

**SCIENTIFIC SERVICES BUREAU
POLYGRAPH EXAMINATIONS
AN INFORMATIONAL PAMPHLET**



LEROY D. BACA, SHERIFF



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SCIENTIFIC SERVICES BUREAU/ POLYGRAPH SECTION

EFFECTIVE POLYGRAPH EXAMINATIONS

This pamphlet is designed to familiarize law enforcement personnel with the aspects of polygraph examinations conducted by the Los Angeles County Sheriff's Department Scientific Services Bureau / Polygraph Section. The information outlined herein is intended to guide the investigator in making the necessary preparations to provide for an accurate and valid polygraph examination.

The Los Angeles County Sheriff's Department has three polygraph locations to serve the needs of the various geographic areas of Los Angeles County. The Main Office located at the Beverly Boulevard Main Crime Lab, serves the South, Central and West County areas. The Lancaster Satellite serves the North County, and the West Covina Satellite serves the Central and East County.

The services of the Polygraph Section are available to any law enforcement agency within Los Angeles County for criminal issue polygraph examinations or for quality review of previously conducted law enforcement examinations.

Professional consultations are also available to any law enforcement agency.

Pre-employment examinations are conducted on a contractual basis.

Investigative units within the Los Angeles County law enforcement community are invited and encouraged to utilize this valuable resource as a supplement to investigations.

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POLYGRAPH OFFICES

<u>Main Office</u>	Office Phone	<u>Pager</u>	<u>E-Mail</u>
<p>Scientific Services Bureau Polygraph Section 2020 W. Beverly Blvd. L.A., Ca 90057</p> <p><u>Supervisor</u></p> <p>Sergeant</p> <p><u>Examiners</u></p> <p>Deputy</p> <p>Deputy</p>	<p>(213) 989-2167 Fax (213) 483-3862</p> <p>After hours: (213) 989-2163</p> <p>(213) 989-5130 Fax (323) 415-3941</p> <p>(213) 989-5133</p> <p>(213) 989-5132</p>	<p>(323) 971-2291, (601432)</p>	
<p><u>West Covina Office</u></p> <p>2934 E. Garvey Blvd. South Room 232 West Covina, CA 91791</p> <p><u>Examiners</u></p> <p>Lead Deputy</p> <p>Deputy</p>	<p>(626) 858-8795 Fax (626) 859-6455</p> <p>(626) 858-8795</p> <p>(626) 858-8719</p>		
<p><u>Lancaster Office</u></p> <p>45021 N. Sierra Highway Lancaster, CA 93534</p> <p><u>Examiner</u></p> <p>Deputy</p>	<p>(661) 940-3887 Fax (661) 723-2439</p> <p>(661) 940-3887</p>		

I. BASIC USES OF THE POLYGRAPH

- B. The polygraph is designed to aid law enforcement investigations. It should never be considered as a substitute or a shortcut to an investigation.
 - C. The final efficiency/effectiveness of a polygraph examination as an investigative component, will be based, in great measure, upon the thoroughness of the investigation prior to the examination.
 - D. In criminal investigations, examinations may be conducted upon:
 - 1. Suspects/Subjects
 - 2. Victims (except sex crime victims in some cases, 637.4 P.C.)
 - 3. Witnesses
 - 4. Informants
- a. Issues of examination
- (1) Specific
 - (A) Did the person commit the crime, participate in the planning of the crime, or have guilty knowledge of the crime.
 - (2) Eliminating
 - (A) The purpose of this type of examination is to eliminate the person as a suspect.
 - (3) Searching
 - (A) What type of weapon was used, i.e. gun, knife, pipe, rope, etc.?
 - (B) Where is the victim, money, documents, car, right now?
 - (4) Confirmatory
 - (A) To determine if the witness or informant is telling the truth.
 - (5) Post conviction sex offender
 - (A) Monitor the registered sex offender for compliance with treatment and supervision.

- (B) Obtain sexual history information.
- (C) Obtain specific-issue information about current crimes, allegations of new crimes, or to assist the offender break through denial.

Note: Multiple issues cannot be mixed in a single examination.

D. Internal investigations

1. Polygraph examinations for internal administrative issues shall only be done with the voluntary consent of the peace officer employee. The employee shall sign a waiver acknowledging the examination is voluntary.
2. Internal investigators are reminded of the Peace Officer Bill of Rights, Chapter 9.7, Division 4, Title 1, Section 3307 of the California Government Code, (also known as AB 301):

"No public safety officer shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination."

3. Agencies outside the Los Angeles Sheriff's Department requesting a polygraph examination for an internal issue shall draft a letter from their agency head to the Captain of the Scientific Services Bureau requesting the examination. The letter should state if the incident under investigation is an internal or criminal issue.

E. Pre-employment investigations

- A. Conducted to determine if a candidate is suitable for employment as a Public Safety Employee as described under Chapter 4.5, of Section 830, of Title 3, of Part 2 of the Penal Code, or any employee of a government agency. Refer to the Employee Polygraph Protection Act of 1989.

2. The type and scope of questions that can be asked during a Pre-employment polygraph examination are regulated by the American's with Disabilities Act (A.D.A.), Equal Employment Opportunity Commission Enforcement Guidelines (E.E.O.C.), and Sheriff's Department Policy. Some issues, such as the number of times the applicant used narcotics, or medical inquiries, cannot be addressed in a pre-screening examination and can only be asked once a conditional job offer has been extended. Background investigators should familiarize themselves with these regulations.

II. PREPARING FOR AN EXAMINATION

A. No examination will be conducted unless the requesting agency has submitted the appropriate reports regarding the incident, and the investigator is present at the time of the examination. This is to familiarize the examiner with the facts of the case and person to be tested.

1. It is difficult to estimate how long it will take to complete an examination. The investigator and examinee should be prepared to spend whatever time is necessary but, as a general rule the minimum time to conduct a complete polygraph examination is approximately three (3) hours.

B. Preliminary arrangements for polygraph examination:

1. The most effective polygraph examinations are administered under strictly controlled conditions. To maximize control and establish a psychological advantage, examinees should either be brought to or drive themselves to the appropriate polygraph examination facility, i.e. L.A. Main Office, West Covina Satellite, or Lancaster Satellite.

Occasionally it becomes necessary to conduct examinations off site, such as a State Prison, or out-of-state. In these instances, the investigating agency will be responsible for scheduling the examination, making travel arrangements, drafting a letter to the Captain of the Scientific Services Bureau detailing the need for the off site examination, and securing an appropriate examination room. The Polygraph Section can assist you in these arrangements.

2. Scheduling of examinations for all facilities shall be through the L.A. Main Office (213) 989-2167. This is absolutely necessary to mitigate scheduling conflicts as the Polygraph Section also conducts pre-employment examinations which are scheduled a month ahead. Investigators may not pick or choose an examiner, this will be done by the Polygraph Section Supervisor. Each examiner is trained in Polygraph Science, interview and interrogation techniques, psychology, physiology, and are equally competent to conduct polygraph examinations.

3. Non English speaking subjects

- a. As psychological concepts are important to a successful polygraph examination, investigators should understand it is necessary for the examiner to convey these concepts in the subject's predominant language. Persons who speak English as a second language may not comprehend certain phrases and slangs that are important to the examination. The investigator must inform the polygraph examiner of the subject's predominant language.

- b. The Polygraph Section has Spanish speaking examiners to accommodate Hispanic subjects.
 - c. Sheriff's Headquarters Bureau can be contacted at (323) 526-5556, or after hours at (323) 526-5541, to arrange for an interpreter for any other language. Investigators should be aware that interpreter based polygraph examinations are far from optimal. The decision to proceed with this type of examination rests with the polygraph examiner.
4. Video Recording - All examinations are video recorded. The Polygraph Section **does not** furnish video tapes to investigators without a replacement tape. It is the investigators responsibility to furnish this tape.
5. Business hours are from 7:30 AM through 4:30 PM on weekdays. In an emergency, arrangements for polygraph examinations can be made anytime, night or day, weekends, and/or holidays by calling Scientific Services Dispatch at (213) 353-9300, and requesting the Polygraph Supervisor be paged. Note: keep in mind that not all subjects are testable and the decision to conduct an examination rests with the Polygraph Section Supervisor.
6. If for any reason you cannot keep an appointment, notify the Polygraph Section immediately.
- C. Records of the case should be discussed with the examiner at least 24 hours prior to the examination and should include the following:
- 1. Crime reports
 - 2. Updated investigative reports
 - 3. Background information of the examinee
 - 4. Any statements or denials made by the examinee
 - 5. Any other information relevant to the case
- D. Interrogation prior to time of examination.
- 1. Exhaustive interrogation of the examinee prior to the examination should be avoided.
 - 2. The examinee may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime, motive and desire. **This should not be interpreted as meaning the investigator should not interrogate during the investigation, but only applies to that period of time just prior to the polygraph examination. Prolonged interrogation produces an exhausted or antagonistic person who may not be fit for the examination.**

3. The chances of a successful conclusion to the investigation are enhanced when the examinee is made available for a polygraph examination before the filing of the case with the court. If an examinee is under arrest, a polygraph exam can be arranged with the consent of the court. Removal Orders from the court are necessary when an in-custody subject is to be examined outside the custodial facility. A copy of the removal order shall be furnished to the Polygraph Section prior to an examination being conducted.

E. Question Formulation

1. The investigator's interview should produce a specific issue or question the investigator wants answered. This issue can be one that focuses the investigation, leads to a confession or case filing, confirms an informant, or removes a subject from suspicion.
2. The polygraph examination is not a replacement for investigation but is a supplement to a thorough investigation.
3. The most accurate polygraph examination is a narrowly focused examination concerning a single issue. In other words, "**what's the bottom line?**", i.e. "Did you set that fire?", "Did you shoot that man?", "Did you take any of that missing money?", "Did you fondle that girl?", "Is your information about the attack on the police station the complete truth?", "Are you lying about the narcotic activity conducted at that house?".
4. Mixed issue questions do not produce a valid examination and will not be asked, i.e. "Did you or Joe participate in the robbery of that store and shoot the clerk with a .45 and take one thousand dollars and some credit cards?".

F. The examinee's condition at the time of the examination should be as normal as possible.

1. It is desirable that the examinee has a normal amount of food and sleep during the 24-hour period preceding the polygraph examination.
2. A person who has ingested sedatives or opiates or is in physical pain, has a cold or respiratory disorder, or emotional trauma, is not ordinarily considered fit for an examination.
3. WITHOUT EXCEPTION, persons scheduled for pre-employment examinations who have consumed alcohol in the previous 24 hours will not be tested. Criminal issue examinations will be evaluated on a case by case basis.

4. A person who is currently using prescribed medication is generally fit for a polygraph examination as long as the medication is maintained at its normal or prescribed level. The examiner should be made aware of the medication being used. In some instances, it may be necessary to obtain a note from a doctor stating the subject's health will not be affected by the examination.
 5. Pregnant women will not be tested.
- G. Suggested information to be given or withheld from the examinee:
1. Method of polygraph examination
 - a. The examinee should not be advised of the method in which the examination is to be conducted. The examinee should be told there will be no discomfort, and that the entire procedure will be explained by the examiner.
 - b. The officer should assure the examinee of the competency of the examiner and the soundness of the polygraph technique.
 2. It is difficult to precisely estimate how long it will take to complete an examination. As a general rule, the minimum time to conduct a complete examination is approximately three hours. The requestor should never tell the examinee it will take less time in hopes that the examinee will take the examination.
 3. Make no promises to the examinee.
 4. Details of crime to be withheld:
 - a. The investigating officer should avoid disclosure to the suspect of any details or facts established during the investigation.
 - b. Facts concerning the crime, which could only be known to the perpetrator(s)/ suspect(s) should never be told to the suspect(s), press, or general public. These facts are of vital importance to the examiner in test and question formulation.
 - c. Examples of details which should not be divulged:
 - (1) Method of entry - tools used to effect entry, point of entry, extent of damage at the point of entry, whether or not entry was made by use of key.
 - (2) Property taken - specific amount, denominations of currency, unusual articles, description of articles.

- (3) Weapon or force used to commit crime - club, gun, knife, poison, also number and location of wounds and bruises.
- (4) Evidence left at the scene of the crime by suspects - tools, weapons, articles of clothing.
- (5) Unusual acts of suspect before, during, and/or after the commission of the crime.
- (6) Means of exit from scene - if by vehicle, anything unusual about same, such as dents, missing portions, loud muffler, damage - if on foot, direction taken from scene, if noted.
- (7) Location from which property was taken - where safe or cash box was located, type of container from which money or articles were taken, such as green metal cash box, cigar box, laundry bag, paper sack, color of container.

III. FACTORS THAT MAY PROHIBIT EXAMINATIONS

- A. A polygraph examination will not be conducted if the examinee is deemed to be physically or mentally unfit, or the examination may be detrimental to their health.
- B. The examination is voluntary and will only be given to a person who has voluntarily agreed to take the examination. Any examinee has the right to or not to take a polygraph examination. (See Polygraph Waiver Form, Attachment A).
- C. Juvenile Subjects
 - 1. Juveniles under the age of 14 years will not be tested by this unit. Generally there is a lack of maturity, both physical and mental, and often a conclusive opinion cannot be obtained by the use of a polygraph because of these factors.
 - 2. Consent forms for juvenile examinations must be signed by a parent or legal guardian prior to the examination. In absence of the signature of a parent or legal guardian, a Juvenile Court judge may authorize the examination. (See Polygraph Waiver Form, Attachment A)
- D. Physical or psychological factors.

The requesting agency must keep in mind that there are several other factors, especially of a physical or psychological nature, that may influence the examiner to NOT conduct the polygraph examination. Examples:

- 1. Females known to be pregnant will not be examined.
- 2. Examinees with paralysis.
- 3. Examinees with amputations, affecting placement of the instrument attachments.
- 4. Recent major surgery - usually the human body requires at least six (6) months to recover.
- 5. Physical disabilities - extreme high or low blood pressure and those suffering from recent or current cardiac (heart) trouble.
- 6. Persons suffering from a severe cold or respiratory disorder.
- 7. Narcotic addicts and alcoholics, especially during "withdrawal period".

8. Heightened emotional instability resulting from being involved in an incident, especially if the incident was of a recent violent nature.
9. Examinee has not had sufficient nourishment or rest.
10. Communicable disease.

IV. QUALITY CONTROL REVIEWS

- A. The Los Angeles County Sheriff's Department's Polygraph Section, has an ongoing quality control program for its Polygraph Examiners. All examinations are reviewed by the Section Supervisor. The Section also uses the latest Lafayette Instrument Company computer polygraph instruments and Johns Hopkin's University Applied Physics Laboratory scoring algorithm.
- B. Each examiner will prepare a post examination report (Attachment B), and forward the completed and approved report to the investigator requesting the examination. The report contains:
 - 1. The relevant questions asked
 - 2. Examiners opinion
 - 3. Results
 - 4. Synopsis of statements made by the examinee
- C. Subjects who have received a previous polygraph examination regarding the same incident, shall not be given a second examination by this Department until the records and polygraph charts of the first examination have been reviewed by the Polygraph Section Supervisor.

IV. EXAMPLES OF POLYGRAPH EXAMINATIONS

1. A subject who had been giving homicide investigators information about a gang related killing was examined to eliminate him as a suspect and provide credibility to his information. To the surprise of everyone, the examination determined this "informant" was actually the shooter! Although he never confessed, two Sheriff's K-9's placed his scent at the crime scene. The investigation was now focused on the real suspect.
2. A murder occurred in the Antelope Valley area and a potential suspect arrested. The suspect denied all involvement and agreed to take a polygraph examination. The examination revealed the suspect to be deceptive about his involvement. After a three hour interrogation by the polygraph examiner, the suspect confessed to the crime. As the murder was committed with a stabbing type instrument, a subsequent examination was conducted to determine the type of stabbing weapon. The questions asked included a knife, ice pick, screwdriver, scissors, letter opener, and spike. When confronted with the results of the examination, the screwdriver was the murder weapon, the suspect again confessed and later led investigators to the weapon.
3. An infant was admitted to a local hospital brain dead. His father stated he had been bathing the infant and left for only a few seconds to answer the phone. When he returned, the baby was floating face down in the tub water. The Coroner's report revealed the baby had died as the result of internal organ hemorrhaging. The father, sticking to his story, agreed to take a polygraph examination, which he failed. Upon interrogation by the polygraph examiner, the father confessed to punching the baby in the stomach because he was blocking the television set from view.
4. A station detective requested a polygraph examination after \$12,000 was discovered missing from the safe of a local business. Several employees had access to the safe and all were questioned without finding the suspect. The polygraph examination revealed the night manager to be the thief. The manager confessed and stated he needed the money to pay bills.

Each of these examples is a case in which the polygraph examination either focused the investigation on the correct person, or actually solved the crime with a confession. Although this does not occur with every polygraph examination, statistics show that 70% of criminal polygraph examinations end with a confession.



Leroy D. Baca, Sheriff

"ATTACHMENT A"

"CONSENT - WAIVER FOR POLYGRAPH EXAMINATION"

Date: _____ Time: _____ Polygraph Exam# _____

(Print name)

Whereas I, _____ do hereby declare my interest in and desire to assist in the investigation of a: _____ under file number: _____, and to that end I do hereby voluntarily agree to submit to and take a "Polygraph Examination" or "Lie Detection Test" as administered by or under the supervision of: _____

(Polygraph Examiner)

I understand that the results of such tests may be made known by the Los Angeles County Sheriff's Department to any and all parties/persons interested in the investigation of this case.

I acknowledge that I will be advised by the examiner of the manner in which the test will be given. I have also been advised that I am free to terminate this examination at any time.

In custody _____ Not in custody _____ A.B. 301 advisement _____
(Initials) (Initials) (Initials)

I understand that this examination may be audio and video recorded.

I assume any and all health or other risks associated with this examination.

I understand the polygraph procedure involves the attachment of several components for the purpose of monitoring responses, and I consent to have those components attached to me, and will advise the examiner of any health concerns I may have.

I understand that all questions to be asked on the polygraph test will be reviewed with me in advance, and I am free to stop the test at any time I wish and for any reason.

I agree to release the Polygraph Examiner conducting the polygraph examination, The County of Los Angeles, its officers, agents and employees from any and all liability in connection with this test, and for the release of information and opinions.

Having read the above, I hereby voluntarily agree to submit to a polygraph examination.

Signed: _____ Polygraph Examiner or Witness: _____
(Person to be examined) (Signature)

Parent or Guardian: _____
(Name) (Judge) (Signature) (Court)

Note: If the subject is here on a removal order from custody, the name of the judge and court from which the order was issued. Attach a copy of the removal order to this form.

Interpreter used: _____ Language: _____
(Name)



LEROY D. BACA, SHERIFF

SCIENTIFIC SERVICES BUREAU / POLYGRAPH REPORT

"SAMPLE REPORT - ATTACHMENT B"

REPORT #	21004
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SUBJ:	DOE, JOHN					DATE/TIME OF EXAM:	March 21, 2000		
M/F:	M	RACE:	O	DOB:	01/01/75	AGE:	25	AKA:	"Doe Nut"
CDL#:	none			SSN#:					
HOME ADDRESS:	1234 W. 100 St., L.A. CA								
	STREET			CITY			STATE		
IN CUSTODY?		LOCATION OF CUSTODY:							
Miranda Warning?:		BY:							
INVESTIGATOR:	I. Hookem				AGENCY:	LASDIFPK			
CRIME CODE / INCIDENT:	187 P.C.				FILE#:	123-12345-1012-123			
LOCATION OF EXAMINATION:	2020 W. Beverly Blvd., L.A. CA 90057								

Synopsis of incident:

On June 23, 1999, a gang fight occurred in the unincorporated county area of Willowbrook. During the fight a subject was seen to flash gang hand signs then fire a pistol at rival gang members striking and killing Joe Glotz. The subject was tentatively identified as John Doe.

Subject's Statement Of Events:

"What makes you think I did it?. I wasn't even there. I swear to God I didn't do it."

Examination Format:

ZCT	X	MGQT		AFMGQT		POT		OTHER	
-----	---	------	--	--------	--	-----	--	-------	--

Relevant Questions:

#	
5	"Did you shoot that man?"
7	"Did you shoot that man in Willowbrook?"
10	"Did you shoot that man in Willowbrook during that fight?"

Examination Results:

"Based on the analysis of the physiological responses to the above listed questions, it is the opinion of this examiner that the subject is:"

TRUTHFUL		DECEPTIVE	X	INCONCLUSIVE		Unable to evaluate because of inconsistent and erratic responses to the listed questions. (Explain below if necessary)
COUNTERMEASURES		The subject engaged in purposeful acts of non-cooperation throughout this examination. He/She was advised between charts that it would be impossible to accurately evaluate the examination if the distortions continued. The continued distortions preclude a specific diagnosis of the charts.				
INCOMPLETE		Reason:				
QUALITY CONTROL		By:				
EXAM RECORDED	X	VIDEO	X	AUDIO		DISPO. Video tape released to I. Hookern

Post Test Statements and Opinions:
Waiver (X)

Attachments: Charts () Score Sheets ()

When presented with the deceptive results of the polygraph examination, the subject made a full confession by stating he did shoot Joe Glotz because Joe had been ragging on his home boys at an earlier party. The subject further stated he hid the gun underneath the front porch of his aunt's house.

Deputy Iam Good		123456	March 21, 2000
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Polygraph Examiner

Signature
Employee # Date: