



Maryland-National Capital Park Police
Prince George's County Division



DIVISION DIRECTIVE

TITLE		PROCEDURE NUMBER	
POLYGRAPH		PG471.0	
SECTION	DISTRIBUTION	ISSUE DATE	REVIEW DATE
Operational Procedures	A	09/01/09	12/01/12
REPLACES			
PG471.0 "Polygraph", issued 06/01/04			
RELATED DIRECTIVES	REFERENCES	AUTHORITY	
	CALEA 32, 42 and 52	Larry M. Brownlee, Sr. – Division Chief	

I. POLICY

Polygraph examinations are an investigative tool in determining deception during the course of an investigation. A polygraph examination will not be administered until all conventional methods of closing the case are exhausted. Only individuals trained at an accredited school in the use of the polygraph will administer examinations.

Note: It is the policy of the State of Maryland, that as provided in 42 U.S.C., section 3796gg-8(a), no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth or child victim of an alleged sexual offense as defined under federal, State, or local law to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of an offense. It is also the policy of the State of Maryland that as provided in 42 U.S.C., section 3796gg-8(b), the refusal of a victim to submit to a polygraph or other truth-telling examination shall not prevent the investigation, charging or prosecution of an alleged sexual offense.

II. DEFINITIONS

A. The Polygraph:

The polygraph is a scientific instrument designed to simultaneously monitor and record physiological responses (pulse rate, relative blood pressure, respirations and sweat gland activity) that takes place as a result of a verbal stimulus (questioning).

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B. The Polygraph Use:

The polygraph is utilized to determine the validity of a subject's statement by evaluating consistent physiological responses recorded during the respective examination.

C. The Polygraph Coordinator:

A sworn member of the Division assigned the responsibility of scheduling and record keeping.

D. The Polygraph Examiner:

A sworn member of the Division who has successfully completed a polygraph training course at a licensed, and accredited polygraph school. The member must also be thoroughly trained and experienced in criminal investigations and interrogations and able to display a high proficiency in the operation of the polygraph instrument. Examiners will remain in good standing with the American Polygraph Association as a measure of proficiency. The examiner will also be assigned the responsibility of quality control, equipment maintenance and repairs.

III. POLYGRAPH EXAMINATIONS

A. The polygraph is an investigative tool. Officers requesting polygraph examinations must understand its capabilities and limitations. It is not and shall never be used as a substitute for approved criminal investigative techniques. The examination is merely an aid in determining deception during the course of an investigation.

B. The polygraph examination may be considered applicable in the following circumstances:

1. Determining the validity of a suspect or defendant's statement.
2. Determining the validity of allegations made by a victim.
3. Determining the validity of an informant or witness's statement.
4. In certain situations prior to making significant commitments of personnel or financial resources when information is not readily verifiable by other means.

C. It is important to remember that the results of the polygraph examination are solely based on the suitability of the subject being examined. Unwilling or uncooperative subjects should not be tested.

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IV. PERSONS NOT TO BE CONSIDERED FOR POLYGRAPH EXAMINATIONS

- A. The following categories of subjects should not be considered for polygraph examinations:
1. Juveniles under the age of fourteen (14).
 2. Juveniles between the ages of fourteen (14) and eighteen (18) without parental consent.
 3. Individuals under the influence of illicit drugs, medication, or alcoholic beverages.
 4. Individuals with a history of heart disease without written physician's consent.
 5. Individuals that appear abnormally distressed and not capable of following the testing procedure instructions.
 6. Pregnant women without written physician's consent.
 7. Persons suffering from a viral condition.
- B. The Division will not become involved in internal commercial theft polygraph examinations unless a criminal charge is going to be filed against the subject and the Investigating officer has reasonable cause to believe the subject has committed the crime.
- C. The polygraph examiner may refuse to conduct any examination on a subject who does not meet the above criteria.

V. Procedures For Scheduling Polygraph Examinations

- A. Polygraph examinations will be scheduled Monday through Friday at 0830 and 1230 hours. Short notice examinations are available on request if justified. Short notice polygraph examinations may be considered in all serious Part I crimes and serious misdemeanor cases, **such as:**
1. Murder
 2. Rape
 3. Armed Robbery
 4. Serious Assaults
 5. Any other case where the validity of a statement of the allegation is questioned and the Investigating officer does not feel the suspect/witness will be available at a later date. All such examinations will be conducted at the discretion of the polygraph examiner.

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- B. A polygraph examination will not be given until the investigation has established sufficient facts to enable the examiner to adequately construct comprehensive and **objective** questions and all conventional methods of closing the case have been exhausted.
- C. All polygraph examinations will be scheduled through the Supervisor of Investigative Operations. The Investigating officer will review with his/her immediate supervisor the investigative efforts made thus far and a decision will be made by the respective supervisor whether to contact the Supervisor of Investigative Operations. This review/approval process is to ensure that standard investigative procedures are being utilized. The Investigating officer will contact the Supervisor of Investigative Operations when approval to schedule a test has been given, and obtain the date and time of the examination. Once the examination appointment is made, the Investigating officer will immediately forward all appropriate documentation concerning the incident to the polygraph examiner so that appropriate questions can be formulated. The Investigating officer assigned to the case will personally contact the polygraph examiner and complete the following:
1. Provide the examiner a statement of facts to include the original investigative report, written statement(s), and any other background information pertinent as to why the subject is to be examined.
 2. Provide the subject to be examined with the date and time of the examination as specified by the polygraph coordinator and verify this with the examiner at least forty-eight (48) hours prior to the examination date.
 3. Ensure transportation for the subject to and from Police Headquarters and remain available during the examination to assist with any requests for additional information that may be necessary during the course of the examination and to receive any statement or confession.
- D. No person shall be required to submit to a polygraph examination unless otherwise required by law or Division Rules and Regulations. No indication shall be given to the person who refuses to submit to such an examination that such refusal is an admission of guilt.
- E. Division ordered examinations will be conducted in accordance with the Law Enforcement Officers' Bill of Rights, (LEOBR).
- F. The polygraph examiner will provide a verbal report of his findings to the Investigating officer within two (2) days of the examination. A written report will be provided to the officer within five (5) days. The report will state that the findings indicates"
1. Subject is deceptive.

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2. Subject is deceptive with a confession.
 3. Subject is not deceptive.
 4. Inconclusive results. A subject with inconclusive test results may require retesting at the discretion of the Investigating officer and polygraph coordinator.
- G. All copies of polygraph charts, waivers to take the test, and all questions asked during an examination, will be retained in a confidential file located within the office of Investigative Operations pending further investigation and examination by authorized personnel.
- H. The polygraph coordinator will submit in the monthly report to the Investigative Operations Manager, documentation of the number of examinations scheduled, administered, and refused.

VI. PROCEDURES FOR PRE-EMPLOYMENT POLYGRAPHS

- A. When a polygraph examination is used in the selection process, candidates will be provided with a list of areas from which the polygraph questions will be drawn prior to the examination. The use of the polygraph examiner's test conclusions will not be the single determinant of the employment status.
- B. The administration of the polygraph examination and evaluations of the results of the test will be conducted by trained and certified personnel.
- C. The polygraph examiner will provide a verbal report of the findings to the Manager of Investigative Operations or his designee within two (2) days of the examination. A written report will be provided within five (5) days. The report will state that the findings indicate:
1. Subject is deceptive.
 2. Subject is deceptive with a confession.
 3. Subject is not deceptive.
 4. Inconclusive results. A subject with inconclusive or unexplained deceptive test results may require retesting at the discretion of the Investigative Operations Manager or his/her designee, and the polygraph examiner.
- D. All copies of polygraph charts, waivers to take the test, and all questions asked during an examination will be retained in a confidential file located in Investigative Operations pending further investigation and examination by authorized personnel.

VII. Procedures For Outside Agency Testing

- A. A sworn member of any law enforcement agency may request a polygraph examination in writing. All requests must be approved by the Assistant Chief,

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Investigative Operations or a designee.

- B. The coordinator will handle all approved requests on a case-by-case basis and based on the other criteria set forth in Section V of this directive for members of this Division.

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