

## DEPARTMENT POLYGRAPH PROGRAM

### 21.01 PURPOSE

This regulation establishes standard procedures concerning the utilization of Department polygraph examiners, alternate polygraph examiners, and the polygraph during investigations. It also establishes policy regarding the duties and supervision of Polygraph Unit members.

### 21.02 POLICY

The polygraph is not a substitute for, nor a shortcut to a thorough investigation. It has proven to be an excellent and cost-effective investigative tool. The effectiveness of the polygraph examination depends upon the thoroughness of the investigation and cooperation between the examiner and investigator.

### 21.03 OBJECTIVE

The objective of the polygraph examination is to ascertain if a person's reactions, as recorded by the **polygraph** instrument, indicate truthfulness or deception.

### 21.04 DUTY ASSIGNMENT

There shall be at least one member in Troops A through R assigned as a polygraph examiner. Polygraph examiners may be used in connection with duties other than those pertaining to their particular function only under exigent circumstances as determined by their Troop Commander.

### 21.05 DUTIES AND RESPONSIBILITIES

#### A. Director, Bureau of Criminal Investigation:

1. Administer, monitor, evaluate, and direct the polygraph program.

2. Ensure polygraph examiners and alternate polygraph examiners receive initial and ongoing training necessary to remain proficient while conducting polygraph examinations.
3. Upon approval of the Deputy Commissioner of Operations, ensure Troop Commanders are notified to post for vacancies.
4. Provide Troop Commanders, via Department Correspondence, Form SP 3-201, with criteria for selecting members to become polygraph examiners and alternate polygraph examiners.
5. Select an American Polygraph Association accredited school to provide the initial training of members selected to become polygraph examiners.
6. **Certify or decertify members as Department polygraph examiners once they have completed initial polygraph training and the Department's familiarization training process.**

B. Troop Commanders:

1. Ensure polygraph examiners are listed on Troop rosters as members of the Polygraph Unit. Permission **from** the Deputy Commissioner of Operations is required if Polygraph Unit members are to be stationed at locations other than Troop Headquarters.
2. Ensure polygraph examiners are placed under the direct supervision of the Criminal Investigation Section Commander, unless the Polygraph Unit member is stationed at a location other than Troop Headquarters. Direct supervision of Polygraph Unit members stationed at locations other than Troop Headquarters shall be determined by the Troop Commander.
3. Notify the Director, Bureau of Criminal Investigation (BCI) prior to completing Specialized Position Vacancy Circulars for Troop Polygraph Unit positions. Upon completion of **the** selection process and prior to assignment, Troop Commanders shall submit the selected member's name, through channels, to the

Director, BCI for any particularized judgment recommendation.

4. Submit a request with justification for a second full-time polygraph examiner and/or an alternate polygraph examiner to the Director, BCI. The request, along with the most recent annual **polygraph** statistics **for the Troop**, shall be reviewed **in consultation with the Bureau of Research and Development**, and then forwarded with a recommendation to the Deputy Commissioner of Operations for a final determination.
  5. Actively encourage members to utilize the polygraph during investigations.
  6. Endeavor to obtain professional memberships for the polygraph examiners and alternate polygraph examiners with the American Polygraph Association, the American Association of Police Polygraphists, and the Pennsylvania Polygraph Examiners' Association.
- C. Troop Criminal Investigation Section Commanders:
1. Review or assign a designee to review schedules submitted by polygraph examiners to ensure their services are adequately utilized.
  2. Monitor the activities of polygraph examiners and alternate polygraph examiners and ensure adequate supervision of these members.
  3. Designate an appropriate supervisor to monitor the daily activities of polygraph examiners for completion of their performance evaluations.
  4. Strive to have the alternate polygraph examiner conduct at least four polygraph tests a month, in order that he/she remains proficient with the polygraph instrument.
  5. Participate in the selection process for filling polygraph examiner positions in the Troop.
  6. Review the monthly Polygraph Activity Report, Form SP 5-311 (Appendage A).

7. Ensure the polygraph examiner and alternate polygraph examiner electronically transmit the monthly Polygraph Activity Report to the BCI Polygraph Coordinator by the 5th of the following month.
8. Following discussion with the appropriate Troop Commander, notify the BCI Polygraph Coordinator if the assigned polygraph examiner and/or alternate polygraph examiner are no longer performing to acceptable standards.
9. Coordinate any routine cases and short-term investigations, which require polygraph examiners to conduct examinations outside their assigned Troop, either unaccompanied or in collaboration with another examiner, the affected Criminal Investigation Section Commander, or the BCI Polygraph Coordinator.

D. Bureau of Criminal Investigation Polygraph Coordinator:

1. Coordinate, review, and organize statewide polygraph activities.
2. Coordinate, through Criminal Investigation Section Commanders, intertroop polygraph activities and polygraph examinations.
3. Select, procure, monitor, and maintain accountability and serviceability of all polygraph instruments.
4. Prepare a comprehensive Polygraph Unit monthly activity report.
5. Evaluate Troop requests for a second or alternate polygraph examiner, **in consultation with the Bureau of Research and Development, and recommend approval or denial of such requests, through channels, to the Deputy Commissioner of Operations.**
6. Evaluate requests for replacement of polygraph examiners who are not performing to acceptable standards. **Forward comments regarding each evaluation to the Director, BCI.**

7. **Serve as the Chief Quality Control (QC) Officer for the Department polygraph program and manage the QC efforts of the program.**
8. Ensure that the Polygraph Unit monthly activity reports are filed and maintained in accordance with this regulation. Monthly activity reports shall be kept for a period of three years.
9. Review and evaluate the Polygraph Activity Reports submitted by Department polygraph examiners and alternate polygraph examiners. **The** review shall include an evaluation of **the** types of tests administered, results, success in obtaining statements from deceptive individuals, **examiner proficiency**, etc.
10. Coordinate and conduct Polygraph Unit statewide training courses.
11. Maintain a record of training received by each polygraph examiner and alternate polygraph examiner.
12. Provide Area and Troop Commanders quarterly and annual statistical summaries of Polygraph Unit activities.
13. Serve as the Department's liaison with the **Northeast Counterdrug Training Center Polygraph Program** and the **National Center for Credibility Assessment**.
14. Attend Polygraph Unit regional meetings, in order to provide updated information concerning the administration of polygraph examinations.
15. Actively assist and consult with polygraph examiners and alternate polygraph examiners on their respective investigations.
16. Serve as the Department's liaison with other law enforcement agencies, organizations, and recognized experts in the forensic psycho-physiological detection of deception field to promote and advance the Department's polygraph program.
17. Conduct thorough **QC** reviews of polygraph examiners and alternate polygraph examiners on a regular basis.

18. Provide the Director, BCI, the appropriate Criminal Investigation Section Commander, and the **affected** polygraph examiner or alternate polygraph examiner with a copy of the **QC** Report.
19. Prepare the Polygraph Unit Semiannual and Annual Report and provide a copy to BCI.
20. Assist the Bureau of Human Resources (HR) with the Pennsylvania State Police (PSP) Cadet Applicant process, to include: updating applicant reports, serving as the **Chief QC** Officer, and reviewing completed applicant polygraph examinations. Assist the Polygraph Review Board with the applicant selection process.

E. Polygraph Examiners:

1. Agree to remain in the position for a period of not less than three years from the effective date of assignment.
2. Conduct **polygraph** examinations in accordance with current Department regulations, standard polygraph examination procedures, and within the guidelines established by the American Polygraph Association, the American Association of Police Polygraphists, and the **Polygraph Law Enforcement Accreditation (PLEA) guidelines/standards**.
3. **Determine if the administration of a polygraph examination is appropriate based on a variety of factors, to include: Department regulations, PLEA guidelines/standards, and thoroughness of the investigation.**
4. **Determine if subjects to be tested are suitable candidates for polygraph examinations and that they have voluntarily consented.**
5. Formulate proper questions for each particular examination.
6. Conduct **polygraph** examinations **in accordance with PLEA guidelines/standards** using only methods in which the examiner has training and experience.

7. Conduct an **Acquaintance** Test with every polygraph examination.
8. Conduct a post-test interview to determine the cause of specific physiological responses on the polygraph charts and to solicit additional information.
9. Provide a tentative schedule of tests, activities, locations, and duties to the Criminal Investigation Section Commander, or designee, at least one week in advance.
10. Routinely contact Troop Criminal Investigation Unit Supervisors to solicit cases which may be suitable for use of the polygraph.
11. Immediately contact BCI if an assigned **polygraph** instrument requires repairs. Replacement of the polygraph attachments shall be conducted by submitting an Agency Requisition, Form SP 3-411, through the Troop Procurement and Supply Unit.
12. Attend any relevant training provided by BCI for continuing education credits and updates to current standards and procedures for conducting polygraph examinations.
13. Notify the BCI Polygraph Coordinator of any training which may be appropriate for other polygraph examiners to attend.
14. Prioritize requests for polygraph examinations based on the nature and severity of the incident under investigation.
15. Complete a Continuation Sheet/Supplemental Investigation Report, Form SP 7-0051, for Department criminal investigations; or a General Investigation Report, Form SP 7-0025, for Department administrative investigations or outside agency cases.
16. Schedule and perform PSP Cadet applicant polygraph examinations per standardized procedures within the prescribed time period. Complete the Applicant Screening Report and associated reports for all PSP

Cadet applicants and immediately forward the polygraph file to the BCI Polygraph Coordinator.

17. Notify the BCI Polygraph Coordinator immediately upon receiving an applicant polygraph screening assignment on a subject who is a relative, friend, or associate, **or upon receiving a background investigation assignment on an applicant who they previously conducted a polygraph examination.** Department polygraph examiners and alternate polygraph examiners shall not conduct a polygraph examination on any applicant that they know personally or professionally. **Additionally, Department polygraph examiners and alternate polygraph examiners shall not conduct a background investigation on any applicant who they previously conducted a polygraph examination.**
18. **Semiannually record a chart demonstrating correct functioning of the assigned polygraph instrument. Maintain the chart for a period of one year.**
19. Pursue memberships with the American Polygraph Association, the American Association of Police Polygraphists, and the Pennsylvania Polygraph Examiners' Association.
20. Complete and electronically transmit the monthly Polygraph Activity Report to the BCI Polygraph Coordinator no later than the 5<sup>th</sup> **day** of the following month.
21. **Comply with the provisions of Section 21.10 of this regulation pertaining to submission of polygraph examinations for review during the QC process.**
22. Attend Polygraph Unit regional meetings in order to receive updated information concerning the administration of polygraph examinations.

F. Alternate Polygraph Examiners:

1. Strive to conduct at least four polygraph tests a month in order to maintain his/her proficiency. The position of alternate polygraph examiner is a part-time specialized position. The Director, BCI shall notify Troop

Commanders whenever any alternate polygraph examiner fails to meet the requirements of this section.

2. Conduct examinations whenever the Troop polygraph examiner is not available.
3. Perform the same duties and tasks listed in this regulation as polygraph examiners **perform**.

G. Investigators:

1. Conduct a thorough investigation, including a personal interview of the subject, prior to the date of the polygraph examination.
2. Prior to the examination, brief the polygraph examiner of all relevant facts concerning the investigation.
3. Provide a written copy of the investigative report to the polygraph examiner at least one week prior to the scheduled polygraph examination.
4. Be present at the polygraph examinations to answer questions, assist in post-test interviews, and take necessary statements.
5. Immediately notify polygraph examiners to cancel prescheduled tests if subjects are unable to appear or become unfit to take the polygraph examination.
6. Avoid conducting lengthy interrogations on the subjects immediately prior to polygraph examinations.
7. Consult with prosecuting district attorneys and Troop Criminal Investigation Section Commanders prior to requesting any post-arrest polygraph examinations.

21.06 PROCEDURES

- A. Investigations: The polygraph shall be requested only in criminal or traffic investigations, unless otherwise directed by the Commissioner. Polygraph examiners shall endeavor to have a second polygraph examiner present during all death investigations and any extraordinary investigation as determined by the Criminal Investigation Section Commander.

Polygraph examiners have the option to audio/video (A/V) record polygraph examinations.

B. Administrative Investigations: Only polygraph examiners selected by BCI shall administer polygraph examinations conducted on Department personnel in conjunction with an administrative or criminal investigation.

1. Two polygraph examiners shall be assigned to conduct examinations of Department personnel. Polygraph examiners from outside the Troop or chain of command shall be utilized.
2. Polygraph examiners shall not conduct Troop administrative investigations, unless directed by the Troop Commander.
3. Members requiring the aid of a polygraph examination in any investigation in which members are the focus shall contact the Director, Internal Affairs Division, Bureau of Integrity and Professional Standards (BIPS), through channels.
4. Members requiring the aid of a polygraph examination in any investigation in which an employee is the focus shall contact the Director, HR, through channels.
5. The Director, Internal Affairs Division, BIPS, shall coordinate the selection and assignment of the polygraph examiner with the BCI Polygraph Coordinator and the affected Criminal Investigation Section Commander.

C. External Investigations:

1. Requests for polygraph examinations by other law enforcement agencies in routine criminal and traffic investigations shall be honored, subject to Department investigations requiring examinations.
2. Requests for polygraph examinations by other law enforcement agencies in administrative investigations shall be forwarded, through channels, to the Director, BCI.

3. In compliance with Department regulations and the Employee Polygraph Protection Act of 1988 (EPPA), polygraph examination requests from a private party shall not be honored.
- D. Routine Assignment Outside Troop Area: Routine cases and short-term investigations requiring polygraph examiners to conduct examinations outside their assigned Troop, either unaccompanied or in collaboration with another examiner, shall be coordinated by the affected Criminal Investigation Section Commander.
- E. Extended Assignments Outside Troop Area:
1. The Director, Special Investigations Division, BCI, shall coordinate the assignment of suitable examiners and implement the strategy in cases requiring polygraph examiners to conduct extensive examinations outside their assigned Troop area. The respective Criminal Investigation Section Commander(s) shall be notified and consulted prior to the actual assignment.
  2. The Deputy Commissioner of Operations shall make the determination, in consultation with the Director, BCI and the affected Area Commander(s), when a significant number of examiners will be required for a particular assignment or if an examiner(s) will be needed for a prolonged period of time.
  3. Out-of-state investigations: BCI shall be contacted for guidance in investigations in which examiners will be traveling outside the Commonwealth for the purpose of conducting polygraph examinations.
- F. **Testing Formats/Procedures:**
1. **To maintain consistency and standards, all polygraph examinations shall be conducted in accordance with the PLEA Polygraph Guide for Standards and Practices.**
  2. **Approved polygraph testing formats are the Known Solution Acquaintance Test, Zone Comparison Test, You-Phase Zone Comparison Test, Air Force Modified General Questions Test (Version 1 and Version 2), Law Enforcement Pre-Employment Test,**

**Peak of Tension Test, and Concealed Information Test (Recognition Test).**

- 3. Standards for test question construction, test data analysis, testing formats, countermeasure/purposeful non-cooperation procedures (criminal specific-issue testing), pretest interviews, and in-phase testing are contained in the PLEA Polygraph Guide for Standards and Practices. These standards shall be followed unless otherwise specifically directed in this regulation. The specific standards contained in the PLEA Polygraph Guide for Standards and Practices shall not be made available to members per capita, and will only be provided to members who are actively involved in the Department's polygraph program.**
- 4. No more than four series should be conducted on an examinee during a single day of testing. Polygraph examiners should not conduct more than three examinations in one day, unless exigent circumstances exist as determined by the Criminal Investigation Section Commander.**

21.07

**REPORTING POLYGRAPH ACTIVITIES AND RESULTS**

- A. In compliance with Department regulations and the EPPA, the results from a polygraph examination shall be considered confidential and shall not be discussed with an employer, its agents, or any unauthorized person.
- B. Polygraph Activity Report:
  1. Polygraph Unit members shall complete the Polygraph Activity Report each month and electronically transmit the report to their Criminal Investigation Section Commander and the BCI Polygraph Coordinator no later than the 5<sup>th</sup> day of the following month.
  2. Criminal Investigation Section Commanders shall review the Polygraph Activity Report and retain the report at Troop Headquarters for a period of three years.

3. For reporting purposes, a polygraph examination is considered to have taken place upon initiation of the pretest phase.
- C. Report and A/V Retention (Non Pre-Employment Testing): All polygraph-related and/or -generated reports shall remain the property of the PSP and be securely retained at the examiner's assigned Station. If the polygraph examination is A/V recorded, the original copy (CD/DVD) shall be provided to the investigating officer and shall be handled as evidence in accordance with AR 3-3, Storage and Security of Property. A copy shall be retained at the polygraph examiner's assigned Station. The retention guidelines for the reports and A/V recordings are:
1. In cleared cases, the reports and A/V recordings shall not be disposed of until the appeal periods of all known accused have expired, or upon prior approval from the attorney for the Commonwealth.
  2. In exceptionally cleared cases, the reports and A/V recordings shall be retained until the statute of limitations has expired, unless prior approval has been received from the attorney for the Commonwealth.
  3. In uncleared cases, the reports and A/V recordings shall be retained until the appropriate statute of limitations has expired. Homicide and missing person investigations shall be deemed to have no statute of limitations. Troop Commanders and Bureau/Office Directors may make exceptions to this policy.
  4. The original polygraph files/reports (to include a copy of the CD/DVD if the polygraph examination was recorded) associated with death investigations, missing person investigations, or other serious violent felonies shall be forwarded as soon as practicable to BCI. The polygraph files/reports shall be retained until the appropriate statute of limitations has expired.
- D. Field Reporting:
1. Polygraph examinations conducted as supplemental Department investigations shall be documented on the Continuation Sheet/Supplemental Investigation Report. The supplemental report shall carry the incident number

associated with the original criminal investigation. In addition, polygraph examiners shall ensure an Incident Memo is generated with the classification code "Polygraph—PSP." The incident number assigned to the supplemental criminal investigation shall be recorded in the Remarks Block of the Incident Memo, which shall be self-canceling.

2. Polygraph examinations conducted on Department applicants shall be documented on the Applicant Polygraph Screening Report. In addition, polygraph examiners shall ensure an Incident Memo is generated with the classification code "Polygraph—PSP Applicant." The full name of the applicant shall be recorded in the Remarks Block of the Incident Memo, which shall be self-canceling.
3. Polygraph examinations conducted for another agency shall be documented on the General Investigation Report. Polygraph examiners shall ensure an Incident Memo is generated with the classification code "Polygraph—Other Agency." The other agency's incident number shall be recorded in the Remarks Block of the Incident Memo, which will not be self-canceling.

## 21.08 TRAINING

### A. Selection:

1. Upon notification of a vacancy occurring in the Polygraph Unit in a Troop, the Director, BCI shall forward correspondence, through the Deputy Commissioner of Operations, to the Troop Commander, directing the posting for the position.
2. The correspondence shall contain the duties; responsibilities; desired traits; qualifications; eligibility requirements to utilize in selecting a perspective member; and particulars concerning the training, school, and upcoming classes.
3. Troop Commanders shall submit the names of selected polygraph examiners, through channels, to the Director, BCI. The Special Investigations Division shall complete all arrangements and necessary paperwork.

- B. Familiarization Training: Upon completion of initial training, newly graduated polygraph examiners shall be assigned to work with two different experienced polygraph examiners for a minimum of **15** examinations each. **Thereafter, newly graduated polygraph examiners shall undergo a familiarization training period of at least six months, but not exceeding 18 months.** BCI shall coordinate these assignments through the **appropriate** Criminal Investigation Section Commander. **Upon conclusion of the familiarization training, the BCI Polygraph Coordinator shall forward a recommendation to the Director, BCI regarding certification of the member as a Department polygraph examiner.**
- C. Continuing Education: Training shall include Department polygraph examiner seminars to be conducted semiannually. Individual polygraph examiners shall also be selected to attend outside polygraph-related seminars (**e.g., countermeasure training, interview and/or interrogation training**) to ensure they remain proficient, skilled, and updated in the latest methods and techniques. The Director, Special Investigations Division shall ensure a progressive and systematic procedure is in place to provide polygraph examiners with the most up-to-date and worthwhile training available. **Consistent with budgetary limitations, each polygraph examiner will be provided at least 30 hours of polygraph-related training every two calendar years. The BCI Polygraph Coordinator shall maintain continuing education records for polygraph examiners, covering at least a five-year period.**

21.09

#### **POLYGRAPH INSTRUMENTS**

- A. Selection: The Director, BCI shall determine the type and model of the **polygraph** instrument purchased and utilized.
- B. Procurement: The interval and number of **polygraph** instruments purchased, including the actual procurement mechanism, shall be determined and administered by the Director, BCI.
- C. Maintenance: Polygraph examiners shall be responsible for conducting routine maintenance on their assigned **polygraph** instrument in accordance with the manufacturer's recommendations. If the instrument requires repair beyond the

proficiency of the examiner, the Director, BCI shall be notified. **Polygraph examiners shall semiannually record a chart demonstrating correct functioning of the instrument and maintain the chart for one year.**

- D. Accountability: For inventory control purposes, all polygraph instruments shall be issued to BCI. The Director, BCI shall determine which instruments are assigned to individual examiners. BCI shall be responsible for conducting the annual inventory of polygraph instruments for accountability purposes.

## 21.10 QUALITY CONTROL

- A. Policy: **QC** is the systematic, **independent** review of **an** entire polygraph examination, **without undue influence of the original examiner or other sources**. This process ensures examinations are conducted in compliance with Department regulations, standard polygraph examination procedures, and the guidelines established by the American Polygraph Association, the American Association of Police Polygraphists, and the **PLEA guidelines/standards**.
- B. Methodology:
1. **Polygraph results are not considered final until the examination has been subjected to the Department's QC procedures. Agency final opinion for each examination must be consistent with the QC opinion. The BCI Polygraph Coordinator shall serve as the Chief QC Officer and have authority to direct polygraph examiners to conduct additional testing, if possible.**
  2. **The BCI Polygraph Coordinator shall designate senior polygraph examiners to serve as first-line QC examiners for the Department based on experience, proficiency, training, and rank. The senior examiners selected shall be responsible for reviewing all polygraph examination questions/charts conducted by examiners specifically listed for their review. All criminal polygraph examinations are required to be reviewed by first-line QC examiners.**

3. **Polygraph** tests associated with homicide, death, missing person, or administrative investigations, along with all victim polygraph examinations, shall be immediately forwarded for review to **the appropriate first-line QC examiner. A second QC review is also required for these tests, and after the first-line QC review is completed, the polygraph file shall be forwarded to the BCI Polygraph Coordinator for a second review. A second QC review is also required for any other polygraph examination where the opinion of the polygraph examiner is substantially different than the first-line QC opinion.**
4. All Polygraph Activity Reports shall be reviewed by the **Chief QC** Officer to evaluate trends in deceptive and nondeceptive determinations, and in admissions and confessions obtained by examiners.
5. The **Chief QC** Officer shall systematically observe actual testing by polygraph examiners.
6. Within one year of a new polygraph examiner graduating from the initial polygraph examiner training, the **Chief QC** Officer shall review their work.
7. A complete **QC** review shall be conducted on the work of each polygraph examiner a minimum of once every three years.

#### 21.11 PRE-EMPLOYMENT TESTING

- A. Policy: Pre-employment polygraph examinations shall be conducted as directed by the Director, HR and the Director, BCI. Candidates for pre-employment polygraph examinations shall, at the time of their application, be provided with a list of areas from which polygraph questions will be drawn. A deceptive finding on the pre-employment polygraph examination shall not be utilized as the single determinant of employment status.
- B. Procedure: During the processing of applicants, HR shall furnish each applicant with a polygraph screening booklet for completion. All completed booklets shall be reviewed by a polygraph examiner and by HR for automatic disqualifiers. The

completed booklets will then be forwarded to BCI for distribution.

1. BCI shall distribute the booklets in an effort to equalize the work between all of the polygraph examiners and alternate polygraph examiners and ensure prompt scheduling of screening examinations.
  2. Polygraph examiners and alternate polygraph examiners shall schedule and conduct the applicant polygraph screening examinations assigned per standardized procedures. All pre-employment polygraph examinations shall be A/V recorded, including the pretest interview, in-phase testing, and posttest interview. Examiners shall utilize standardized forms, reports: Polygraph Consent—Release, Form SP 5-220 (Appendage B); Polygraph **Examination Summary Report** (Appendage C); Cadet Applicant/Liquor Enforcement Officer Score Sheet (Appendage D); Application/Polygraph Addendum (Appendage E); and Withdrawal Form (Appendage F). Examiners shall then return the polygraph screening booklet, polygraph charts, CD/DVD containing the A/V recording, and associated reports to the BCI Polygraph Coordinator.
  3. The BCI Polygraph Coordinator, **or designee(s)**, shall review the submitted polygraph charts and reports relating to the applicant polygraph screening examination for **QC** purposes. Upon completion of this review, all documents and A/V recordings associated with the polygraph examination shall be returned to HR for retention.
  4. **All pre-employment polygraph testing shall be conducted in accordance with PLEA guidelines/standards, as well as the current pre-employment polygraph testing protocol established by BCI. The pre-employment polygraph testing protocol will not be made available to members on a per capita basis, and shall be provided only to those who are involved in the pre-employment polygraph testing process.**
- C. **QC:** All pre-employment polygraph examinations shall be conducted in a standard format with standard questions. The

standard to be utilized shall be determined by **BCI**, in consultation with **HR**.

## 21.12 VICTIM POLYGRAPH EXAMINATIONS

- A. The Law Enforcement Policy for conducting polygraph examinations on crime victims was established by the PSP, the Pennsylvania District Attorneys Association, the Attorney General's Office, and the Pennsylvania Chiefs of Police Association on October 3, 2000.
- B. The policy states that the law enforcement community recognizes all victims of crime must be treated with dignity and respect; the use of the polygraph instrument on a victim of crime can cause the victim additional stress and a fear of being disbelieved; and the polygraph instrument serves as a valuable tool in criminal investigations. Additionally, this policy indicates:
  - 1. Whenever possible, investigators and prosecutors investigating a crime should conduct all other investigative steps before asking a victim to submit to a polygraph examination.
  - 2. No law enforcement agency shall require a victim of a crime to submit to a polygraph examination as a sole condition for proceeding with any criminal investigation or prosecution.
  - 3. Submission to a polygraph examination shall be voluntary on the part of the victim, and a victim shall be advised they have no obligation to submit to an examination.
  - 4. No investigation or prosecution shall be terminated on the sole basis that the victim in the case refused a polygraph examination.

## 21.13 VIEW QUESTIONNAIRE

- A. Background: Verbal Inquiry—The View Questionnaire was developed by the Laboratory for Scientific Interrogation to facilitate Scientific Content Analysis (SCAN), a form of statement analysis. The Department recognizes the need to allow properly trained personnel the use of these and similar

interview/interrogation techniques in the performance of their duties.

- B. Qualifier: This policy affects the use of the View Questionnaire only with crime victims. No attempt is made to regulate the use of the SCAN technique or any other form of statement analysis. This policy does not affect the use of the View Questionnaire with a witness, suspect, or accused.
- C. General: Department personnel when using the View Questionnaire with crime victims shall adhere to the following guidelines:
  - 1. The View Questionnaire shall be utilized with a crime victim only after the investigator has reason to question the veracity of the victim.
  - 2. When utilized with a crime victim, the View Questionnaire shall be issued in person.
  - 3. The View Questionnaire shall be issued and analyzed only by those investigators trained in its use or with the aid of a trained investigator.
  - 4. Prior to utilization of the View Questionnaire with a crime victim, investigators shall consult with their Criminal Investigation Unit Supervisor or Criminal Investigation Section Commander. This consultation is to determine the need to use the View Questionnaire and to ensure the requirements of this policy are met.
  - 5. Investigators, Criminal Investigation Unit Supervisors, and Criminal Investigation Section Commanders shall ensure the View Questionnaire is utilized as required by the Crime Victims Act, treating the victim of a crime with dignity, respect, courtesy, and sensitivity.
  - 6. Investigators should not allow the View Questionnaire or any other single investigative tool to serve as a substitute for a complete investigation.