

## PRE-EMPLOYMENT POLYGRAPH EXAMINATIONS

### STATE POLICE CADET/LEO APPLICANTS

1. Polygraph Examiners shall not administer a pre-employment polygraph examination on an applicant known personally or professionally.
2. If an applicant wishes to voluntarily withdraw from the process, the applicant shall be provided a Withdrawal Form, only after consultation with Julie Farling, Bureau of Human Resources, or the Polygraph Coordinator, Sergeant Gregg P. Mrochko.
3. If a second issue-specific test is warranted as a result of unresolved issues (significant responses/reactions on the first polygraph examination) the Polygraph Examiner shall notify the Bureau of Human Resources and Polygraph Coordinator (e-mail), when feasible. For example, if the polygraph examination is being conducted after normal business hours, or if there is a need to immediately conduct the second test in order to gain admissions (based on the expertise of the Examiner), contact shall be made with the Bureau of Human Resources/Polygraph Coordinator after the fact in order to provide the information on the second issue-specific test..
4. Polygraph Examiners shall not inform the applicant that they either passed or failed the examination. The Polygraph Review Panel shall make the determination to either pass or fail the applicant based on whether automatic disqualification factors are present.
5. If a Polygraph Examiner believes that a post-test interview(s) of an applicant is warranted based on their expertise, and in the interest of law enforcement, such an interview is permitted.
6. Polygraph Examiners shall enter a recommendation on the Polygraph Report, Recommendation Section, regarding the suitability or non-suitability of the applicant for employment.
7. As currently applies, the Department's Polygraph Coordinator, or his designee, shall be present during the Polygraph Review Panel's review of all applicant Polygraph files.
8. The Polygraph Coordinator, or his designee, will address Purposeful Non-Cooperation (PNC) with applicants during PRT testing and the results of any PNC during their actual polygraph test. The Polygraph Screening Booklet will also contain language regarding PNC. An applicant polygraph advisory will also

be included in the applicant package used by polygraph examiners warning the applicants of potential disqualification if any PNC is viewed.

9. Polygraph examiners should, in a non-accusatory manner, elicit information from the examinee during the pre test interview regarding the examinee's knowledge of the polygraph process. To avoid suggesting PNC options to an examinee, it is not appropriate for an examiner to routinely discuss specific PNC practices during the pre test interview. A brief introduction of the Movement Sensor Device (MSD) shall be introduced to the examinee during the polygraph process.

10. When PNC is suspected, polygraph testing should routinely continue until the testing protocol has been completed (collection of three charts) if possible. Completion of the test series may allow for sufficient physiological data to identify patterns necessary to establish or refute the employment of PNC tactics. The examiner is not required to give the examinee any warnings about their suspected PNC tactics during the in-phase testing. Doing so may cause the examinee to cease their deliberate attempts to affect the outcome of the polygraph examination, therefore, inhibiting the collection of evidence on the polygraph charts. Should the examiner suspect PNC based on data collected, the examiner will make every attempt to gain an admission of PNC.

11. Opinions regarding Purposeful-Non Cooperation

(a) A significant response or deception indicated decision shall only be made in the presence of PNC when there are sufficient uncontaminated data to support such a decision.

(b) A no significant response or no deception indicated decision shall not be made in a test series in the presence of PNC

(c) A no opinion decision may be appropriate when data is contaminated by PNC. The continued lack of cooperation by an examinee employing PNC tactics may be reported in an opinion such as "Purposeful Non Cooperation (PNC)."

12. Should an examiner determine that the examinee is employing PNC tactics, the examiner will indicate such an opinion in the appropriate report. All specific details relating to PNC shall be fully documented in the report. The report and polygraph file will be forwarded to the Polygraph Unit Coordinator for his review. If the Polygraph Unit Coordinator/designee concurs with the opinion of the examiner, the Bureau of Human Resources will administratively discharge the applicant for Purposeful Non-Cooperation. Should the Polygraph Coordinator/designee non-concur, the polygraph charts shall be reviewed by a third polygraph examiner within the unit. The following actions will then take place depending on the third polygraph examiner's opinion:

- (a) Concur with original PNC opinion – Applicant will be Administratively Discharged by Human Resources.
- (b) Non-concur with original PNC opinion- Applicant's file will be processed as normal, and will go before a Polygraph Review Panel for action/review.

Other PNC circumstances – Should the Polygraph Coordinator/designee view PNC in an applicant's polygraph charts during a Quality Control Review (absent a PNC opinion from the original examiner) those charts will also be reviewed by a third examiner for their opinion, and the results will follow the same protocol listed above.

13. Should the examinee make any admissions to the Polygraph Examiner regarding the employment of PNC tactics, the applicant will be administratively discharged by the Bureau of Human Resources for Purposeful Non-Cooperation.

14. Extenuating Circumstances: If the Polygraph Examiner/Polygraph Coordinator believes there may be other non-intentional factors that affected the polygraph tracings during the examination (i.e. illness, injury, etc.), the examiner may reschedule the examinee for testing on a different date/time. The examiner may also advise the applicant of their non-intentional behavior during the polygraph process to assist in collecting suitable data to be analyzed.

This protocol does not preclude the Polygraph Coordinator from sending the applicant's file to another polygraph examiner for further testing if the Polygraph Coordinator deems it appropriate in the interest of the department's applicant polygraph process. Should an applicant's file be sent for further testing, and the applicant fails to provide "readable" charts after the second polygraph examination, the applicant shall be administratively discharged by the Bureau of Human Resources, unless the Polygraph Coordinator deems further polygraph testing is appropriate because of non-intentional/extenuating circumstances. The Polygraph Coordinator will inform and consult with the Bureau of Human Resources regarding all Administrative Discharge issues that arise during the applicant polygraph process.

15. Audio/Video Recordings: All applicant polygraph examinations shall be recorded using Department issued web cams (both audio and video required). This includes the pre test interview, in phase testing, and any post test interviews conducted. At the conclusion of the polygraph examination, the audio/video shall be downloaded to CD or DVD media and forwarded to the Polygraph Unit Coordinator with the rest of the applicant packet. The Polygraph Unit Coordinator will then provide the CD or DVD media to the Bureau of Human Resources for retention purposes. Should a review of the polygraph examination be required by the Polygraph Unit Coordinator, the media will be obtained from the Bureau of Human Resources for review.

**Note: Polygraph Examination Procedures are in compliance with the Polygraph Law Enforcement Accreditation (PLEA) Standards.**