



**SUBJECT:** Polygraph Policies and Procedures

**TO:** Members of the Department

This Order establishes department policy and member responsibilities for the following:

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## 11.1 POLYGRAPH POLICIES AND PROCEDURES

Polygraph examinations are used to determine whether the person being examined is being truthful in relation to the issue under investigation.

### 11.1.1. BASIC USES OF THE POLYGRAPH

- A. The polygraph examination shall be a supplement to, not a substitute for, a field investigation.
- B. To a large extent, the effectiveness of the polygraph examination is based on the thoroughness of the investigation prior to having the person take the polygraph examination.
- C. To maximize the effectiveness of the polygraph examination, the investigator and the polygraph examiner shall work together as a team.

- D. The polygraph examination may be used to test the truthfulness of:
  - (1) Suspects
  - (2) Victims
  - (3) Witnesses
  - (4) Informants
- E. Polygraph examinations shall be scheduled for criminal cases only.

#### 11.1.2. INVESTIGATOR'S RESPONSIBILITIES

- A. During an investigation in which the polygraph might be used, the investigator shall not resort to misleading statements. If the person who determines that he or she was deceived later takes a polygraph examination, he or she may be overly suspicious of the procedure and the polygraph examiner. Such a mental attitude may cause the person's reaction to be so erratic that no conclusive chart interpretation can be made.
- B. The investigator shall emphasize to a person who may take a polygraph examination that the polygraph technique is an extremely effective method of establishing the truth. Confidence shall be expressed in both the accuracy of the procedure and the impartiality of the polygraph examiner.
- C. Before the examination, the investigator should withhold certain information from the person to be examined which is believed to be known only to the victim, the investigator, and a person with guilty knowledge. These facts could be of vital importance to the polygraph examiner in test and question formulation.
- D. When requesting a person to submit to a polygraph examination, the investigator shall inform the person that participation in the polygraph examination is voluntary. The polygraph examiner shall have the examinee sign a consent form, FSD-028.
  - (1) If the person exhibits fear of the test procedure, the investigator shall assure the person that the polygraph examiner will thoroughly explain the procedure before the polygraph examination.
  - (2) The investigator shall not attempt to explain the procedure, except to express complete confidence in its reliability.
- E. Polygraph examinations should be approved for scheduling only when the following conditions have been met:
  - (1) An investigation by other means has been as thorough as circumstances permit.
  - (2) The person taking the polygraph examination has been interviewed.
- F. The investigator shall provide the examiner with as many case facts and documents as possible, including the complete incident file. In addition, information concerning the background of the person being examined shall be available.
- G. At least one investigator working on the case should be present during the examination to assist the polygraph examiner.

- H. If the person being examined is in custody, the investigator shall have custodial responsibility.
- I. When it is necessary to cancel a scheduled polygraph examination, the polygraph examiner shall be notified as soon as possible.
- J. The investigator should not subject the person taking the polygraph examination to interrogation immediately before a polygraph examination.
- K. A law enforcement officer is prohibited by law, [MCL 776.21](#), from requesting or ordering a criminal sexual conduct victim to submit to a polygraph examination. An officer shall not inform a criminal sexual conduct victim of the option of taking a polygraph unless the victim inquires. If a criminal sexual conduct victim does inquire or express a desire to take a polygraph examination, a signed request form, FSD-023, shall be obtained from the victim before the polygraph test is given.
  - (1) When possible, the release shall be obtained by the investigating officer. A test shall not be given until the FSD-023 has been signed by the victim.
  - (2) A law enforcement officer shall inform the victim when the person accused of criminal sexual conduct has submitted to a polygraph examination and the test indicates that the accused person may not have committed the crime (MCL 776.21).

#### 11.1.3. POLYGRAPH EXAMINER'S RESPONSIBILITIES

- A. The polygraph examiner is responsible for the conduct of the examination, areas to be covered, test questions, and all related procedures.
- B. The examiner shall determine if any particular examination should take place, along with the time and location.
- C. A polygraph examination shall never be conducted if, in the polygraph examiner's opinion, a poor examination atmosphere and/or surroundings prevail.
- D. The polygraph examiner shall submit a written report at the end of each polygraph examination.
- E. The polygraph examiner shall properly maintain and protect the polygraph files and records.
- F. Results of a polygraph examination and disposition of such written reports shall be in accordance with department policies and existing laws.
- G. Photographs, video, or audio recordings shall not be taken of any person in the examination suite unless the commander of the Polygraph Section or their designee has authorized it. Any photographs, visual, or audio recordings taken of the examiner, person being tested, or the instrument for the purpose of instruction or demonstration shall be clearly identified and marked as for instruction or demonstration purposes. If done so for investigative purposes, photographs, video or audio recordings should be initiated at the start of the discussion of the issue that is under investigation and will be turned over to the investigating agency and any retention requirements associated with them transferred to that agency.

#### 11.1.4. PERSONS WHO SHALL NOT BE EXAMINED

- A. Officers from other agencies, unless:
  - (1) There is an investigation of a criminal matter in progress
  - (2) The officer's commander has been notified of the forthcoming polygraph examination
  - (3) Prior approval has been given by the Polygraph Section commander
  - (4) The district commander where the test is being given has been notified.
- B. Members of the department, unless approved by the Director.
- C. A person shall not be examined on the same subject matter after a conclusive examination has already been administered by another police agency.
- D. Juveniles
  - (1) An examination shall not be given to a person under the age of 17 without first obtaining written permission on the Authorization for Juvenile Polygraph Examination form, FSD-005, from at least one parent, a guardian, attorney, or a probate judge having jurisdiction.
  - (2) The polygraph examiner has final authority to determine if a juvenile shall be examined.
  - (3) Before discussing a possible examination with a juvenile, parent, guardian, or probate judge, the investigator shall first consult with the polygraph examiner for advice and recommendations.
- E. It is impossible to detail all the physical disabilities that might affect the polygraph tracings. However, the following guidelines shall be observed:
  - (1) A person with a heart condition whose doctor advises against the polygraph examination shall not be permitted to submit to an examination. If a person claims to be suffering from a heart condition, the examiner shall have a signed letter from a doctor stating that the person may be examined.
  - (2) No woman known to be or who verbally states she suspects being pregnant shall be given a polygraph examination.
  - (3) The examiner will determine if a polygraph examination shall be administered and shall ensure the person has had adequate food, rest, and sufficient relief from a lengthy interview/interrogation prior to the examination.
  - (4) The fact that the person might be suffering from a mental condition, (e.g., psychosis or neurosis), or a physical disability that may affect the mental state, (e.g., cold, tuberculosis, etc.), or a combination of mental-physical conditions shall not automatically disqualify that person from being successfully examined.

#### 11.1.5. RE-EXAMINATIONS

- A. Because a person's mental and physical condition affects the test results, the polygraph examiner shall occasionally conduct re-examinations. Even after re-examination, the examiner is not always able to determine the person's truthfulness.

- B. If a result of inconclusive is reported by the polygraph examiner, it shall not be interpreted as indicating truthfulness or untruthfulness. It merely indicates the person should have the same status as if no polygraph examination has been administered. When a result of inconclusive is reported, the polygraph examiner shall decide if a re-examination should be conducted.
- C. Due to the complexities involved in recording and analyzing physiological reactions, it is possible for a polygraph examiner to make an incorrect interpretation. When an incorrect decision is discovered, it shall be brought to the polygraph examiner's attention. Research of such cases provides information that would prevent or lessen such future interpretation.

#### 11.1.6. RELEASE OF POLYGRAPH INFORMATION

Without first obtaining written consent of the examinee, information, reports, or results of a polygraph examination shall not be released to anyone except members of public law enforcement agencies, unless otherwise required by law to do so.

#### 11.2 REVISION RESPONSIBILITY

Responsibility for continuous review and revision of this Order lies with the State Services Bureau (Biometrics and Identification Division), in cooperation with the Office of the Director.

DIRECTOR