



Jeffrey R. Gahler,
Sheriff

HARFORD COUNTY SHERIFF'S OFFICE ADMINISTRATIVE POLICY

Polygraph Examinations

Distribution:	All Employees	Index:	ADM 0403
Responsible Unit:	Services and Support Bureau	Rescinds:	ADM 0403 (dated 04/01/20)
		MD Code:	

Issued:	07/01/22	Reviewed	06/30/22	Next Review:	06/30/25
----------------	-----------------	-----------------	-----------------	---------------------	-----------------

1. Purpose

To establish procedures for requesting and conducting polygraph examinations, as well as the requirements and qualifications of polygraph examiners.

2. Policy

The Harford County Sheriff's Office (HCSO) will conduct polygraph examinations for criminal investigative purposes, pre-employment screening, and internal affairs investigations, using certified HCSO polygraph examiners. The services of the HCSO Polygraph Unit will be made available to HCSO members, the Harford County State's Attorney's Office (HCSAO), and any other law enforcement agencies. An agency from another jurisdiction requesting these services must comply with all standards set forth in this policy.

3. Definitions

ADA: Americans with Disabilities Act

COBR: Correctional Officers' Bill of Rights

EPPA: Employee Polygraph Protection Act

HCSOAP: Harford County Sheriff's Office Accountability Process

POLYGRAPH: an instrument that records certain physiological changes in a person undergoing questioning to obtain truth or deception.

POLYGRAPH EXAMINER: a deputy who has graduated from a polygraph institution that has met the accreditation standards of the American Polygraph Association (APA) or American Association of Police Polygraphists (AAPP).

4. References

American Association of Police Polygraphists

American Polygraph Association

Americans with Disabilities Act

PER 0214 Harford County Sheriff's Office Accountability Process

5. Procedures

A. Use of the Polygraph

1. The polygraph will be used in criminal investigations as an aid in the detection of deception of suspects, victims, and/or witnesses.
2. The following questions will be answered by the requesting investigator's supervisor (sergeant or above) prior to approving a request for a criminal polygraph:
 - a. Has the investigator exhausted all possible investigative means available to them in the investigation?
 - b. Is the polygraph the last investigative tool available to assist in bringing the case to a successful conclusion?
 - c. Will the exam results properly direct the investigator's case?
 - d. If the examinee fails the exam, does the investigator have sufficient information to interrogate the examinee further and possibly obtain a confession?
 - e. If the examinee passes the exam, does it definitively inform the investigator that the suspect had no part in the crime, and will it clear them as a suspect?
 - f. Is the suspect physically, emotionally, and psychologically prepared to take a polygraph examination?
3. Following approval by the requesting investigator's supervisor (sergeant or above), an investigator may request a polygraph examination from the Polygraph Unit Supervisor.
4. Other jurisdiction polygraph requests are to be made to the Polygraph Unit Supervisor with final approval given by the Services and Support Bureau Chief.
5. The request should be made in writing via email and include the name, address, and age of examinee, along with the details of the investigation.
6. A polygraph examination must be administered under strict, controlled conditions, and as such, the following preliminary arrangements must be adhered to:
 - a. All polygraphs, when possible, will be administered in the HCSO Polygraph Office;
 - b. The examinee will be given a minimum of twenty-four (24) hours' notice of the scheduled examination when possible;
 - i. Exceptions must be approved by the Polygraph Unit Supervisor.
 - c. The examinee must refrain from the consumption of any alcohol or controlled dangerous substances a minimum of 24 hours prior to the examination;

- d. The requesting investigator will advise the examinee that submission to a polygraph examination is strictly voluntary, and that the examinee will feel no pain or discomfort during the procedure;
 - e. If the examinee cannot speak English, the examiner must be notified in advance so that arrangements can be made for a translator; and
 - f. If the examinee should cancel the examination, the investigator will notify the examiner immediately.
7. A polygraph examination can only be enhanced by the availability of case information. Accordingly, the investigator will provide the examiner all pertinent information concerning the case. This includes, but is not limited to:
- a. Information obtained in the investigation that supports and justifies the use of the polygraph;
 - b. Copies of all original reports and case notes;
 - c. All available evidence to include any evidence withheld from the examinee;
 - d. Background information on the subject to be examined, to include criminal record and possible motivation;
 - e. Any statements made by the examinee, complainants and/or witnesses, to include alibis; and
 - f. The investigator will personally meet with the examiner prior to the examination to review the case.
8. The investigator should refrain from intensive interrogation of the subject immediately prior to the examination if the examinee has agreed to a polygraph examination.
9. The examinee should not be informed of the details of the investigation and/or facts known only to the perpetrator to include method of entry, unique property taken, weapons or type of force used, evidence left at the scene, clothing worn by the suspect, means of escape, or location from which property was taken.
10. A polygraph examination will not be administered to a person under the age of 18 unless they do so voluntarily and after a parent or legal guardian has signed the proper consent form.

B. Conducting Polygraph Examinations

- 1. Only certified polygraph examiners are authorized to administer polygraph examinations using only HCSO approved polygraph instruments.
- 2. The examiner will make inquiries as to the examinee's health, mental history, and/or use of medications or illicit drugs and alcohol to determine his ability to take the examination.
- 3. Polygraph examinations will not be conducted on any person whom the examiner believes to be physically or emotionally unsuitable for testing, to include women who are pregnant, persons with

heart conditions, persons unable to remain attentive, or persons using medications that may interfere with test results.

4. A person will not be tested if he has agreed to submit to an examination after being forced to do so out of fear of loss of job or wages.
 - a. A sworn HCSO employee can be compelled to take a polygraph when ordered by the Sheriff, under **HCSOAP**/COBR guidelines.
 - b. A non-sworn HCSO employee can be compelled to take a polygraph when ordered by the Sheriff.
 - c. An officer from another law enforcement agency can be compelled to take a polygraph when he has been so ordered by his respective agency head, under **HCSOAP**/COBR guidelines.
5. The examiner will have an examinee read and sign an Agency Waiver Agreement ([CID-14](#)), unless ordered by the Sheriff or pursuant to **HCSOAP**/COBR.
 - a. If the examinee is a juvenile, the examiner will have the parent/guardian of the juvenile read and sign a Juvenile Polygraph Waiver ([CID-14A](#)).
6. Where appropriate, the examiner will advise the examinee of his Miranda Rights prior to the examination and have him sign an Explanation and Advice of Rights Form ([SO-005](#)).
7. Except for pre-employment examinations, the examiner will advise the examinee that the polygraph examination is strictly voluntary, and the examinee may terminate the examination at any time.
8. The examiner will advise the examinee if any voice and/or video recordings are to be used during the examination.
9. The examiner will explain the polygraph procedure to the examinee and prepare him for the examination.
10. Prior to any examination, all questions to be asked during the examination will be reviewed verbatim with the examinee, and the examiner will ensure that the examinee thoroughly understands each question.
11. Only testing methods that have been recognized and approved by the American Polygraph Association (APA) or American Association of Police Polygraphists (AAPP) will be used when administering a polygraph examination.
12. At the conclusion of the examination, the examiner will interpret the chart tracings and render an opinion on the findings to include one of the following:
 - a. No Deception Indicated (NDI);
 - b. Deception Indicated (DI); or
 - c. Inconclusive.

13. As per the APA's Code of Ethics, section 4.3.1, "A member will afford each examinee a reasonable opportunity to explain physiological reactions to relevant questions in the recordings", with the exceptions being when a court ordered examination stipulates no post-test interview, and in instances of operational necessity.
14. An examiner will not render a conclusive opinion of an examination when the physiological records (tracings) are of insufficient quality and clarity; in this case a re-test will be requested.
15. Whenever DI results are received, the Polygraph Unit Supervisor will have a second examiner conduct a "Blind or Quality Control" review of the polygraph charts for quality assurance purposes.

C. Pre-employment Examinations

1. The examiner will review all relevant applicant screening reports, applicant personal history summaries and any prior polygraph examination reports prepared by the Agency before conducting the examination.
2. The examiner may request a meeting with the Human Resources Director (HRD) or Applicant Investigator prior to the examination if there are any questions.
3. In accordance with ADA policy, the examiner will ensure that the subject has signed a Conditional Offer of Employment and received a copy if requested.
4. In accordance with EPPA and APA policy, a minimum of 90 minutes will be spent conducting each pre-employment examination.
5. In extraordinary circumstances, upon a showing of facts and for specific cause, the Sheriff, at his discretion, may order that an applicant whose pre-employment polygraph examination showed deception be afforded a second opportunity to participate in a polygraph examination.
6. A retiree of the HCSO who has satisfied his required 45 days of separation and is re-applying for another HCSO position, will be administered the standard lateral pre-employment question sets that are prefaced with, "Since your retirement date..."
7. Lateral applicants will be administered the pre-employment and lateral questions sets.

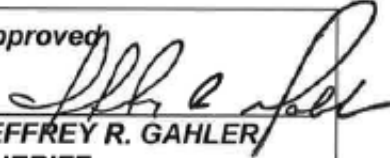
D. Examination Results

1. All polygraph results will be restricted to only those persons with a need to know and right to know designation and will be restricted to information which pertains to the case or issue under investigation.
2. A written report will be submitted to the investigator as to the results of the polygraph examination to include any statements or confessions made during the exam process.
3. During a polygraph examination, if the subject should confess to other criminal acts or violations of the law, the examiner will be duty bound to forward the information to the appropriate authority.

4. For pre-employment examinations, a report will be submitted to the HRD after review and approval of the Polygraph Unit Supervisor as to the test results to include any additional information obtained during the pre-test interview, as well as statements made during the examination.
 - a. The report will also include copies of the examinee's health questionnaire and a synopsis of post-test questioning regarding any deceptive reactions, to include explanations given by the examinee for the reactions.
 - b. If an additional test is administered as a result of the explanation, those results will also be included in the report.
 - c. In the event the examiner should decide to not administer an additional test, his reasoning will be included.
 - d. If the examinee continues to deny any deception, or cannot provide any reason for the reactions, this too will be noted in the report.
5. In the event the examiner has had a personal or professional relationship with the examinee, or there is any possibility of the perception of bias towards or against the examinee, the examiner will decline to conduct the examination and request another examiner.
6. All reports must be sent to the Polygraph Unit Supervisor within 48 hours of completion of the examination for review and approval unless an extension is approved by the Polygraph Unit Supervisor.
7. All original reports will be kept for five years and forever in digital format.

E. Requirements for Polygraph Examiners

1. HCSO examiners must be a graduate of a polygraph institute which meets the requirements as set forth by the APA or AAPP.
2. An examiner must be duly certified by his respective institution upon graduation.
3. Examiners will have extensive investigative skills, as well as experience and/or training in interview and interrogation.
4. Examiners will maintain membership in good standing with the APA or AAPP.
5. In accordance with the standards set forth by the APA and AAPP, polygraph examiners will complete a minimum of 40 hours of continuing education every two years by attending a 40-hour APA/AAPP sanctioned training seminar(s).

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 07/01/2022