



HOWARD COUNTY DEPARTMENT OF POLICE

GENERAL ORDER OPS-70 POLYGRAPH EXAMINATIONS

EFFECTIVE APRIL 4, 2014

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD) shall use polygraph examinations as a resource for criminal investigations, internal investigations, and pre-employment evaluations of prospective members. Polygraph results will never be used as a substitute for the normal investigative process.

II. PERSONNEL QUALIFICATIONS¹

- A. Personnel assigned as Polygraph Examiners must have successfully completed a basic course of instruction at a polygraph school accredited by the American Polygraph Association.
- B. Polygraph Examiners should maintain an active membership in one of the following: the American Polygraph Association, the American Association of Police Polygraphists, or the Maryland Polygraph Association.
- C. Polygraph Examiners will be responsible for conducting all polygraph examinations as specified by this General Order.
- D. Polygraph Examiners will attend a minimum of thirty (30) hours of continuing education training every two (2) years.
- E. Continuing education and training will focus on polygraph techniques and related issues. This training should be approved by the American Polygraph Association, the American Association of Police Polygraphists, or a state polygraph association.

III. EQUIPMENT

- A. Polygraph instruments must have at least three (3) functioning recording channels.
- B. At a minimum, instruments shall record respiration, electrodermal activity, and cardiovascular activity.
- C. To ensure proper functioning, instruments shall be calibrated on a regular basis.
- D. Unless exigent circumstances exist during off-site testing, polygraph examinations will be conducted in an environment with minimal audible and visual distractions.

¹ CALEA 42.2.6, 32.2.5

IV. PROCEDURES²

A. Requests for applicant examinations will be forwarded to the Polygraph Unit from the Human Resources Bureau. Criminal/internal examination requests will be submitted directly to the Polygraph Unit. The assigned Polygraph Examiner will coordinate appointment times with the requesting member.

B. Criminal Polygraph

The requesting officer will provide the following information to the examiner at the time of the request:

1. A complete, up-to-date police report to include all supplemental reports and any written statements, if possible.
2. A complete history check of the examinee to include the following:
 - a. FBI;
 - b. Maryland State Central Records Repository history;
 - c. Howard County Record Management System history; AND,
 - d. Driver's License history.

C. HCPD Examiners will not administer polygraph examinations to HCPD members unless directed to by the Chief of Police.

D. Polygraph requests from other governmental or law enforcement agencies shall be submitted directly to the Polygraph Unit. Prior to conducting the exam, the assigned Examiner will notify the Human Resources Bureau.

E. Unless exigent circumstances exist, Polygraph Examiners should not conduct more than two (2) polygraph examinations in one day.

F. To ensure proper test data analysis, examinations will consist of a minimum of three (3) non-artifacted askings of all relevant questions, using techniques consistent with the examiner's training.

G. Persons should not be polygraphed under the following circumstances:

1. Immediately following an extensive interrogation.
2. The examinee is obviously fatigued or in ill health. Persons with heart or blood pressure problems or persons who have recently undergone surgery shall provide a doctor's note and shall be evaluated on a case-by-case basis.
3. The examinee is injured or in pain.
4. The examinee is under the influence of drugs and/or alcohol.
5. The examinee appears psychologically unstable. Persons receiving psychological or psychiatric treatment should be evaluated on a case-by-case basis.
6. The examinee is pregnant or may be pregnant.
7. Other circumstances exist which, in the opinion of the Examiner, may make the polygraph examination results unreliable or invalid.

² CALEA 42.2.6

- H. **Persons under the age of eighteen (18)** will not be examined until written consent has been obtained from the juvenile's parent or legal guardian, and the Examiner has received a copy of a signed Parent/Guardian Permission for Polygraph Examination of Juvenile Consent and Waiver (HCPD #4203).
- I. **Children under the age of fourteen (14)** will not be examined unless approved by the CIB Commander and written consent has been obtained from the juvenile's parent or legal guardian, and the Examiner has received a copy of HCPD #4203.
- J. The Officer requesting a case related polygraph examination has the following responsibilities:
 - 1. Arrange for the transportation of the examinee, if necessary.
 - 2. Remain available in the building throughout the examination, unless excused by the Polygraph Examiner.
 - 3. Retain responsibility for the security of the examinee while in the building.
 - 4. All custodial polygraph examinations shall be monitored from start to finish at the Polygraph Audio/Video station by the investigating officer or a sworn police officer.
 - 5. At the Polygraph Examiner's discretion, during custodial polygraph examinations, the investigating officer, or a sworn police officer may be allowed to sit in the polygraph room.
- K. **Sexual Offenses**
 - 1. No officer shall ask or require an adult, youth or child victim of an alleged sexual offense, as defined under Federal, State or local law, to take a polygraph examination as a condition for proceeding with the investigation. The refusal of a victim to take a polygraph, , shall not prevent the investigation or charging of an alleged sexual offense.
 - 2. In the event the investigation reveals no credible evidence to support the alleged sexual assault, a polygraph may be requested. With the approval of the Investigations & Special Operations Command Deputy Chief, the results of the polygraph may be used during the investigation of a different crime.
- L. **Quality Control**
 - 1. Quality Control (QC) shall be mandatory for all polygraph examinations and consist of a QC (non-testing) Polygraph Examiner's review of polygraph charts, test questions, and the opinion of results.
 - 2. At the conclusion of each polygraph exam, a mandatory QC review will be conducted and noted in both the file and log book.

V. POLYGRAPH REPORTS AND RECORDS

- A. As soon as possible after conclusion of the examination, the testing Polygraph Examiner shall complete a report. This report will document the results of the examination and the Examiner's contact with the examinee.
- B. Polygraph reports for criminal investigations will be documented on a supplemental report and given to CIB to be retained in the case file. The Polygraph Unit will maintain all criminal polygraph charts, reports and associated documentation.

- C. The results of applicant polygraph examinations to include polygraph charts, reports and associated documents shall be sent to the Human Resources Bureau to be maintained in the applicant's background file, and stored separately from the applicant file.³ The files will be kept for a specific timeframe consistent with the retention schedule.

VI. PROSPECTIVE EMPLOYEE POLYGRAPHS

- A. For further information regarding prospective employee guidelines, see General Order ADM-32, Selection of Sworn Personnel or ADM-63, Selection of Civilian Personnel.
- B. All sworn, cadets, duty officers, Quartermaster, Forensic, Internal Affairs, and property room applicants shall take polygraph examinations. Additional applicants may be polygraphed at the direction of the Chief of Police.
- C. Polygraph examinations conducted with prospective employees shall be administered using testing techniques and formats approved by the American Polygraph Association, the American Association of Police Polygraphists and/or the Defense Academy of Credibility Assessment.
- D. Prospective employee polygraph examinations shall be conducted in a timely and professional manner, consistent with an Examiner's training, and ethical standards mandated by the American Polygraph Association and the American Association of Police Polygraphists.
- E. Before conducting a polygraph examination, the Polygraph Examiner shall review all relevant applicant-screening reports, personal history summaries and any prior polygraph examination reports prepared by the HCPD.
- F. Prior to conducting a test, the Polygraph Examiner will review all test questions with applicants.
- G. The results of polygraph examinations shall not be used as the sole determinant of suitability for employment.⁴

VII. AUDIO/VIDEO RECORDINGS

- A. All polygraph examinations shall be audio and video recorded.
- B. All examinees will be advised that the examination will be audio/video recorded.
- C. Recorded examinations will be copied to and maintained on DVDs.
- D. For criminal examinations the original DVD will be submitted to Property & Evidence by the testing Polygraph Examiner under the relevant IR number.
- F. For applicant examinations, the original DVD will be forwarded to the Human Resources Bureau to be maintained in the applicants background file.
- G. The Polygraph Unit will make and retain DVD copies of all examinations.

VIII. CANCELLATION

This General Order cancels and replaces General Order OPS-70, Polygraph Examinations, dated November 6, 2009.

AUTHORITY:



William J. Mahon
Chief of Police

³ CALEA 32.2.3

⁴ CALEA 32.2.6