

AMERICAN POLYGRAPH ASSOCIATION (APA)

MODEL POLICY FOR LAW ENFORCEMENT/PUBLIC-SERVICE PRE-EMPLOYMENT POLYGRAPH SCREENING EXAMINATIONS

1. Introduction

- 1.1 This Model Policy is provided to assist polygraph examiners and local agencies or jurisdictions that are responsible for policy development regarding the activities of polygraph examiners when they engage in pre-employment polygraph testing of law-enforcement and other public-service applicants. Examiners who work in agencies or jurisdictions without local practice regulations may refer to this Model Policy as a guide.
- 1.2 In the event of conflict between law or local regulations and this Model Policy, law and local regulations should prevail. This model policy should be considered non-binding and not enforceable by the APA or any local jurisdiction.

2. Evidence-based Approach

- 2.1 This Model Policy emphasizes an evidence-based approach, as an alternative to one based solely on a system of values. To the extent possible, it relies on data from existing research pertaining to screening and diagnostic polygraph testing, risk assessment, risk management, and field investigation principles.
- 2.2 When an evidence-based approach is not possible, this Model Policy should emphasize an approach based on face-valid principles pertaining to polygraph screening and related fields of science. These include psychology, physiology, psycho-physiology, neuro-psychology, forensic threat assessment, decision theory, signal detection theory, and inferential statistics.
- 2.3 Some elements of this model policy are intended to increase consistency and reliability among field examiners through standardized field practices that are enacted in the absence of data from empirical studies or other face-valid evidence.
- 2.4 It is assumed that continuing polygraph research will produce findings that are supported by data. Should evidence from future empirical studies reveal the practice recommendations of this Model Policy to be inconsistent with empirically based evidence, the evidence-based practices should prevail.
- 2.5 This Model Policy should be amended periodically to remain consistent with emerging information from new empirical studies.

3. **Program Goals: Decision-support and Incremental Validity**

- 3.1 Psychophysiological Detection of Deception (PDD), or polygraph testing, should be regarded as a decision-support tool intended to add incremental validity to risk-assessment and risk-management efforts surrounding the evaluation and selection of law-enforcement and other public-service applicants.
- 3.2 Polygraph testing, and polygraph test results, should not supplant or replace the need for professional expertise and professional judgment. Polygraph testing cannot replace the need for a thorough background investigation, but should be thought of as part of a comprehensive pre-employment background investigation.
- 3.3 Polygraph test results should never be used as the sole basis for the selection or rejection of a law-enforcement or public-service applicant.
- 3.4 Operational objectives of pre-employment testing include:
 - 3.4.1 *Increased disclosure* of addition information that will be of interest to risk adjudicators and hiring professionals in the law enforcement and public service selection process.
 - 3.4.2 *Deterrence of unsuitable applicants* from joining and/or remaining in the applicant pool, by increasing the likelihood that past transgressions and activities will become known to authorities.
 - 3.4.3 *Detection* of applicants who attempt to withhold information that would be of interest to risk adjudicators and hiring authorities in the law enforcement selection process.

4. **Screening Tests**

- 4.1 Pre-employment tests are screening tests. Screening tests are conducted in the absence of a known incident, known allegation or any particular reason to suspect someone's involvement. This is in contrast to criminal investigative polygraph, or *diagnostic examinations* that focus on a suspect's involvement in a single known event or known allegation that is the subject of an investigation.
- 4.2 Screening exams may at times be narrowed to a single target issue of concern, in the absence of a known incident or known allegation. However, most screening exams include multiple issues of concern (mixed issues), in which it is conceivable that a person could be involved in one or more issues while remaining un-involved in other issues of concern.

5. Compliance

- 5.1 Examiners should adhere to all requirements of the law, to include the Employee Polygraph Protection Act (EPPA), Equal Employment Opportunity Commission (EEOC), Americans with Disabilities Act (ADA), and other applicable bodies of law.
- 5.2 Unless prohibited by law, regulation or government policy, all members of the American Polygraph Association (APA) that conduct pre-employment polygraph testing of law-enforcement and other public-service applicants should comply with the American Polygraph Association Standards of Principles and Practices.
- 5.3 Except as provided by law, polygraph test information and results should be kept confidential within the screening process; to be used exclusively to assist in applicant selection. Absent a legal obligation and waiver to report polygraph examination information, it should be treated with the utmost respect in regard to confidentiality.
- 5.4 If local restrictions conflict with this Model Policy, the examiner should comply with local restrictions.
- 5.5 Where applicable, a polygraph examiner should be licensed or appropriately certified by the regulatory organization for all jurisdictions in which the examiner is testing.

6. Examiner training

- 6.1 Examiners should have completed a basic course of polygraph training at a polygraph school accredited by the APA or training that was substantially equivalent in length and curriculum as required for APA school accreditation. Examiners who qualify for membership in the APA are regarded as satisfying this requirement.
- 6.2 Examiners should have completed at least a minimal supervised internship following their initial training.
- 6.3 Examiners should undergo continuing education of at least 30 hours every two calendar years.
- 6.4 Examiners should be members of a professional polygraph association to facilitate their continuing education and to remain current with developments within the polygraph and applicable professions.
- 6.5 Polygraph examiners should be trained in conducting structured and semi-structured interviews as they apply to law-enforcement and public-service pre-employment polygraph testing.

7. Equipment

- 7.1 Examiners should use a polygraph that is properly functioning, maintained and calibrated according to the manufacturer's specifications. In the absence of manufacturer's recommendations, examiners should semi-annually record a chart demonstrating correct functioning of the instrument and maintain that chart for at least one year, or as determined by law or regulation.
- 7.2 The instrument should meet the specification guidelines of the American Polygraph Association and local licensing. At a minimum, the instrument should continuously record during testing with the following components:
 - 7.2.1 Two pneumograph components to document thoracic and abdominal movement patterns associated with respiration;
 - 7.2.2 A component to record electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue; and,
 - 7.2.3 A cardiograph component to record pulse rate, pulse amplitude and relative blood pressure changes.
- 7.3 A motion sensor is recommended and will be required effective January 1, 2012.
- 7.4 Other physiological data may be recorded during testing but may not be used to aid in formulating decisions of truthfulness or deception unless validated in replicated and published research.

8. Quality Assurance and Recording

- 8.1 To assure examiner compliance with the listed recommendations, and to sustain the quality of the testing program, an independent quality assurance review of a portion of each examiners' work product should take place regularly.
- 8.2 To facilitate the periodic quality assurance review and safeguard the process against unwarranted allegations of misconduct, all examinations should be recorded in their entirety unless precluded by law or policy. The recording should be continuous in nature, with any stops or pauses explained on the recording.

9. Test Question Construction

- 9.1 Test question language, and the number of test questions, should be consistent with the requirements of the polygraph technique that is used.
- 9.2 Test question language and construction should be:
 - 9.2.1 Simple, direct, and easily understood by the applicant.

- 9.2.2 Behaviorally descriptive of the applicant's involvement in an issue of concern.
- 9.2.3 Time delimited (time of reference),
- 9.2.4 Free of assumptions about guilt or deception.
- 9.2.5 Free of unnecessary legal terms and jargon.
- 9.2.6 Devoid of mental state or motivational terminology.
- 9.2.7 Balanced in terms of length and complexity with other relevant questions.

10. Target Selection

- 10.1 Investigation targets for law-enforcement and public-service pre-employment screening polygraphs should be selected from the agency hiring policies, and should reflect actuarial indicators of training and job performance whenever possible.
- 10.2 Polygraph investigation targets should be limited to the smallest number possible and restricted to areas that:
 - 10.2.1 Are based on agency hiring policies, or are actuarially relevant to success in law-enforcement or public-service training and job performance;
 - 10.2.2 Describe past behaviors (not thoughts, inclinations, intentions or states of mind);
 - 10.2.3 Are sufficiently recent to assure accurate recollection by the applicant;
 - 10.2.4 Are sufficiently precise in definition as to avoid confusion in the mind of the applicant; and,
 - 10.2.5 Are not adequately, or better addressed, by another investigative method already employed as part of the screening process.
- 10.3 Suggested investigation targets include:
 - 10.3.1 The applicant's history of involvement in unknown or unreported criminal activities, including contact, income or involvement with organized crime activities.
 - 10.3.2 The applicant's history of involvement with illegal drugs, including manufacture, distribution/transport, profit or recent use.

10.3.3 The applicant's history of involvement in sexual contact with minors, including child-pornography use.

10.3.4 The applicant's history of involvement in unknown acts of violence, including acts of intolerance towards persons of differing racial or ethnic backgrounds.

11. Environment

11.1 All examinations should be administered in an environment that is free from distractions that would interfere with the applicant's ability to appropriately focus on the issues being addressed.

11.2 Primary distractions of concern are noise, visual distractions, and other people in the testing room.

12. Pre-Test Interview

12.1 The examination should start with a pre-test interview including at a minimum the following:

12.1.1 Verification of the identity of the examinee.

12.1.2 Written consent to administer the examination as all polygraph examinations are voluntary and may be terminated at any time. The examiner should always obtain documented consent from the applicant prior to testing.

12.1.3 An attempt to ensure the applicant is mentally and physically suitable for testing based on information provided, within legal limitations. If at any time the examiner determines the applicant is not suitable for testing, the process should be stopped until the issue is resolved.

12.1.4 A review of the application for employment and any personal history statement that the applicant completed for the prospective employer.

12.1.5 An explanation of polygraph testing principles, including the accepted cognitive, emotional and behavioral bases for responses to polygraph test questions. Sufficient time must be spent to ensure the examinee understands the process and the expectation for complete cooperation.

12.1.6 A comprehensive discussion of all issues to be tested.

12.1.7 A review of all test questions to ensure the applicant's satisfactory understanding of each test question.

13. Pre-Employment Examination Questionnaire

- 13.1 A pre-employment examination questionnaire may be provided to the applicant for completion prior to the testing process. The questionnaire should cover the applicant's entire relevant life activities, including his or her experiences as a law enforcement officer, if applicable.
- 13.2 The examiner should review the applicant's questionnaire with the applicant, following the principles of a structured or semi-structured interview.
- 13.3 Any admissions by the applicant of activity that falls within the purview of legitimate areas of concern for the hiring agency should be noted and reported to the prospective employer for consideration.

14. Testing Phase

- 14.1 The administration of the polygraph test should conform to all professional standards as should all polygraph testing.
- 14.2 Examiners should use an accepted format for multiple issues testing. A comparison question format is recommended.
- 14.3 The multiple issue (mixed-issue) examination using a comparison question technique should be limited to not more than four (4) relevant questions. If more issues need to be explored, a second and/or third series should be administered.
- 14.4 Multiple issue (mixed-issue) examinations using a relevant – irrelevant or non-comparison question technique should be limited to not more than five (5) relevant questions. If more issues need to be explored, a second and/or third series should be administered.
- 14.5 An acquaintance test should be used as part of the examination process unless validated replicated research shows it would negatively impact on the accuracy of a validated technique.
- 14.6 Question intervals should allow a reasonable time for recovery. For comparison question techniques, question intervals from stimulus onset to stimulus onset should not be less than 20 seconds.
- 14.7 To maximize the informational efficiency of multiple issue (mixed-issue) testing and the diagnostic efficiency of single-issue screening exams, a successive hurdles approach is recommended. This would involve a more narrowly-focused (single-issue) screening examination following a multiple issues exam for which there are significant responses noted to any of the relevant issues. A follow-up screening examination(s) should focus on the issue(s) of concern identified in the screening exam, and may be scheduled for a later date.

15. Test Evaluation

- 15.1 A polygraph examiner should not render an opinion concerning the truthfulness of an examinee until after all data suitable for analysis has been analyzed.
- 15.2 The examiner should use evaluation methods for which they have been formally trained and that are appropriate for the type of test administered.
- 15.3 Additional testing may follow any of the following opinions, in accordance with local requirements.
 - 15.3.1 If there are no significant physiological responses noted to relevant questions, the examiner should render an opinion of No Significant Reactions/Responses (NSR) to the test.
 - 15.3.2 If there are significant physiological responses noted to any of the relevant questions, the examiner should render an opinion that there was Significant Reactions/Responses (SR) to the test.
 - 15.3.3 If sufficient criteria to render an opinion do not exist, the examiner should report the exam as No Opinion (NO) or Inconclusive (INC).
- 15.4 To maximize sensitivity and validity, a single issue examination should be conducted when significant responses appear on a multiple issue (mixed-issue) test. Unless prohibited by law, a professional opinion that an *examinee was deceptive*, based on physiological data, should only result from a specific issue test.
- 15.5 Examiners should use all available interpretable information to render an opinion, in accordance with recognized techniques and established procedures.
- 15.6 Examiners should render a report that the applicant was Purposefully Non-cooperative (PNC) whenever an applicant is determined to be attempting to alter their physiological response data.

16. Post-Test Review

- 16.1 The applicant should be informed of the test results and given an opportunity to provide any additional information or explanation whenever there are Significant Reactions (SR) observed to any of the test questions.
- 16.2 Any admissions by the applicant of activity that falls within the purview of legitimate areas of concern for the hiring agency should be noted and reported to the prospective employer for consideration.

17. Records Retention

17.1 All documentation of the examination should be maintained for a period of at least three years, or as required by law.