

# Polygraph Examinations

## 609.1 POLICY

**Agency Content**

The purpose of this policy is to provide sworn officers and detectives with guidelines for the use of polygraph examinations.

It is the policy of the Syracuse Police Department to utilize polygraph examinations, when appropriate, to detect deception in the course of background, criminal and internal affairs investigations.

## 609.2 REQUESTS FOR POLYGRAPH EXAMINATION

**Agency Content**

The polygraph examination is an investigative tool to be utilized as a supplement to a thorough investigation. The polygraph shall not be utilized as a substitute for a complete and thorough investigation or proper interview.

The polygraph examination may be utilized to test the truthfulness of applicants, suspects, and witnesses and, when appropriate, victims.

Requests for polygraph examinations shall be directed through the chain of command to the Criminal Investigations Division Commander, or designee, for approval and scheduling.

## 609.3 CONDUCT OF POLYGRAPH EXAMINATIONS

**Agency Content**

Polygraph examinations performed, as part of a criminal investigation should shall be conducted by sworn law enforcement personnel who are trained and experienced in the use of the polygraph instrument. Polygraph examinations of employment applicants, and members of the department shall be conducted by a departmental polygraphist.

The investigating officer shall provide the polygraph examiner with the case file, including all pertinent information. The officer shall inform the subject of the examination of the date, exact time, and location of the examination.

When examination appointments are scheduled more than forty-eight (48) hours in advance, the investigating officer shall confirm the appointment with the subject and the polygraph examiner on the day preceding the examination. Whenever the investigating officer learns of a cancellation, he shall notify all affected parties.

Polygraph examiners shall utilize Department owned polygraph instruments for polygraph examinations.

- (a) The Chief of Police may authorize the use of an outside agency/entity's polygraph instrument in the event that the Department's polygraph instruments are inoperable or the volume of exams exceeds the Department's resources.

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#### **609.4 APPLICANT EXAMINATIONS**

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Candidates for positions as police officers shall complete a polygraph examination prior to appointment. Lifestyle questions shall be limited to those areas of legitimate interest to the department. In accordance with the provisions of the Americans with Disabilities Act of 1990 applicants shall not be questioned regarding medical or psychological conditions. The examination shall be conducted to:

- (a) Verify accuracy and completeness of the information on the application.
- (b) Detect criminal history or other disqualifying behavior.
- (c) Resolve questions or conflicts arising from the background investigation.

#### **609.5 CRIMINAL INVESTIGATIONS**

##### **Agency Content**

Polygraph examinations may be requested when all known investigative leads have failed to eliminate suspicion of individuals among logical suspects, or when the statement by a suspect or victim contradicts all or most of the evidence.

If a criminal action has commenced (arrest or Grand Jury), requests for polygraph examinations must be approved by the commander of the Criminal Investigations Division, and the District Attorney's Office.

Officers requesting polygraph examinations in criminal investigations shall submit a complete copy of the case file to the departmental polygraphist, together with an inter-departmental memo (form 10.1) containing:

- (a) The name, address and telephone number of person(s) to be tested.
- (b) A synopsis of the case and reason for the examination.
- (c) A list of dates and times the subject will be available for examination.

Juveniles shall not be examined unless the juvenile and his parents consent in writing to the examination and have indicated that they understand and waive their constitutional rights. Whenever possible, a member of the Youth Enforcement Unit shall observe the polygraph testing of the juvenile.

#### **609.6 INTERNAL AFFAIRS INVESTIGATIONS**

##### **Agency Content**

The Chief of Police may require members to submit to polygraph examinations as part of an internal affairs investigation. The purpose of such examination shall be to determine if a member is deceitful or concealing information relevant to the investigation. A member's refusal to submit to a polygraph examination may result in disciplinary action. The results of polygraph investigations shall not be the sole basis for disciplinary action against a member. The results of compelled admissions may not be used against a member in a criminal investigation.

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The Chief of Police may request that persons making allegations against a member of the department submit to polygraph examination. The purpose of such examination shall be to determine if the person is deceitful or concealing information relevant to the investigation.

#### **609.7 TRAINING**

##### **Agency Content**

Officers selected for the Polygraph Unit shall receive specialized training. Training for polygraphists shall include, at a minimum:

- (a) Initial Training conducted by the National Training Center of Polygraphists.
- (b) Annual re-certification training or refresher courses as required, in order to maintain polygraphist certification status.
- (c) Attendance at additional training courses or seminars, as approved by the Chief of Police.