to an employee who is the subject of a criminal investigation when:

1. The Chief of Police approves the examination.
2. The employee completes a "Consent to Interview with Polygraph" form.

5.2 Administrative Examinations of Employees

The Chief of Police may require an employee to submit to a polygraph examination for administrative purposes. An employee required to submit to an administrative polygraph examination must:

1. Be advised that refusal to submit to an administrative polygraph examination may result in disciplinary action. Failure to cooperate during a required polygraph examination will be considered a refusal to submit to an examination.
2. The employee completes a "Consent to Interview with Polygraph" form. A notation indicating that the examination has been ordered for administrative purposes will be placed on the "Consent to Interview with Polygraph Form".

6.0 CRIMINAL INVESTIGATIONS

Prior to requesting a polygraph examination, officers conducting a criminal investigation shall:

- Conduct as thorough an investigation as possible.
- Make certain that the subject has been questioned concerning the specific offense, has agreed to a polygraph examination, and that the development of additional information by means of a polygraph examination is believed essential and timely for further conduct of the investigation or inquiry.
- Ensure there is reasonable cause to believe that the person to be examined has knowledge of, or was involved in, the incident being investigated or if the person is withholding information relevant to the investigation.
- Brief the polygraph examiner on all details of the case and provide an updated case file including any available background information on the examinee and any prior polygraph examination results.
- Make arrangements for the polygraph examination and make certain that the subject will be available at the appointed time and place.

7.0 POLYGRAPH ROOM SECURITY PROCEDURES

In custodial situations, the officer requesting the polygraph shall maintain custodial responsibility of the individual for the duration of the polygraph examination.

At least one officer involved in the investigation shall be immediately available during the examination.

Investigators/officers are required to properly secure their weapons prior to entering the polygraph room when occupied.

The polygraph room shall be thoroughly searched for contraband and weapons before and after each examination.

Arrestee/detainees shall be thoroughly searched before they are placed into the polygraph room.

Only the polygraph examiner and the subject being tested are allowed in the polygraph room during the examination.

Under no circumstances will an individual be left unattended in the polygraph room. If the polygraph examiner needs to leave the room, he/she shall have another officer standby with the arrestee/detainee.

The polygraph examiner shall ensure access to their Department-issued radio to request assistance should it be required. If necessary, polygraph examinees shall be afforded water and restroom breaks at least every two (2) hours.

All personnel will be familiar with the locations of fire extinguishers and building exits in the event of a fire.

Polygraph rooms shall only contain minimal furnishings and are not to be used for equipment storage.

8.0 POLYGRAPH EXAMINATION PROCEDURES

Polygraph examiners shall only employ the test data analysis, test question construction and techniques authorized by the Polygraph Law Enforcement Accreditation (PLEA) Polygraph Guide for Standards and Practices.

The polygraph examiner shall ensure the room is free from any outside noise or distractions that would interfere with the examinee's ability to focus on the questions during the examination.

Polygraph examinations shall not be administered without informing the subject of their legal rights and privileges. Examinees shall be required to provide written consent and acknowledgement of the procedure prior to the examination.

Submission to a polygraph examination must be a voluntary action with the exception of Department employees formally directed to take an examination as part of an internal investigation.

Prior to conducting a polygraph examination in conjunction with a criminal investigation, **the interviewee will be read aloud in its entirety the "Advice of Rights" form.**

Before the examination begins, the suspect must indicate understanding of their Constitutional Rights. If the suspect acknowledges that he understands his Constitutional Rights but refuses to sign the form, the interrogator shall indicate the refusal on the form, sign and date it. The polygraph examination may still be conducted.

If the suspect indicates that they do not understand their Constitutional Rights, the polygraph examination may not begin.

The polygraph examiner shall ensure the examinee understands the polygraph process. **A "Consent to Interview with Polygraph" form will be completed during the pretest interview.** Should the examinee agree to be examined but refuse to sign the consent form, the refusal shall be noted on a form by the examiner and witnessed by one other person.

During the pre-test interview, the polygraph examiner shall advise the examinee:

- Of the theory of polygraph shall be discussed in a manner understandable to the examinee.
- That the examination may be conducted only with the examinee's prior consent.
- Of the procedures to be followed during the polygraph examination and all the questions to be asked during the examination.
- If the exam room contains two-way mirrors or an observation device, and whether the conversation during the examination will be monitored in whole or in part by any means.

9.0 COUNTERMEASURES

Pretest Phase: To assist in conducting a thorough examination, an examiner may elicit information from the examinee

during the pretest interview regarding the examinee's knowledge of the polygraph process. This should include any exposure to, knowledge of, and/or polygraph advice received as well as whether the subject has conducted any research or inquiries into polygraph procedures. This discussion should be accomplished in a non-accusatory manner consistent with NCCA instruction. In an effort to deter an examinee from employing countermeasures, it is not appropriate to routinely discuss specific countermeasures during the pretest interview. Such discussion may suggest options to an examinee or create an outside issue.

Data Collection: When countermeasures are suspected, polygraph testing should routinely continue until the testing protocol has been completed. Completion of the test series may allow for sufficient physiological data to identify patterns necessary to establish or refute the employment of countermeasures. If an examination is terminated prior to completion of the protocol due to the suspected countermeasures, the examiner should provide technical comments explaining the rationale or circumstances.

If an examiner suspects countermeasures were employed, the examiner may conduct specialized tests (e.g. Yes Test, repeat last word or silent answer test, etc.) designed to confirm the presence of countermeasures. Examiners will not use a countermeasure question (i.e., "have you done anything to defeat this test?") in a series containing relevant questions pertaining to the original testing issue.

10.0 QUALITY CONTROL

In order to assure the polygraph examinations conducted in support of the Columbia Police Department meet all professional and ethical standards, a quality control review of all polygraph examinations shall only be completed by agencies that meet PLEA standards. In order to ensure this review is as thorough and efficient as possible, the quality control review will involve (but is not limited to) test data analysis of all charts collected during the examination; a review of all questions utilized during the examination to produce the charts which were evaluated; a review of the polygraph report and a review of all allied paperwork completed by the polygraph examiner in support of the examination.

11.0 STORAGE AND RELEASE OF POLYGRAPH RESULTS

The examination results will be discussed with the examinee.

Written results of polygraph examinations may only be released to those individuals who can demonstrate a legitimate need for the information.

All polygraph examination records are confidential and shall be securely stored and maintained by the polygraph examiner.