

Procedure
5.13

EFFECTIVE
DATE
4-3-00

Eugene
Police Department



Polygraph

5.13.1 PURPOSE AND SCOPE

This policy deals with the use of the polygraph in criminal investigations. The polygraph can be a valuable investigative aid used in conjunction with---but not as a substitute for---a thorough investigation. The polygraph can be employed to verify, corroborate, or refute statements, and to narrow or focus investigative leads. A successful polygraph investigation is dependent on the requesting investigator conducting a complete investigation.

PART I - Responsibilities and Procedures for Sworn Personnel

- A. Generally
- B. Reasons for giving a polygraph examination
- C. Investigating officer responsibilities prior to examination
- D. Factors generally making a polygraph examination inappropriate
- E. Polygraph examination
- F. Examination results

5.13.2 RESPONSIBILITIES AND PROCEDURES FOR SWORN PERSONNEL

- A. Generally
 - 1. The use of polygraphs is subject to Lane County court rules and Oregon state law.
 - 2. Any officer may request that a polygraph examination be conducted for a criminal investigation. The officer's supervisor and the appropriate investigative unit supervisor must approve the request.
 - 3. Requests for polygraph examinations should be directed to the Oregon State Police, who will schedule and conduct the examination. OSP will make the final determination as to whether and when an examination will be conducted.
- B. Reasons for giving a polygraph examination
 - 1. Verify a subject.
 - a. Clear allegations are necessary for the examiner to properly structure

questions.

- b. The suspect must be apprised of the exact nature of the allegations against him or her prior to the exam, although it would be appropriate to withhold certain facts of the crime that would be known only by the suspect.
2. Eliminate possible suspects.
 3. Enhance credibility of a victim or witness
 - a. The polygraph should not be used to verify a victim/witness statement without sufficient grounds for suspecting that false or misleading statements have been given.
 - b. ORS 163.705 prohibits requiring a polygraph examination of the complaining witness in certain types of crimes as a prerequisite to filing an accusatory pleading.
 4. Enhance reliability of an informant

C. Investigating officer responsibilities prior to examination

1. Conduct a thorough investigation. If a polygraph is conducted before all available case facts are known, the results may be inaccurate.
2. Interview all witnesses, victims, and suspects prior to the polygraph examination.
3. Schedule the test to allow you and the polygrapher time to prepare for the test. Normally the examinations occur during regular working hours.
4. Provide the polygraph examiner with all reports, including the original incident report, well in advance of the examination.
5. Prepare the examinee for the polygraph
 - a. Advise the examinee that a typical examination lasts 1.5 to 2 hours.
 - b. No third parties (including attorneys) are allowed to be present, except for a language interpreter if needed.
 - c. Advise the examinee that the polygrapher will explain the entire procedure prior to the examination.
 - d. Do not use the polygraph to threaten the examinee with arrest, prosecution, or withholding of property. Do not make promises based on the polygraph results, as this could result in suppression of confessions or incriminating statements.

6. If the examinee is not fluent in the English language, a polygraph examination can generally only be done by someone who speaks the same language as the examinee. (Check with OSP regarding availability of a polygrapher who speaks the examinee's language.)

D. Factors generally making a polygraph examination inappropriate

Polygraph examinations are not normally appropriate for situations in which the potential examinee:

- is mentally challenged (e.g., IQ less than 70)
- is too immature (generally under age 14)
- is under the influence of drugs and/or alcohol
- is prone to seizures
- has had recent major surgery or serious injury (generally within the last 6 months)
- is pregnant
- has respiratory illness
- is experiencing non-chronic pain (e.g., headache, toothache, menstrual cramps)
- has been involved in a lengthy interview or interrogation just prior to the polygraph exam
- has emotional involvement in the incident, such as witnessing a traumatic event or loss of a loved one in a homicide (*Note: These individuals may be tested at a later time.*)
- has suffered recent emotional shock (e.g., loss of a job)
- has had insufficient sleep

E. Polygraph examination

1. Meet with the polygrapher immediately prior to the test to finalize test questions and procedures. Remain throughout the examination to create a smooth transition to the post-examination interview.
2. If the examinee is in custody, you have custodial responsibility both before and after the examination. Regardless of an examinee's custody status, you may be required to remain outside the polygraph room as security.
3. The examination will have three stages:
 - Pre-test interview
 - Examination
 - Post-test interview

F. Examination results

1. The examination may have one of three results:

- Deceptive (DI)
- Truthful (NDI)
- Inconclusive (I)

2. An inconclusive examination result is one that falls between a truthful and deceptive score. An examinee may test inconclusive, but be in the truthful or deceptive range. This means that the score was not high enough in either direction to conclusively call one way or the other.