

SUBJECT:	POLYGRAPH USE
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POLYGRAPH EXAMINATIONS

- A. Polygraph examinations will be administered by Bureau Agents who are authorized to conduct polygraph examinations.
- B. Prior to administering any polygraph examination, Bureau Agents will have attended and successfully completed a course of study in Polygraph Science and Methodology at a school accredited by the American Polygraph Association.
- C. Polygraph examinations may be administered only to individuals who volunteer to submit to such an examination, with the exception of individuals who have been directed to submit to a polygraph examination in an administrative internal investigation.
- D. No Bureau examiner will question an examinee on any personal traits or habits without just cause.

LIMITATIONS

Polygraph examinations should not be administered under the following circumstances or conditions:

- A. The examinee is a sworn officer or a certified jailer unless the Bureau has an open case on the investigation and the examiner and the Case Agent assigned discuss the investigation, or;
- B. The examinee is a sworn officer or a certified jailer and the investigation is being conducted by or for his/her employing agency, unless a written letter of request from the agency head is received and approved by the appropriate Assistant Director or designee. The request must concern a criminal violation rather than an administrative inquiry. In particularly egregious or exigent circumstances this provision may be waived with the concurrence of the Director, or;
- C. The examinee is a sworn officer or a certified jailer and is being criminally investigated by an outside agency unless the examiner is completely satisfied that the examination is appropriate. If any question exists, the Polygraph Coordinator should be contacted.
- D. The examinee is a Bureau employee, without the express consent of the Director;
- E. The examinee is less than 12 years of age;

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- F. The examinee is less than 14 years of age and is a suspect in the investigation;
- G. The examinee is less than 18 years of age, unless written consent is given by at least one parent or legal guardian or upon the order of a Superior Court Judge having jurisdiction in the matter or the examinee has been legally emancipated;
- H. The examinee has a known heart ailment, unless written consent is given by the attending physician;
- I. The examinee is pregnant unless written consent is given by the attending physician and the examinee signs a Release of Liability Form (SBI-56A). If the examinee is in the last trimester of her pregnancy, the examinee, the examiner, and the requesting officer(s) should weigh the timeliness of the test against the increased possibility of an invalid exam;
- J. The examiner is actively involved in the investigation;
- K. If the examiner has knowledge beforehand that the subject has been examined by another Bureau Examiner concerning the same matter, unless both examiners have conferred with each other regarding the matter;
- L. The examinee has been tried, convicted, and sentenced in the matter;
- M. The examinee has been examined by a private examiner on the same matter, unless approved by the Director, or his designee;
- N. At least one officer involved in the investigation is not immediately available during the examination;
- O. The examinee is a victim, unless there exists articulable circumstances that raise a reasonable concern as to his/her veracity in the matter at hand;
- P. The examinee has been examined on the same issue by any lie detection means other than polygraph unless the Polygraph Coordinator is consulted on the matter; and
- Q. The examinee has been examined on the same issue by a law enforcement examiner and a conclusive opinion was obtained.

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CUSTODIAL RESPONSIBILITY

The Polygraph Examiner will not assume any custodial responsibility for an individual who is incarcerated.

EXAMINER OPINIONS

No Bureau Examiner should express an opinion concerning the following:

- A. An examination conducted by another Bureau Examiner, unless he/she was present during the examination or requested to give an opinion by the original Examiner. Examination reviews should be conducted by the Polygraph Coordinator.
- B. An examination given by anyone other than a Bureau Examiner;
- C. An examination that does not include at least three tests and a numerical rating.

EXAMINATION SCHEDULING

Polygraph examination should be conducted at the most opportune time to obtain the most benefit. If the District Examiner is not available, the Special Agent in Charge should contact the Polygraph Coordinator to dispatch another examiner. If the Polygraph Coordinator is not available, the Special Agent in Charge should contact the appropriate Assistant Director.

CONFLICT RESOLUTION

Should a conflict arise between the Bureau Polygraph Examiner and the requesting agency in regards to conducting an examination, the Polygraph Coordinator should be contacted for evaluation of the situation.

APPLICANT EXAMINATIONS

The Polygraph Examiner will not discuss any aspect of the polygraph examination of a Bureau applicant with anyone unless directed to do so by the Director or his designee.

AUDIO/VIDEO RECORDINGS AND OBSERVATION OF POLYGRAPH EXAMINATIONS

- A. Polygraph examinations will not be recorded unless:

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1. Written justification is submitted to the Assistant Director of Field Operations and the Polygraph Coordinator at least two weeks prior to the anticipated examination; and
 2. Written approval to record the examination is received from the Assistant Director of Field Operations; and
 3. The Polygraph Examiner conducting the examination consents to the recording.
- B. The above procedure applies to any polygraph examination conducted by a Bureau Polygraph Examiner.
- C. Polygraph examinations will not be observed or listened to by anyone unless:
1. He/she is involved in the investigation; or
 2. He/she has an investigative interest in the examination; and
 3. He/she is granted permission to do so by the Polygraph Examiner conducting the examination. Granting permission shall be at the discretion of the examiner and may be withdrawn at any time.
- D. The Bureau Polygraph Coordinator and the Special Agent in Charge can observe and/or listen to any examination conducted by a Bureau Polygraph Examiner.
- E. No person other than the Polygraph Examiner and the examinee will be allowed inside the examination room during any phase of the procedure unless deemed appropriate and necessary by the examiner.