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	SUBJECT		EFFECTIVE DATE
	<b>Virginia Beach Police Department General Order</b> <b>Chapter 8 - Criminal Investigations</b>		<b>03/03/2011</b>
			ORIGINATOR/REVIEW
DISTRIBUTION		CALEA: 42.2.5, 31.4.4, 31.5.4, 31.5.5	
ALL			
BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>James A. Coonan</i>	

## Purpose

To establish the procedures for the use of the polygraph in the selection process for employees, criminal investigations, and administrative investigations.

## Policy

The Virginia Beach Police Department utilizes polygraph testing in a variety of situations relating to the selection process for employees, and as an interrogation aid in criminal and administrative investigation.

## Polygraph Unit

The Polygraph Unit is under the command of Professional Training and Development and a Polygraph Program Director. The Polygraph Program Director shall be a licensed and experienced, department examiner designated by the Chief of Police.

## Polygraph Examiners (CALEA 42.2.5, 31.5.4, 31.5.5)

Any person who conducts polygraph examinations for the Virginia Beach Police Department will be a graduate of an approved polygraph school and will have a current state license (intern or final) issued by the Department of Professional and Occupational Regulation. While the Department selects and sponsors training for personnel interested in performing the functions of a Department Polygraph Examiner, the Department may also utilize the services of a licensed private Polygraph Examiner with the approval of a Bureau or Precinct Commander, the Polygraph Program Director or the Chief of Police. The license of Department Polygraph Examiners shall be posted within the polygraph room where the polygraphist will conduct tests, prior to beginning any examination.

It will be a requirement of all Department Polygraph Examiners to make themselves available to conduct polygraph examinations on a frequency to be determined by the Polygraph Program Director. Failure to do so could result in the Department's refusal to pay for the examiner's license, any dues related to association memberships, or related training. Failure to comply with this directive could also subject the examiner to performance based corrective measures.

## Polygraph Testing (CALEA 31.4.4)

## Employment

The Office of Professional Development and Training is responsible for scheduling all pre-employment polygraph tests for the Virginia Beach Police Department. Prospective employees will be tested by a licensed Polygraph Examiner and will be required to sign a Consent Form (PD-154) and complete a pre-

employment polygraph questionnaire (PD-153) prior to the examination being conducted.

Candidates for employment will be provided with a list of areas from which polygraph questions will be drawn, prior to such examination.

In the case of pre-employment polygraphs conducted in an effort to hire any police department employee, the mere conclusion of the test (deceptive, non-deceptive or inconclusive) shall not be the single determinant of employment status.

### **Criminal Investigations**

Polygraph examinations will routinely be requested and scheduled through the Office of Professional Development and Training. Under emergency conditions or when Professional Development and Training is not available, examinations may be scheduled by directly contacting specific examiners after the requesting officer's supervisor has approved the request. The duty of the case investigator will be to prepare his case as thoroughly as possible prior to any polygraph examination. Investigators will discuss all case facts with their immediate supervisor, who will then decide whether a polygraph is justified. Contacting an examiner to answer technical questions may be appropriate in some cases.

### **Administrative Investigations**

All polygraphs conducted in connection with internal or citizen complaint investigations shall be requested through the Office of Internal Affairs and shall be approved by the Chief of Police. Further regulations concerning the administration of internal polygraph examinations can be found in the Administrative Investigations Field Guide.

Examiners who conduct internal polygraph examinations of department personnel will be responsible for ensuring that the appropriate directive letter (PD-155) has been signed and delivered to the examinee in accordance with the Code of Virginia.

### **Responsibilities of Case Investigators**

Investigators requesting specific tests for criminal or administrative investigations should be prepared to provide the following information to the examiner prior to the start of the examination.

- a. Synopsis of the case and issues to be resolved
- b. Summary of any prior interview/interrogation with examinee
- c. Criminal and other known history
- d. Information about the physical condition of examinee

In the case of specific examinations, the investigator shall be on the premises during the entire examination and shall be responsible for documentation of any recorded statements/confessions. If in custody, the requesting investigator shall be responsible for the delivery of the subject to the examiner's location and shall take charge of the examinee again after the examination has been completed.

When the examinee is under the age of 18, their parent or guardian shall indicate consent by signing the consent form (PD-154) beneath the signature of the juvenile.

**Administrative Procedures**

The Polygraph Program Director will manage the polygraph process with the assistance of each individual examiner and an Administrative Assistant from Professional Development and Training.

The Administrative Assistant assigned to Professional Development and Training is responsible for the filing of polygraph examinations. Each pre-employment and specific polygraph shall be maintained with its attached Quality Control Form, in the polygraph files for one calendar year. Examinations of applicants who are hired shall be removed from the file and placed in separate HIPPA storage also maintained at the academy. After the full calendar year has passed for each examination, the remaining polygraph files may be distributed in accordance with the polygraph work flow chart. All examinations conducted at the request of Internal Affairs shall be maintained in their filing system in accordance with their retention guidelines, but at least for one full calendar year.

**Data Base Maintenance**

The program director is responsible for maintenance of a polygraph database that will be used to organize information for accreditation, hiring, examiner tracking and training maintenance purposes. The Administrative Assistant in Professional Development and Training shall be responsible for data base entry. This Administrative Assistant and individual department examiners will be the only authorized personnel to extract data from this program.

**Quality Control Procedures**

The purpose of quality control is to assure that the polygraph is selected as a proper tool that appropriate testing techniques are utilized, and that decisions are properly rendered, based on charts.

All polygraph examinations shall be reviewed for accuracy in evaluation by a Licensed Department Examiner with a minimum of two years experience.