

CRIMINAL CASE

POLYGRAPH EXAMINATIONS

The following information is intended to assist investigators wishing to request a polygraph examination in connection with a criminal case.

I. Reasons for Utilizing the Polygraph

- A. Innocence can usually be quickly established, thus freeing the innocent suspect sooner.
- B. Lying can be much more quickly, accurately and easily determined by use of the polygraph than by any other known method.
- C. The polygraph will save investigators time, money and effort thus greatly increasing their efficiency and effectiveness.

II. Basic Uses of the Polygraph

- A. The polygraph is an excellent aid to law enforcement investigators. However, investigators must remember that the polygraph is a supplement to, not a substitute for, a good field investigation.
- B. The final results of a polygraph examination will be based, in great measure, upon the thoroughness of the investigation prior to having a subject take the examination. Therefore, the polygraph should never be the first step in the investigative process since the polygraphist would not be able to properly word his test questions, much less conduct an effective interrogation. On the other hand, the polygraph should not be used when everything else has failed and a time delay has not produced the facts to bring the case to a successful conclusion. THE BEST TIME TO USE THE POLYGRAPH IS WHEN THE INVESTIGATION HAS NARROWED DOWN TO ONE OR SEVERAL INDIVIDUALS WHO AFTER PRELIMINARY INTERROGATION STILL MAINTAIN THEIR TRUTHFULNESS AND INNOCENCE.

C. In official criminal investigations, within statutory authority, examinations will be conducted upon:

1. Suspects
2. Victims
3. Witnesses
4. On other matters, only upon approval of the polygraphist's Chief.

III. Investigators Procedure of Preparing Subject for Examination

A. Preliminary arrangements for polygraph examinations:

1. A polygraph examination must be administered under strictly controlled conditions therefore, the subject will be brought to the polygraphist's department and seated in the waiting room/lobby. Do not introduce the suspect to the examiner or bring him into the office itself.
2. Upon requesting a polygraph examination the polygraphist will advise the person requesting or the requesting agency of the first open time and a definite appointment will be made. The polygraphist will be the only person to make and confirm all appointments. The investigator is responsible for notifying the subject of the date and time of the appointment. In the event the polygraphist is not available at the time of your request, leave your name and telephone number with the dispatcher or secretary and a return call will be made as soon as possible.
3. The investigator should notify the polygraphist immediately if the subject cannot be contacted or if the investigator learns that the subject does not plan to show up for the examination. This will allow the polygraphist to schedule another appointment or complete other assignments.

B. Necessary case records:

1. All crime reports of suspected offense(s).
2. Investigation reports to date.
3. Background information of the suspect to be examined (name, address, job, prior record, etc.).
4. Any statement or denials made by the suspect.

5. All reports and the polygraph examination request must be submitted at least 24 hours prior to the scheduled appointment time, and the investigator should arrive one-half hour before the scheduled appointment time.
 6. During the entire polygraph procedure, the custody and well being of the suspect/prisoner being tested will be the responsibility of the investigator. If the investigator wishes to observe the examination, arrangements should be made at the time the examination is scheduled.
- C. Interrogation prior to time of examination:
1. The investigator should not interrogate the subject on the day of the examination. This should not be interpreted as meaning that the investigator should not interrogate during his investigation, but only applies to the period of time just prior to the examination. Prolonged interrogation of a suspect produces an exhausted or antagonistic suspect who may then not be a fit subject for the examination.
 2. The suspect may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime and motive or desire.
- D. Suspect should be in proper condition to take the examination:
1. It is desirable that the suspect have a normal amount of food and sleep during the twenty-four hour period preceding the polygraph examination. Suspects physical condition should be as near normal as possible.
 2. A suspect suffering from the influence of alcohol, sedatives, opiates, physical pain, severe cold or respiratory disorders, is not ordinarily considered to be in a fit condition for an examination.
- E. Suggested information to be given or withheld from suspect:
1. Method of polygraph examination.
 - a. The polygraph suspect should not be advised of the method in which the examination is to be conducted. The suspect should be told that he suffers no discomfort, will not be subject to injections of any type, and that the entire procedure will be explained to him by the polygraphist.
 - b. The investigator should assure the subject of the competency of the polygraphist and the soundness of the polygraph technique.

2. Details of crime to be withheld:
 - a. As in all effective interrogations, the investigator should avoid disclosure to the suspect of any details of the facts established during the investigation.
 - b. Facts concerning the crime, which could only be known to the perpetrators, should never be told to the suspect, press or general public. These facts could be of vital importance to the examiner in test and question formulation.
 - c. Examples of details which should not be divulged:
 - 1.0. Method of entry - tools used to effect entry-point of entry, whether or not entry was made by use of key.
 - 1.1. Property taken - specific amount, location, denominations of currency, unusual articles, description of articles.
 - 1.2. Weapon or force used to commit crime - club, knife, poison, also number and location of wounds and bruises.
 - 1.3. Evidence left at the scene of the crime by suspect - tools, weapons, articles of clothing.
 - 1.4. Unusual acts of suspect before, during and/or after the commission of the crime.
 - 1.5. Means of exit from the scene - if by vehicle anything about same, such as dents, missing portions, loud muffler, damage; if on foot, direction taken from scene, if noted.
 - 1.6. Locations from which property was taken where safe or cash box was located, type of container from which money or articles were taken such as green metal box, cigar box, laundry bag, paper sack, color of container.

IV. Factors That May Prohibit Examinations

- A. A polygraph examination will not be conducted on any suspect if the polygraphist feels the suspect to be physically or mentally unfit or the examination may be a detriment to his health.

- B. Voluntary examination - an examination will only be given to a suspect who has voluntarily agreed to submit to the examination in writing. Exception: when ordered by the court.
- C. Juvenile subjects:
 - 1. Juvenile subjects under the age of fourteen years make very difficult subjects to examine because of lack of maturity, both physical and mental. Many times a conclusive opinion cannot be obtained by use of a polygraph because of these factors.
 - 2. A Juvenile Court Judge must authorize the examination or consent forms for juveniles to be tested must be signed by the legal parent or legal guardian. The consent form can be obtained from the polygraphist.
- D. Physical or psychological factors: The investigator must keep in mind that there are several other factors, especially of a physical or psychological nature that sometimes can be the cause for non-examination. Some questionable subjects are:
 - 1. Females that are more than 100 days in known pregnancy.
 - 2. Subjects with paralysis.
 - 3. Subjects with amputations affecting placement of instrument attachments.
 - 4. Recent major surgery - usually the human body requires at least six months to recover.
 - 5. Physical disabilities - high or low blood pressure and cardiac (heart) trouble.
 - 6. Suffering from severe cold or respiratory disorder.
- E. Narcotic addicts and alcoholics, especially during their withdrawal period. The best time to examine these subjects is when they are under the influence of drugs or are drunk. If the person is a known addict or alcoholic, this will be the normal state in which their body functions.
- F. Emotional instability resulting from being involved in an incident, especially if the incident was of a violent nature. Example: Victim of an armed robbery being given an examination shortly after he had been allegedly robbed, or a husband coming home and finding his wife murdered.

VI. Following the Examination

- A. In cases where the polygraphist obtains an oral confession, he may elect to obtain a brief written statement or letter of apology.
- B. It is the sole responsibility of the polygraphist to complete the following:
 - 1. Obtain a detailed oral and/or written statement suitable for criminal prosecution.
- C. Following the test, the polygraphist's responsibilities cease. Custody of the suspects and further disposition of the case will be up to the investigator.

VII. Summary

- A. The investigator should keep in mind from the very inception of the investigation that he may find it necessary to request the aid of the polygraph.
- B. The investigator must never withhold any pertinent information on either the crime or the suspect from the polygraphist. The most minute and seemingly unimportant details are sometimes the ones that actually break the case. The more thorough and complete the investigation, the better the chance of a conclusive opinion being rendered from the polygraphist.
- C. The effectiveness of the polygraph examination is dependent upon the investigator and polygraphist working together.
- D. Never use the polygraph examination as a bluff. Do not ask your suspect to submit merely to bluff him or her, then when he agrees, you forget it. This does not mean he or she is innocent at all. Do not ask a person to submit to an examination unless you intend to follow through, as over 50% of all persons that take the examination are deceptive.
- E. In all cases, the polygraphists will be very pleased to consult with you regarding the timelessness or appropriateness of using the polygraph. They may have suggestions on how and when to ask the subject to take the polygraph, and additional information to elicit from the subject. If you have any questions whatsoever about an individual case or the polygraph in general, please call the polygraphists.