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This Section Specific Standard Operating Procedures contain policies and procedures that are supplemental to the Division Standard Operating Procedure Manual.

1. SCOPE OF OPERATIONS

The Polygraph Section was established in 1976 to provide a useful investigative tool to support the investigative mission of the Austin Police Department. In addition to criminal polygraph examinations, the section supports APD Recruiting by managing the Pre-employment Polygraph-Screening Program for both sworn and designated non-sworn personnel. The section also supports other federal, state and local law enforcement agencies on an as-needed basis.

2. FACILITY DESIGN AND SECURITY

- The Polygraph Examiner's Office is considered a secure area. Access is limited to section personnel only.

- The Polygraph examination room is restricted to only members of the Polygraph Section and those escorted by section staff.

3. QUALITY ASSURANCE

3.1 Review Process

Scope

The Polygraph Section has an established review process to ensure that examinations are performed in accordance with the Texas Polygraph Act and are consistent with industry standards.

Responsibilities

- The **Supervisor** is responsible for:
  - Ensuring that the appropriate reviews are conducted.
  - Resolving conflicts in disagreements between the examiner and reviewer.

- The **Examiners** are responsible for:
  - Conducting proper polygraph examinations and maintaining the appropriate documentation.
  - Preparing accurate and complete case files.
  - Preparing reports of the findings of the polygraph examination for dissemination to the requesting official.

- The **Reviewer** is responsible for:
  - Having sufficient knowledge in the field to conduct a valid review.
  - Conducting a thorough review of a case file and/or evaluation of the associated documents, such as polygraph charts, personal information sheets, etc.

Practice

- Administrative Reviews
  - Administrative reviews are conducted as per the Division SOP.

- Technical Reviews
  - Technical reviews are not conducted within the Polygraph section as they are not considered laboratory analysis. Reviews are conducted as part of the periodic audits performed by the Texas Department of License and Regulations.

- Audits
  - Audits are conducted periodically by the Texas Department of License and Regulations as per their guidelines. This agency will notify the section when an audit/review will be scheduled.
  - The section will cooperate fully with this process.
  - The reviewer evaluates the files and ensures that the APD Polygraph examiner is in compliance with all Texas Department of License and Regulations standards and is performing examinations within industry standards.
  - Findings of the audit are documented in a report from the agency and forwarded to the Department for review.
    - If inconsistencies or deficiencies are discovered, the reviewer will document these issues and forward a report to the Department.
    - The issues will be discussed with the examiner and the reviewer to resolve any issues.
    - The reviewer may offer suggestions for improvements.
    - Minor issues will be addressed with the supervisor and the examiner.
    - Critical issues will be addressed by the supervisor through established guidelines found in the Division SOP.

3.2 Competency Requirements

In addition to the internal training program examiners within the section must meet the requirements mandated by the Texas Department of License and Regulations.

3.3 Conclusion Guidelines

The following guidelines are merely suggestions of possible wording. Variations of these guidelines may be used as necessary.

- Criminal, Internal Affairs and Officer Involved Polygraph Examination Results
  - There are four results utilized in the reporting of polygraph examinations:
    - Deception Indicated
      Analytical review of the polygrams resulting from the examination did reveal criteria normally associated with deception to the relevant questions asked in the examination.
    - No Deception Indicated
      Analytical review of the polygrams resulting from the examination did not reveal criteria normally associated with deception to the relevant questions asked in the examination.
    - Inconclusive
      Analytical review of the polygrams resulting from the examination it is professionally impossible to identify the presence of criteria normally associated with deception or non-deception to the relevant questions asked in the examination.
    - Administratively Cleared
      The examination was terminated by either the examiner or examinee and a conclusion as to deception or non-deception could not be established.

- Pre-Employment Polygraph Results
  - These are the results utilized in the reporting of pre-employment polygraph examinations:
    - Significant Response
      Analytical review of the polygrams resulting from the examination did not reveal criteria normally associated with deception to the relevant questions asked in the examination.
    - No Significant Response
      Analytical review of the polygrams resulting from the examination did not reveal criteria normally associated with deception to the relevant questions asked in the examination.
    - Inconclusive
      Analytical review of the polygrams resulting from the examination it is professionally impossible to identify the presence of criteria normally associated with deception or non-deception to the relevant questions asked in the examination.

- Administratively Cleared
  The examination was terminated by either the examiner or examinee and a conclusion as to deception or non-deception could not be established.

3.4 Suitability for Testing

Scope

This section outlines the process for determining is the examinee is a suitable candidate for polygraph testing. These guidelines are used to determine if the examination will be administered.

Practice

- Subject Unsuited for Examination:
  - Unless specifically exempted by provisions of this SOP, or higher authority, the following individuals WILL NOT be administered a polygraph examination by any examiner of APD:
    - Women known to be pregnant.
    - Women during their menstrual period (in pain, experiencing cramping).
    - Persons who have undergone a major surgery.
    - Narcotic addicts or alcoholics during withdrawal or while under the influence of narcotics/alcohol.
    - Persons who have recently experienced traumatic events, e.g., victim of a violent crime, death of a family member, etc., and are still affected by the situation.
    - Persons who have been subjected to lengthy interrogations prior to polygraph examination.
    - Persons extremely fatigued due to lack of proper rest.
    - Persons exhibiting respiratory problems associated with colds, asthma, bronchitis, sickness, etc.
    - Persons with a lengthy history of mental disorders.
    - Persons with disabilities that preclude the attachment of instrument accessories.
    - Persons deemed unsuitable by the examiner.
  - Special Requirements
    - Polygraph examinations will not be administered unless a specific offense has been reported and prosecution is intended, or there is an official internal investigation being conducted.
    - If an examinee is found to be unsuitable for testing, the examiner will determine is the condition is temporary or permanent.

    - If temporary the examiner will advise the examinee the reason for unsuitability and give them instructions to follow prior to the rescheduled appointment.
    - If a permanent condition prevents the examination the examinee will be advised of the reason for unsuitability.
  - Testing Authority
    - In accordance with Texas State law, the examiner will be the final judge as to a particular person's suitability for testing. This authority and responsibility is prescribed by the Texas Department of License and Regulations.

3.5 Test Scheduling

Scope

This section outlines the polygraph scheduling procedures for the Austin Police Department Polygraph Section.

Practice

- Scheduling an Examination
  - Appointments for polygraph examinations must be made by the "case agent" assigned to the case.
  - The term "case agent" is used to denote any person who has the authority to request a polygraph examination.
  - A case agent will not schedule a polygraph test until the appointment has been coordinated with the polygraph examiner and a specific date and time has been confirmed.
  - Before the examiner makes an appointment, the case agent must first provide an offense number and the name of the person to be tested and the relationship of the person to the investigation (e.g., suspect, victim, witness, family member of interest to the investigation, etc.).
  - The examiner will confirm that the examinee has provided verbal consent to undergo a polygraph examination.
  - In non-emergency testing situations, the case agent requesting the polygraph examination must provide a detailed offense report and pre-test briefing (case summary) to the examiner at least one day prior to the scheduled examination date. The polygraph examiner recognizes that, at times, emergency situations requiring a polygraph examination will arise.

- Polygraph Support to Internal Affairs:
  - The Polygraph Examiner does polygraph APD Police Officers who are subjects of APD Internal Affairs Investigations.

- The Polygraph Examiner also conducts polygraph examinations on non-sworn civilian personnel for Internal Affairs Investigations.
- If issues exist that prevents the Examiner from conducting the polygraph examination, the examiner will help identify an examiner from an outside agency to provide polygraph support for APD Internal Affairs investigations.

- Canceling an Appointment
  - The case agent or his designee will forward cancellation notices to the examiner as soon as the case agent knows this information.
  - If, for any reason, the case agent is 15 minutes or more late, and has not notified the examiner, the examiner can schedule another test.

- Rescheduling an Appointment
  - Rescheduling an appointment will require confirming a date and time for the appointment with the examiner.

3.6 Case Agent Information and Test Observation

Scope

This section outlines the policies for case agent availability to the examiner and during the examination process.

Practice

- Criminal Polygraph Examinations
  - The case agent, or his designee, shall be present for the polygraph examination to assist in the pre-test and post-test, if necessary.
  - If the case agent is unable to be present, his designee must be knowledgeable about the offense under investigation.
  - The examiner may waive the presence of the case agent if his presence is deemed unnecessary by the examiner.

- Pre-Employment Examinations
  - The assigned background investigator will be available before the examination to answer any questions that arise as a result of the background investigation or the pre-employment questionnaire.
  - The background investigator does not have to be present during the pre-employment examination.

- Internal Affairs and Officer Involved Examinations
  - The assigned case agent will be available before the examination to assist the examiner with setting up the polygraph examination.
  - Attendance of the actual examination by the case agent will be at the discretion of the case agent.

- Test Observation
  - Only the examiner and the examinee will be allowed in the examination room during the polygraph examination.
  - An exception will be made for interpreters/translators.
  - If the subject of the examination is in custody and a safety or escape risk, the case agent will be in the examination room while the examination is being administered
  - The examiner will make the final determine on who is authorized to observe a polygraph examination.

3.7 Testing Techniques and Procedures

Scope

This section outlines the polygraph testing techniques and procedures for the Austin Police Department Polygraph Section.

Practice

- Obtaining Consent
  - Before the pretest interview, the examiner will request the examinee to sign a consent form indicating that the examinee understands that submitting to a polygraph examination is strictly voluntary and he understands his rights.
  - This action will take place prior to the pretest interview and before the examination is initiated.
  - If the examinee signs the consent form, it (the form) will be made a permanent part of the examinee's case file that is maintained by the examiner.
  - If the examinee refuses to consent to the polygraph examination the polygraph examination is terminated.

- Phases of a Polygraph Examination
  - Pre-Test
  - Test
  - Post-Test

- No waiver of these testing phases is allowed unless, however, an admission obviates (makes it unnecessary) the need for any of the other phases.

- Pre-Test Phase
  - The pre-test is a meeting held involving the case agent, examiner and examinee.
  - Medical and biological information is obtained by the examiner to ensure the testing suitability of the examinee.
  - The case agent and examiner will review the investigation with the examinee.
  - Based on this review, the examiner will formulate the questions to be used during the polygraph examination. Once the questions have been constructed the examiner will review the questions with the examinee. It is important to note that state law requires questions to be written out and reviewed with the examinee prior to administering the polygraph examination.
  - It is common during the pre-test for examinees to make admissions and/or confess to the matter under investigation. In this case, either the case agent or the examiner will conduct an interview of the individual and attempt to obtain a written statement.

- Test Phase
  - During this phase, the actual polygraph examination is conducted.
  - A polygraph examination consists of a minimum of two charts.
  - Questions will be spaced with a minimum of twenty (20)-second intervals.
  - All polygraph charts will conform to accepted markings and labeling as approved by the American Polygraph Association.

- Post-Test Phase
  - The Post-Test is designed to allow the examiner to review the results of the polygraph examination with the examinee. The case agent may or may not be present during this stage.
  - Polygraph results are categorized in one of the four ways prescribed in the reporting results chapter.
  - The examiner will inform the examinee that his examination resulted in one of these categories.
  - The examiner may show and explain the charts to the examinee.
  - If a post-test interview is deemed necessary, the case agent may conduct it or request the assistance of the examiner. The case agent may even allow the examiner to conduct the post-test interview.
  - Upon completion of a criminal polygraph and post-test, the case agent is responsible for escorting the examinee from the Polygraph Section.

- Upon completion of an examination where no case agent is present, the examinee will be given instructions by the examiner.

3.8 Reporting Test Results

Scope

This section outlines the procedures for reporting polygraph test results by the Austin Police Department Polygraph Section.

Practice

- Test Results
  - Test results are considered CONFIDENTIAL material. Access to polygraph test results is restricted to the examiner, quality control personnel, investigator, and clerical personnel responsible for typing the investigative report (if necessary).
  - Provisions of Section 19A, Polygraph Examiners Act, State of Texas will apply concerning the confidentiality of polygraph examinations.
  - All examinees will be informed of their test results, regardless of whether they do or do not request the results.
  - Criminal, Internal Affairs and Officer Involved Polygraph Examinations
  - At the conclusion of the examination the case agent will be advised verbally of the results.
  - The examiner is responsible for furnishing a written investigative supplement to the case agent.
  - This supplement will include name of the examinee, date of exam, results of the exam and the questions used.
  - The case agent is responsible for documenting the polygraph examination in the RMS system.

- Pre-Employment Examinations
  - At the conclusion of the examination the examiner will advise the background investigator of the results of the examination.
  - The examiner will forward the results of the examination in written form to the background investigator.

3.9 Custodial Examinations

Scope

This section outlines procedures for security and custodial control of examinees under arrest.

Practice

- Security and Custodial Control of Examinees Under Arrest:
  - The case agent is responsible for the security and custodial control of examinees that are under arrest.
  - It is the at the examiner's discretion on the case agent being present in the polygraph room at the time of the examination.

3.10 Equipment

There are no section specific requirements for this Chapter.

4. LABORATORY RECORDS

4.1 Case Files

- All test charts and associated paperwork will be placed in a polygraph examination file (polygraph case file).

- Case files will be stored within the Administrative area in a locked cabinet and under the control of the examiner.

- Case files will be retained indefinitely according to the following guidelines:

- All criminal and internal affairs files originating before January 1, 2007 are kept indefinitely.

- All pre-employment files originating before January 1, 2007 are kept for a period of two years as per the Texas Polygraph Examiner Act.

- All tests originating after January 1, 2007 is maintained electronically in LIMS.

- Test files are considered CONFIDENTIAL.

- Access to polygraph case files is restricted to section personnel, quality assurance manager and administrative staff responsible for maintaining the files.

- Provisions of Section 19A, Polygraph Examiners Act, State of Texas will apply concerning the confidentiality of polygraph examination files.

- When a polygraph case folder is retrieved from the case file, the folder will be logged out.

- When the folder is returned the administrative assistant will refile the folder and sign the folder back into the files.

5. EVIDENCE PROCEDURES

No supplemental requirements.

6. LABORATORY SAFETY

No supplemental requirements.

7. PERSONNEL

- Every effort will be made to attain the following training:
  - Annually attain a minimum of 16 hours of training applicable to the field of polygraph, interview and interrogation techniques or report writing.
  - Each year attend 40 hours of polygraph training stressing techniques of conducting polygraph examinations.
  - Attain a minimum of 20 hours every two years for certification in sex offender polygraph testing.

- Every effort will be made to attend the following annual conferences/seminars:
  - American Polygraph Association (APA) Annual Training Conference
  - Texas Association of Law Enforcement Polygraph Investigators Annual Training Conference
  - Texas Association of Polygraph Examiners

- Required licenses and bonds:
  - Valid Texas Polygraph License for each calendar year.
  - Minimum $5,000 surety bond.

8. COMPUTER RESOURCE MANAGEMENT

No supplemental requirements.

9. FORMS

- PG 001 Pre-Employment Consent Form
- PG 002 IAD Consent Form
- PG 003 Criminal Consent Form