



| | | |
|---|--|----------------------|
|  | ROSENBERG POLICE DEPARTMENT | |
| | General Order 4.09 Polygraph Examinations | |
| | Effective Date: 3-27-2017 | Replaces: N/A |
| | Approved:  Chief of Police | |
| | Reference: N/A | |

I. PURPOSE

The mission of the polygraph program is to provide support to Rosenberg Police Department investigations, as well as assistance to other departments in support of their law enforcement criminal investigations. The polygraph is to be used as an investigative aid, in support of an investigator accomplishing their assigned duties. The polygraph will not replace proper and thorough investigative efforts.

II. RESPONSIBILITIES OF POLYGRAPH EXAMINER

- A. The polygraph examiner shall be responsible for the proper conduct of an examination in accordance with rules and regulations established by the Texas Department of Licensing and Regulation, as well as the polices established by this department.
- B. The polygraph examiner should refrain from conducting a polygraph examination in an investigation if the examiner had been involved in the investigation. Exceptions should be handled accordingly.
- C. The polygraph examiner is required to maintain his/her proficiency in the field to include the knowledge of new techniques, changes in legislation affecting the polygraph profession, and continued familiarity with related fields of study, such as interrogations.

III. QUALIFICATION AND SELECTION OF POLYGRAPH EXAMINERS

- A. Officers of this agency shall be eligible for selection to attend basic training for polygraph examiner certification course, hosted by a State of Texas and APA recognized Basic Polygraph Examiner Course, if they meet the following minimum standards:

1. Must be a U.S. Citizen
2. No convictions of a felony or misdemeanor involving moral turpitude
3. Must have a minimum of five consecutive years of active investigation experience*
4. Successfully complete an applicant verification polygraph examination which will be administered by a Licensed Polygraph Examiner, if requires by the school.

IV. TRAINING OF POLYGRAPH EXAMINERS

Officers selected for training must successfully complete a State of Texas and APA recognized Basic Polygraph Examiner School.

V. INTERNSHIP PROGRAM

Upon successful completion of a State of Texas and APA recognized Basic Polygraph Examiner School, each examiner will serve as an intern in accordance with the regulations established by the Texas Department of Licensing and Regulation.

VI. CERTICATION

At the successful completion of the internship program, each examiner will be certified in accordance with the regulations established by the Texas Department of Licensing and Regulation.

VII. ANNUAL TRAINING

Each certified polygraph examiner is required to attend a minimum of 40 hours advanced level or supplementary related training every 2 years. This requirement is intended to develop and maintain the expertise and proficiency in conducting polygraph examinations.

VIII. DOCUMENTATION

- A.** The requesting Investigator shall provide the polygraph examiner with the following Documents:
 1. A copy of the original offense report and any supplemental reports
- B.** After reviewing the offense report, it is the discretion of the polygraph examiner whether the polygraph examination shall be administered.
- C.** The polygraph examiner shall maintain all documents pertaining to the polygraph examination as required by the Texas Department of Licensing and Regulation. At the completion of the polygraph examination, the polygraph examiner shall provide the requesting investigator with a polygraph examination report.

IX. ADMINISTERING OF POLYGRAPH EXAMINATIONS

A. No one other than the subject and the polygraph examiner shall be present in the examination room during the polygraph examination. The only exception is during the review of the waiver of rights, the polygraph examination consent, and the polygraph examination data sheet. All exceptions to this provision will be at the sole discretion of the polygraph examiner.

1. Examination of Pregnant Subjects

If the polygraph subject discloses that she is possibly pregnant, prior to the examination being administered, the polygraph examiner shall require the subject to provide a written approval from a medical doctor or medical documentation stating that the subject can take the polygraph.

2. Examination of Minors

i. Not in Custody

In the event the polygraph subject is a minor that is not in custody the polygraph examiner shall obtain written consent from the parent, legal guardian, or custodian of the minor prior to the polygraph examination. It is the sole discretion of the polygraph examiner to have the parent, legal guardian, or custodian of the minor present during the review of the waiver of rights, the polygraph examination consent, and the polygraph examination data sheet.

ii. In Custody

Polygraph examiners will adhere to the Family Code Section 51.151. If a child is taken into custody under Section 52.01 of the Family Code, the polygraph examiner shall not administer a polygraph examination to the child without the consent of the child's attorney or the juvenile court unless the child is transferred to criminal court for prosecution under Section 54.02 of the Family Code.

3. Examination of Police Officers

Polygraph examiners will adhere to the Texas Government Code – Section 614.063 Polygraph Examination when administering a polygraph examination to a police officer.

X. TESTING PROCEDURES, TECHNIQUES, CONSTRUCTION, AND ANALYSIS

A. It is the responsibility of the polygraph examiner to insure the polygraph testing procedures, testing techniques, test question construction, and test data analysis are followed and conducted in the manner instructed by a State of Texas and APA recognized Basic Polygraph Examiner School

1. Functionality Check

- a. The purpose of the functionality check is to insure that all components of the polygraph instrument is functioning properly and to manufacturer's specifications. The manufacturer's recommendations for operation and calibration shall be followed. Should the equipment not function properly, the polygraph examiner shall attempt to make the necessary adjustments or repairs. Polygraph examiners are prohibited from using equipment that is not functioning properly or they are not familiar with.
- b. The polygraph examiner shall insure the polygraph instrument used, records visually, permanently, and simultaneously a subject's cardiovascular and respiratory patterns. The polygraph examiner may also record patterns of other physiological changes.

XI. QUALITY CONTROL PROCEDURES

A. The purpose of the quality control is to insure proper format and technical accuracy. Each polygraph examination administered shall have a quality control review conducted. Each polygraph examination administered shall have an independent evaluation by a certified polygraph examiner.

1. Procedures for Review

The quality control examiner shall review the polygraph charts, test question construction, and conformity to acceptable procedures. The quality control examiner shall then provide an independent numerical evaluation of the polygraph charts.

State law requires that upon the completion of the polygraph examination, an opinion shall be provided to the subject. At the time a polygraph examination is administered, if a quality control review cannot be conducted, the polygraph examiner shall inform the subject the analysis of the polygraph charts is only a preliminary finding, pending a quality control review.

2. Re-examinations

Should a subject require a re-examination, all efforts shall be made to insure the re-examination is conducted by a different examiner.

