

LOS ANGELES POLICE DEPARTMENT PRE-EMPLOYMENT POLYGRAPH GUIDELINES

Revised: December 3, 2004

The purpose of these guidelines is to provide guidance in the administration of law enforcement pre-employment polygraph examinations for Los Angeles Police Department applicants.

POLICY

The Polygraphist must abide by the most recent Federal, state and local laws while conducting pre-employment polygraph examinations. The following is a synopsis of how some of the rules and regulations of the Americans with Disabilities Act (ADA) affect pre-employment polygraph examinations.

1. The employers are prohibited from discriminating against employment based on a disability, provided the individual can perform the essential functions of the job.
2. Pre-employment medical inquiries, medical exams and psychological testing are prohibited except that a job offer can be conditioned on successfully passing a medical and/or psychological examination.
3. Polygraph examinations can be administered before a conditional job offer is made. However, employers must exercise care not to ask any prohibited disability-related inquiries while administering the pre-offer polygraph exam. This would also indicate that the applicant has a disability.
 - A. While it is important for the polygraphist to know whether or not the applicant is medically capable of being examined on the polygraph, he/she is prohibited from asking questions of this type at the pre-offer stage, as it is likely to elicit information about a disability.
 - B. The employer may ask the applicant to assume responsibility and release the employer of liability for injuries resulting from any physical or mental disorders.
 - C. An employer may furnish the applicant with a description of the polygraph examination, and ask him/her to have a private physician review the description and state whether the applicant can safely perform the examination.

Inquiries prohibited during a Pre-Offer Polygraph Examination

1. Inquiries about whether an individual has sought or is currently seeking mental health services.
2. While it is appropriate to inquire if the individual has ever used illegal drugs or been arrested for such use, it is prohibited to inquire about the extent or frequency of past illegal drug use as this could elicit a response

about a disability. Furthermore, it is prohibited to inquire if the individual has ever been addicted to drugs or undergone treatment for addiction.

3. While it is inappropriate to inquire if the individual has ever illegally used or sold alcohol, it is prohibited to inquire about the legal use or sale of alcohol whether it is current or prior use. However, an employer can discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct.

Qualifications of Polygraphist

1. Polygraph examiners who administer polygraph examinations to police applicants for the Los Angeles Police Department are required to have graduated from an approved Polygraph School accredited by the American Polygraph Association or completion of a U.S. Government Polygraph Training Program. All graduation requirements must have been completed.
2. The Polygraphist is required to have completed 60 semester units or 90 quarter units in a recognized college or university.
3. Must utilize a computerized polygraph instrument.
4. Must have the ability to numerically evaluate polygraph charts using a seven-point scale.
5. Polygraph examiners shall have a minimum of 24 hours of polygraph related training during the last two years.
6. An examiner is required to have a valid license if required by a state in which the test is to be conducted.

When to administer the examinations

It is important that the polygraphist know whether the applicant is capable of taking a polygraph examination. If the applicant acknowledges that he or she had less than six hours of sleep within the past 24 hours, or is experiencing pain, discomfort or hunger, the examination will be rescheduled.

Preparation

Prior to administering any pre-employment polygraph examination, the polygraphist shall review all available employment-related documents pertaining to the applicant. These documents will include, but is not limited to, employment application, background investigation report, and personal history statement. The polygraphist should contact the Background Investigator for any additional information.

Only an authorized member of the City of Los Angeles Personnel Department should schedule all Polygraph examinations.

The Polygraphist shall verify the identity of the person being tested. This can be accomplished by viewing a photo ID (Driver's License) and comparing the signature on the photo ID to the signature on the polygraph release/waiver form signed in the presence of the polygraphist.

A pre-employment polygraph examination can only be administered to persons who voluntarily undertake the examination. Therefore, a release/waiver form indicating such voluntary consent shall be signed prior to the examination.

Examination Format

The polygraphist shall use test formats that are accepted by the American Polygraph Association, the California Association of Polygraph Examiners, or the American Association of Police Polygraphists. A Calibration Verification of Sensitivity (CVOS) or an acquaintance test shall be administered at the beginning of each examination. The test format must include comparison questions. A minimum of three charts will be collected for evaluation. When significant responses are indicated in an exam with no admissions, the City of Los Angeles Personnel Department will determine if a re-test is required.

All polygraph examinations shall be either videotape recorded or audiotape recorded in its entirety, no exceptions. Polygraph charts shall be printed out in the wide mode (full charts) and the applicant is required to sign his or her charts and the printed list of questions asked during the examination.

The City of Los Angeles Personnel Department shall retain all polygraph charts and records. Polygraph records include polygraph charts, written reports, information file cards, test questions, numerical evaluation sheets, quality control review sheets, computer algorithms, examiner notes, and tape recordings of examinations.

Required amplitude for physiological tracings

Electro-dermal Tracing

A normal electro-dermal tracing consists of a relatively horizontal tracing indicative of the level of the electrical resistance in the skin, due to skin hydration. The sensitivity has been properly adjusted when the examinee shows a response to a verbal stimulus. The tracing should be distortion free and have a minimum amplitude of one half inch.

Cardiograph Tracing

The desired amplitude of the tracing is a minimum of one half inch to one inch. The optimal tracing would be three quarters of an inch, without distortions.

Pneumograph Tracing

The desired amplitude of the tracing is a minimum of one half inch to one inch. The optimal tracing would be three quarters of an inch, without distortions.

Background Standards and Areas of Inquiry

The Los Angeles Police Department pre-employment polygraph examinations for police officers are based upon the City of Los Angeles Personnel Department Policy, Public Safety Positions – Background Standards. According to these standards, candidates shall have conducted themselves in a manner, which shows that they respect the law and the rights of others, possess high moral standards of character and integrity, and are dependable, responsible, and conscientious. Each candidate's prior conduct will be evaluated to assure that it meets the following standards:

1. Interpersonal Skills, Sensitivity, and Respect for Others
2. Decision Making and Judgment
3. Maturity and Discipline
4. Honesty, Integrity and Personal Ethics
5. Setting and Achieving Goals
6. Record Checks

Based on these standards, the areas of inquiry in the pre-offer stage are:

1. Employment History
 - a. Jobs that were not put on the application
 - b. Terminations
 - c. Resigned in Lieu of Termination
 - d. Disciplinary problems
 - e. Falsification of application
2. Employee theft
3. Serious undetected crimes
 - a. Sex crimes
 - b. Any felony case
4. Illegal drug history
5. Disqualifying acts against another based on personal bias
6. Domestic violence

Quality Control Procedure

A quality control program shall be in place to ensure the validity and accuracy of all polygraph examinations. The designated quality control supervisor will exercise technical supervision over all polygraph examiners and will conduct a complete review (quality control) of each polygraph examination.

Upon completion of the polygraph examination, the examiner shall print out the computer analysis and then numerically evaluate the polygraph charts using a seven-point scale. In addition, the examiner will have the quality control supervisor numerically evaluate (blindscore) the charts. The quality control supervisor shall affix their initials and the date, at the end of the charts. If there is a disagreement regarding the examination results, the quality control supervisor will make the final determination of the examination results.

In the absence of the quality control supervisor, the senior polygraph examiner on site will be temporarily in charge of quality control. All polygraph examinations shall be quality controlled, no exceptions.

After the examination is completed, all reports, charts and packages, shall be immediately completed. The completed package shall be submitted to the quality control supervisor for review. The polygraph examination will then be sent to the appropriate City of Los Angeles Personnel Department representative within four days of the examination date.

If the examination results are found to be **no opinion**, the City of Los Angeles Personnel Department will decide whether a re-examination is necessary after receipt and review of the examination report. Examiners shall receive a copy of the completed quality control review form for each examination. All deficiencies found in polygraph examinations shall be documented on the quality control review form.

Quality control supervisors will **continually monitor** and counsel as appropriate, all polygraph examiners, to assure that they are technically proficient. The primary areas in which technical proficiency will be evaluated are:

1. Consistent and proper application of basic testing principles in accordance with the standards of the American Polygraph Association, American Association of Police Polygraphists, and the California Association of Polygraph Examiners. Polygraph exams that do not have consistent physiological tracings that meet the amplitude requirements shall be considered inconclusive and labeled "No Opinion".
2. Proper completion and timely processing of polygraph reports.
3. Ability to resolve investigative issues through applications and appropriate polygraph techniques.
4. Ability to numerically score polygraph charts accurately using a seven-point scale.

Quality control supervisors should audit examiners on a regular basis. If the audit is found to be satisfactory, the examiner should be notified of the results as soon as practical.

All polygraph records and files are considered confidential and shall be kept in a secured area. Without exception, only authorized City of Los Angeles Personnel Department personnel shall be allowed access to the polygraph records. Authorized personnel from Los Angeles Police Department's Scientific Investigation Division (SID) shall periodically audit polygraph records and procedures.

Polygraph Examiners shall not reveal confidential polygraph information to anyone outside the City of Los Angeles Personnel Department without the approval of the General Manager of the Personnel Department. It shall be documented whenever any polygraph information is released, to whom, and who authorized the release of such information.

REQUIRED MATERIALS LIST
FOR COMPLETED POLYGRAPH PACKAGE

The following items are to be completed and contained within the LAPD 12.36 (Gold Envelope), which also is to be completed with the required information listed on the outside of the envelope:

1. LAPD 12.35 – Polygraph Test Information Card
2. Signed Applicant Polygraph waiver form (Pre-Employment)
3. **ALL** printed polygraph charts, including a Calibration Verification of Sensitivity (CVOS) signed by the applicant. **(25 SECOND QUESTION SPACING MINIMUM)**
4. Numerical scoring sheets:
 - a. Seven-point scale
 - b. Vertical scoring **ONLY!**
5. Signed question list by applicant, which includes, but is not limited:
 - a. CVOS questions
 - b. Relevant questions
 - c. Comparison questions
 - d. Symptomatic questions
 - e. Irrelevant questions
 - f. Sacrifice relevant questions
6. Computer analysis report
7. Report by the examiner
8. **All** notes
9. Tape cassette(s) marked with examiner's last name, first name and date of examination
10. Completed quality control review

RELEVANT TEST QUESTION FORMULATION

1. Must be formulated so that it gets to the heart of the issue
2. Must be simple and direct for that particular examinee
3. Must have a specific relationship to the issue
4. Consideration to the mental competency and education of the examinee
5. Should not be unnecessarily long
6. Must contain references to only one issue
7. Must not include any legal terminology (non-stigmatic)
8. Question should not be accusatory
9. Must be phrased to elicit a yes or no response
10. It must be designed to pose a threat to the security of the examinee and elicit a physiological reaction
11. Must be modified to exclude admissions

COMPARISON QUESTION FORMULATION

1. Similar to the relevant issue
2. Separated by time and space
3. As broad in scope as possible
4. Should be answered with a “no” response
5. Modified to exclude admissions
6. An emphasis on the importance of the question should be explained to the examinee
7. Should be in similar length as the relevant question

NOTE: All questions must be reviewed with the examinee prior to collection of charts

REFERENCES

James Allan Matte, PHD (2000) *Examination and cross examination of experts in Forensic Psychophysiology using the polygraph*

James Allan Matte, PHD (1996) *Forensic Psychophysiology using the Polygraph Scientific Truth Verification – Lie Detection*

POLYGRAPH EXAMINATION GUIDELINES

PRE-TEST

1. Review personnel package with applicant
2. Exam waiver signed by applicant and polygraph examiner
3. Explanation of polygraph exam and instrumentation
4. Completion of 12.35.0 card
5. Review of examination questions

IN-TEST

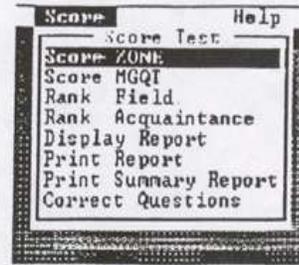
1. Calibration Verification of Sensitivity (CVOS)
2. Control Question Technique (CQT), three charts minimum is mandatory
3. Mandatory chart markings of beginning and ending of each chart run (i.e. sensitivity settings, start time, finish time, test format, and remedy taken to improve component tracing) adequate tracings (minimum three grid divisions of cardio, pneumograph and GSR tracings)

POST-TEST

1. Print charts, have applicant affix their signature on charts and question list
2. Hand score polygraph charts using seven point numerical scale
3. If the results are No Significant Responses, advise the applicant that the exam will be sent to quality control review and they will be sent correspondence from Los Angeles Personnel Department with the results.
4. When the results are Significant Responses, a post-test interview is mandatory regarding the targeted issue
5. After all charts are completed, if the results are No Opinion, applicants should be advised that the City of Los Angeles Personnel Department would contact them.
6. If countermeasures are employed (movements/controlled breathing) the candidate is dismissed after the third warning and the process is terminated

Score

Three new **Score** options (**Score MGQT**, **Rank Field**, and **Rank Acquaintance**) have been added. Several examiners have asked us to provide a report of the results without providing the full set of diagnostic information (spot and question analyses) shown previously. You now have the option to **Print a Summary Report**.



We have also been asked if we give the same weight to all different tracings (called channels by POLYSCORE[®]). Our weighting is determined by looking at thousands of different responses to determine the best weights. For the average subject and for the Zone algorithm, the Electrodermal response gets 53% of the weight, Blood Volume gets 18%, Pulse gets 7%, and (upper) Respiration gets 22%. For your subject, the weights will be different. When you score your charts using traditional methods, sometimes most of the points will come from the Electrodermal and sometimes most will come from the Cardio response. The same is true for computerized scoring. POLYSCORE[®] now tells you how it is building a score from each of the channels on the full scoring report.

For example, the weights may be Electrodermal, 0.38; Pulse, 0.22; Respiration, 0.34; and Blood Volume, 0.05. The absolute values of the weights add to 1.00 (except for the round-off error as shown in the example with a total of 0.99), and the sign of the weight tells you if the weights indicate deception (negative) or no deception (positive). The negative weights in the example are like negative channel scores and suggest that each channel indicates deception.

Weight	Channel
-0.38	Electrodermal
-0.22	Pulse
-0.34	Respiration
-0.05	Blood Volume

Help

A **Help** option has been added to provide on-line information on how to use POLYSCORE[®]. Press the page up (**Pg Up**) or page down (**Pg Dn**) keys to move through a discussion of POLYSCORE[®] fundamentals. By following the instructions displayed, you can also print the **Help** file. As time passes, new versions of POLYSCORE[®] may be issued. Future changes will first be documented in the **Help** file.

son 1988, Stevenson, M., Barry, G. 1988), *hypnosis* (Bitterman, Marcuse 1945, Cumley, Berry 1959, Berry 1960, Germann 1961, McInerney 1956, Coe, Yashinski 1985, Weinstein, Abrams, Gibbons 1970) *biofeedback* (Stern, Breen, Watanabe, Perry 1981, Corcoran, Lewis, Garver 1978, Corcoran, Wilson 1979). However, in spite of analog studies' aforesaid shortcomings, they have shown remarkable results attesting to the validity of various types of PV examinations. (Barland & Raskin 1975, Rovner, Raskin, Kircher 1978, Raskin & Hare 1978, Podlesny & Raskin 1978, Correa, E. J., Adams, H. E. 1981).

Some analog studies used only one parameter such as the galvanic skin response or conductance in their experiment. Other analog studies used FP (forensic psychophysiology) trainees and allowed them to base their decision as to truth or deception on only one polygraph chart (Kleinmutz, Szuko 1982), which may account for its reported mediocre accuracy, whereas in the field, FP's are required by American Polygraph Association standards which have been adopted in many state statutes governing the use of the polygraph, to base their decision on a minimum of two or more polygraph charts employing a polygraph instrument that records at a minimum an examinee's respiration, electrodermal response and cardiovascular activity. There is no doubt that the level of FP experience and the type of test and methodology affect the accuracy of decisions. PV examinations are most accurate when only one issue is to be resolved. When more than one issue must be included in the test, such as in intelligence applications and in pre-employment screenings, the accuracy is expected to decrease due to an increased burden on the examinee's selective attention process and the effect of anti-climax dampening (Chap. 9), the lack of certain control questions unique to single-issue test structures, the lack of internal reliability offered by lateral scoring in single-issue tests (Backster, Matte, DoDPI Zone Comparison Techniques), and the inability to use the computer algorithm designed for single-issue Zone Comparison Test developed by Johns Hopkins University's Applied Physics Laboratory, which has been shown to be superior to the algorithm developed by APL for multiple-issue tests (MGQT) (Olsen, Harris, Capps, Ansley, 1995).

It becomes increasingly clear that PV examinations embrace a number of varied techniques, each with its own methodology of implementation. Some techniques use a global evaluation, incorporating case information, examinee verbal/non-verbal behavior in addition to the physiological data on the polygraph charts to reach a conclusion of truth or deception, which is referred to as the Clinical Approach, while others use the Numerical Approach which vigorously excludes all non-polygraphic data from their decision making process. Both have been shown to attain high accuracy rates, (Ansley 1990) but validation of one type of technique does not validate another, unless they are closely related in structure and methodology. Hence one cannot use a validity study on the Reid technique (Clinical) which employs two *non-exclusive* control questions for comparison against four relevant questions dealing with varied aspects of a crime, to support or criticize the validity of the Backster technique (Numerical) which employs two *exclusive* control questions for comparison against two relevant questions dealing with the same issue, not to mention other differences in test structure and methodology of application and evaluation. Indeed, Dr. David T. Lykken, a proponent of the Guilty Knowledge Test but a severe critic of the "lie test" stated that we needed to distinguish between the Clinical Approach (Keeler,