

**FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF INSPECTOR GENERAL
Policies and Procedures Manual**

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| PART | IV | Investigations Policies and Procedures |
| SECTION | OIG-400 | Investigative Operations |
| CHAPTER | 400.8 | Special Investigation Techniques |

1. Purpose. This chapter establishes the policies and procedures for the conduct of sensitive investigative techniques such as administering polygraph examinations, mail covers, consensual monitoring, and undercover operations.

2. Polygraph Examination

a. General

(1) The polygraph is a scientific, diagnostic instrument which graphically records physiological changes that take place in a person at a specific time. When employed by a competent and experienced examiner, it is highly reliable in detecting deception being practiced by a subject regarding a specific issue. The detection of deception is, however, only part of the procedure. When deception is indicated, the subject must be interviewed in depth in an attempt to resolve all deceptive results and obtain the truth about the matter at issue.

(2) The polygraph is to be used selectively as an investigative aid. All reasonable efforts will be made to complete an investigation prior to employing its use. The polygraph is not to be used for screening a large number of suspects or as a substitute for logical investigation.

(3) Polygraph examination results must be considered within the context of a complete investigation. The results are not to be relied upon to the exclusion of other evidence or knowledge obtained during the course of the investigation.

(4) The polygraph will only be employed in criminal cases and, where extraordinary circumstances merit its use, in non-criminal matters.

(5) Polygraph examinations will generally be conducted for the Office of Investigations by organizations having the capability on staff to perform these examinations. These organizations may include the Federal Bureau of Investigation, the United States Secret Service, the Defense Criminal Investigative Service (DCIS), or others. In the conduct of polygraph examinations, the OIG will abide by the procedures of the examining agency.

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b. Authorization to Administer Polygraph Examination. Authorization for polygraph examinations must be obtained in advance from the AIGI.

c. Request for Polygraph Examination

(1) All requests to administer a polygraph examination will be made in a letter from the FDIC AIGI to the official so designated by the examining agency. All requests for polygraph examinations should contain the following:

(a) Name and age of proposed examinee. If a minor, the letter should indicate that parental permission has been obtained in writing and that the parents have been informed that they may be present during the examination;

(b) Whether proposed examinee is an employee or non employee. If an employee, his/her position and grade;

(c) A brief summary of the facts of the case to include the involvement of the proposed examinee in the matter. If a monetary theft or bribery, then the amount of money involved must be stated;

(d) Whether the proposed examinee asked for a polygraph examination or was asked to submit to a polygraph examination; and

(e) Name and telephone number of the special agent.

(2) In case of urgency, a telephonic request by the AIGI or his/her Deputy to administer a polygraph examination may be made. This must be followed as soon as possible by written documentation of the request.

d. Reporting the Results of Polygraph Examinations to FDIC Management. Polygraph examinations are sensitive. Care must be taken to ensure that agency management will not misuse or misinterpret polygraph examination results or refusal by an employee to take a polygraph examination.

(1) Although results of polygraph examinations are inadmissible in criminal proceedings, at the discretion of the administrative judge, they may be admitted as evidence in Merit System Protection Board (MSPB) proceedings. Therefore, polygraph examination results may be released to FDIC management in connection with investigations of employee misconduct.

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(2) Administrative judges consider the competence and relevance of polygraph results in deciding whether to admit such results as evidence. The foundation for admission includes evidence about the qualifications and experience of the polygraph examiner, the examiner's familiarity with the testing procedure, and technical information describing the testing procedure and equipment used sufficient to enable a finder of fact to conclude that the results are credible. This information is also important to management as it evaluates polygraph results in the context of a potential personnel action or other administrative matter. Accordingly, appropriate foundation information should be included in the report of investigation in the event polygraph results are provided.