4.5 POLYGRAPH EXAMINATIONS

SUBJECT: Polygraph Examinations

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<th>William Cochran</th>
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<td>REVISED: 04/05-2019</td>
<td>William Cochran, Chief of Police</td>
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CALEA: 

4.5.1 PURPOSE

To outline the rules and regulations pertaining to polygraph examinations.

4.5.2 POLICY

The psychophysiological detection of deception (PDD, polygraph) may be used as an investigative tool in the resolution of criminal cases, administrative investigations, pre-employment examinations, and other matters. The polygraph examination shall be considered as supplemental to, but not a substitute for, other investigative efforts. Examinations shall be conducted for the purpose of determining the veracity of the person tested regarding the issue under investigation and to arrive at the truth concerning the issue.

4.5.3 PROCEDURE

A. Responsibility of the Officer Requesting the Exam

1. The requesting officer shall:

   a. Get approval for a polygraph request from his or her supervisor;
   b. Submit approved requests to the examiner;
   c. Contact the examiner and set the time and date for the polygraph exam;
   d. Collect and obtain all reports, statements, and other documents pertinent to the particular case; and
   e. Make these documents, or copies, available to the examiner at least 3 working days in advance of the scheduled exam. If the three-day notice is not practical, the officer requesting the exam should meet with the examiner and thoroughly brief him or her on the case prior to the exam.

2. All polygraph examinations shall be based on:

   a. A thorough review of the facts of the case;
   b. The completeness of the investigation; and
   c. The need and appropriateness for such an examination.
3. The primary investigating officer shall be readily available to the examiner to:

   a. Resolve questions or conflicts;
   b. Accept an admission or confession; and
   c. Monitor the actual examination, if possible.

B. Subject Responsibility

1. The subject shall be polygraphed on one specific incident at a time.
2. The polygraph subject must be punctual.
   a. If the subject is refused an exam, he or she shall be told to contact the requesting officer to set another date for the exam.

3. Polygraph exams normally take two to four hours.
4. The polygraph examiner shall determine the suitability of the subject for examination.
5. Examiners may refuse to polygraph subjects who are:
   a. Intoxicated;
   b. Under the influence of drugs;
   c. Taking medications that would interfere with testing;
   d. Heart or diabetic patients;
   e. Under a doctor’s care for physical or mental disorders;
   f. Antagonistic;
   g. Refusing to cooperate with the examiner or who does not voluntarily agree to the exam;
   h. Untestable at the time of their exam as determined by the examiner;
   i. Pregnant; or
   j. Sixteen years of age or younger.

C. Exam Guidelines

1. Polygraph exams shall be scheduled in the following priorities:
   a. Department criminal exams;
   b. Department administrative investigation exams (officer exams are subject contract limitations);
   c. Outside agency criminal exam (outside agency exam postponements will be rescheduled for another date); then
   d. Department applicant exams.

2. Officers shall give the examiner necessary reports and adequate time to prepare for the exam.
D. Polygraph Examiner Selection and Certification Requirements

1. Must have at least five years of service remaining with the Department.
2. The applicant shall sign a letter of agreement with the City of Topeka requiring a minimum of five years of service as an examiner for the Department.
   a. This agreement must be signed prior to attending polygraph training; or
   b. The Chief of Police may release the officer from this commitment.
3. Must have at least a four-year degree from a college or university, or 60 hours of college credit and four years of law enforcement investigative experience.
   a. Preference shall be given to those applicants who have a four-year degree and/or prior polygraph experience.
4. Must complete an approved training course through an institution accredited by the American Polygraph Association (APA) or the American Association of Police Polygraphists (AAPP).
5. Department polygraph examiners shall keep current with polygraph training and polygraph testing procedures.

E. Pre-Employment Polygraph Examinations

1. A pre-employment polygraph exam shall be given after a conditional offer of employment with the Department.
2. A standard polygraph waiver and hold harmless agreement must be signed by the person voluntarily taking the examination prior to its administration.
3. The polygraph examiner asks health and medical questions before giving the exam to determine if he or she can get a good polygraph reading from the person.
   a. The polygraph examiner is prohibited from releasing health or medical information.
      1) The polygraph examiner shall not relay the information to the requestor of the polygraph.
      2) If administration of the test is impractical, the examiner shall only tell the requestor that no test may be given.
      3) If the condition is temporary, the polygraph examiner shall tell the requester when it will be possible to give the test.
b. The polygraph examiner shall prepare a document with the information and place it in a sealed envelope that will be retained in the office of the Chief of Police. It shall not be retained in the applicant’s file.

c. Information from the polygraph exam shall be given to the doctor completing the physical and psychological exams as part of the employment process.