

<b>JOPLIN POLICE DEPARTMENT</b>	<b>9-07 STANDARD OPERATING GUIDELINE</b>
<b>SUBJECT: Polygraph Standards and Principles</b>	<b>REVIEW DATE: Annually - September</b>
<b>EFFECTIVE DATE: September 1<sup>st</sup>, 2006</b>	<b>ACTION DATE:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>AMEND DATE: September 18, 2020</b>
<b>ACCREDITATION INDEX: 42.2.6</b>	<b>APPROVED:</b>  <b>Chief of Police</b>

## I. POLICY

The primary purpose of a polygraph examination is to determine if the person being examined is being truthful or untruthful to the issue under investigation. It is the policy of the Joplin Police Department to establish polygraph standards and principles to ensure uniformity in the use of the polygraph. (42.2.6)

## II. PURPOSE

To establish guidelines to govern polygraphists and the use of polygraphs.

## III. PROCEDURE:

### A. Basic Uses of the Polygraph

1. The polygraph examination should be a supplement to, not a substitute for, a field investigation.
2. The effectiveness of the polygraph examination, to a large extent, will be based upon the thoroughness of the investigation, prior to having the person take the examination.
3. To maximize the effectiveness of the polygraph examination, the investigator and the polygraphist must work together as a team.
4. The polygraph examination may be used to test the veracity of:
  - a. Suspects;
  - b. Victims;
  - c. Informants; and
  - d. Police applicants
5. No victim of any offense under RSMO chapter 566, victims of domestic assaults, or victims of stalking shall be required to submit to a polygraph as a condition for proceeding with a criminal investigation of such offense. (RSMO 595.201, 595.223)

### B. Polygraphists Credentials

Only fully trained polygraphists or intern polygraphists under the direct supervision of a senior polygraphist should be allowed to conduct polygraph examinations. All law enforcement

polygraphists should be bound individually and collectively to the standards, objectives, and principals of practice of a nationally recognized polygraph training center.

C. Polygraph Instrument Analog/Computer Version

Polygraph instruments (either analog or computer) must be capable of recording visually, permanently, and simultaneously, indications of a person's:

1. Cardiovascular pattern and changes therein;
2. Respiratory pattern and changes therein;
3. Changes in skin resistance (Electro-dermal Responses);
4. The polygraph instrument should be calibrated as per manufacturers' instructions.

D. Investigator / Detective Responsibilities

1. During an investigation in which the polygraph might be utilized, the investigator should not resort to any misleading statements. If the person who determines that he/she was deceived later takes a polygraph examination, he/she may be overly suspicious of both the procedure and the polygraphist. Such a mental attitude may cause the person's reactions to be so erratic that no conclusive chart interpretation could be made.
2. The investigator must emphasize to a person who may take a polygraph examination that the polygraph technique is an extremely effective method of establishing the truth. Confidence should be expressed in both the accuracy of the procedure and the impartiality of the polygraphist.
3. Prior to the examination, the investigator should withhold, from the person to be examined, certain information believed to be known only to the victim, the investigator, and a person with guilt knowledge. These facts could be of vital importance to the polygraphist in test and question formulation.
4. When requesting a person to submit to a polygraph examination, the investigator should inform the person that they would be given the polygraph examination only if they are freely and voluntarily in agreement to take the examination. It is also recommended that the polygraphist have the examinee sign a consent form.
  - a. If the person exhibits fear of the procedure, the investigator should assure the person that the polygraphist will thoroughly explain the procedure prior to the examination.
  - b. No attempt should be made by the investigator to explain the procedure, except to express complete confidence in the reliability.
  - c. Threats to use the polygraph to obtain a confession are forbidden.
5. Polygraph examinations should be approved for scheduling only when the following conditions have been met.
  - a. An investigation by other means has been as thorough as circumstances permit.
  - b. The person taking the examination has been interviewed.

- c. The investigator should provide the polygraphist with as many case facts and documents as possible, including the complete complaint file. In addition, information concerning the background of the person being examined should be available.
- d. At least one investigator working on the case should be immediately available during the polygraph examination to assist the polygraphist, should a matter arise with which the polygraphist is not familiar.
- e. If the person being examined is under arrest, the investigator should have custodial responsibility.
- f. In those situations where it is necessary to cancel a scheduled polygraph examination, the polygraphist should be notified as soon as practical.
- g. The investigator should not subject the person taking the polygraph examination to interrogation immediately prior to a polygraph examination.
- h. Any investigator requesting a polygraph should first obtain permission from their immediate supervisor.

E. Polygraphist's Responsibilities

- 1. The responsibility of the conduct of the polygraph examination, areas to be covered, test questions, and all related procedures should lie with the polygraphist.
- 2. The polygraphist should have sole responsibility to determine if any examination should take place and the time and location.
- 3. A polygraph examination should never be conducted where, in the polygraphist's opinion, poor examination atmosphere and/or surrounding(s) prevail.
- 4. The polygraphist shall submit a written report at the conclusion of each polygraph examination.
- 5. The polygraphist shall be responsible for properly maintaining and protecting the polygraph files and records.
- 6. Results of a polygraph examination, and disposition of such written reports shall be in accordance with departmental policies and existing law(s).
- 7. The polygraphist shall not attempt to make a physical or psychiatric diagnosis of the examinee except to decide as to the test ability of the person taking the polygraph examination.
- 8. The polygraphist shall produce a minimum of two (2) polygraph charts relative to the testing issue.

F. Responsibilities of the Department to the Polygraphist

To maintain and improve his/her professional competency, the department may allow the examiner:

- 1. To attend a minimum of one professional polygraph seminar on a yearly basis.

2. Allow membership in an appropriate professional organization.

G. Re-Examination

1. As a person's mental and physical condition affects the test results, the polygraphist must occasionally conduct re-examinations. Even after re-examinations, the polygraphist is not always able to determine if the person is being truthful or untruthful.
2. If an indefinite finding is reported by the polygraphist, it is not to be interpreted as indicating truthfulness or untruthfulness. It merely indicates that the person should have the same status as if no polygraph examination has been administered. When an indefinite finding is reported, it is the responsibility of the polygraphist to decide if a re-examination should be conducted.
3. Due to the complexities involved in recording and analyzing physiological reactions, it is possible for a polygraphist to make an incorrect interpretation. When such a decision is discovered, it should be brought to the polygraphist's attention. Research of such cases provide information which would prevent or lessen such future interpretations.

**IV. COMPLIANCE**

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules, or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies, shall comply with this policy.

**V. APPLICATION**

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only inform the basis of a complaint by this department, and then only in a non-judicial administrative setting.