

	POLICY & PROCEDURE	SERIES # <b>709</b>	PAGE 1 OF 3
	SUBJECT  <b>POLYGRAPH USE</b>		EFFECTIVE DATE <b>02/23/07</b>
			OVERSIGHT Investigations
	DISTRIBUTION <b>ALL MANUALS</b>	AMENDS/SUPERSEDES/CANCELS P&P # 709 dated 5/30/98	

- I. **PURPOSE:** The purpose of this policy is to establish guidelines for the utilization of the polygraph in order to protect both the polygraph examiner and the Division against practices that would be injurious to the Division and cast doubt upon the integrity and reliability of this investigative tool.
  
- II. **POLICY:** It shall be the policy of the Division that polygraph examinations will be conducted in a professional manner, and only within prescribed limits. Polygraph examinations will be administered only by a fully trained polygraph examiner who is licensed in the Commonwealth of Virginia.
  
- III. **PROCEDURE:**
  - A. **POLYGRAPH UTILIZATION:** (Specific Criminal Polygraph Examinations)
    1. The polygraph is an **INVESTIGATIVE TOOL** available to all officers of the Division who are engaged in an investigation. As such, its role should be restricted to assisting in the investigation, and not as a basis for probable cause. Investigating officers requesting a polygraph examination should submit the request in writing on a form provided by the Division.
  
    2. The police division utilizes outside resources for the administration of polygraphs. These resources may be private polygraph companies or other police agencies.
  
    3. Prior to the polygraph examination being **scheduled**, the case must be reviewed by the investigating officer's supervisor for approval after other investigative leads have failed to identify the perpetrator.
  
    4. The polygraph may be used, but not limited to, the following situations:
      - a. Grossly conflicting versions of an incident by witnesses, suspects and victims.
  
      - b. Statements that contradict all or most evidence of clearly established facts.

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APPROVED:  
CHIEF OF POLICE



- c. For the purposes of exculpation at a suspect’s request, after all other means of verification have been used.
  - d. To confirm or refute an allegation which cannot be verified or disproved by other evidence available.
5. Situations in which the use of the polygraph is **not** indicated include, but are not limited to:
- a. The subject declines to voluntarily submit to a polygraph examination.
  - b. Other investigative leads exist which should logically be pursued.
  - c. After the subject has made a confession, unless there are logical reasons to believe the confession is false.
  - d. The prospective examinee is known to be mentally incompetent, has a serious heart or lung problem, persons requiring extended psychiatric care and women who are pregnant. If in doubt about the ability or inability of the person to be tested, consult the polygraph examiner.

**B. INVESTIGATING OFFICERS RESPONSIBILITIES:**

- 1. If a polygraph examination is clearly indicated, first discuss it with your supervisor and ascertain if the subject is willing to submit to the examination.
- 2. Submit a Request for Polygraph Form through the Chain of Command to the appropriate Investigative Services Unit Commander depending on the type of investigation.
- 3. Unless there is an urgent and immediate need for the polygraph examination, always schedule the examination far enough in advance to allow the examiner ample time to review the complete case file.
- 4. Provide the examiner with a copy of the entire case file and all information available to you.

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- 7. Be present at the examination to monitor the procedure.
- 8. If an officer requests a victim of a crime (complaining witness) to submit

to a polygraph examination, such complaining witness will be advised in writing prior to such examination that: the polygraph examination is voluntary and not admissible as evidence and that the victim's refusal to submit to a polygraph will not be the sole basis for the failure to initiate or continue an investigation into the alleged crime.

C. POLYGRAPH EXAMINER'S RESPONSIBILITIES:

1. The polygraph is a scientific diagnostic instrument used for monitoring and recording a person's reaction to questioning. The Polygraph Examiner shall ensure that the polygraph instrument is properly calibrated and in good repair.
2. Polygraph Examiners shall ensure that all polygraph examinations are conducted in compliance with any and all laws of the United States, Commonwealth of Virginia and within regulations of the Department of Professional and Occupational Regulation and the Hampton Police Division.
3. The Polygraph Examiner will provide the investigating officer with a report for all criminal polygraph examinations. This report will be reviewed by the investigating officer and forwarded along with the case file to the Commonwealth Attorney's Office for prosecution.
4. If a defense attorney makes a request to the investigating officer that his client be examined by a Polygraph Examiner, the attorney will be referred to the Commonwealth's Attorney. If the polygraph examination is specifically authorized by the Hampton Commonwealth's Attorney, a written stipulation agreement will be generated. This agreement must be signed by the Commonwealth's Attorney, the defense attorney and the client. The stipulation will state that the results of the examination may be admitted into evidence without objection regardless of the outcome.
  - a. No polygraph examination will be conducted on a person that has already been charged in the case without being specifically authorized by the Commonwealth's Attorney.
  - b. No polygraph examination will be conducted on any person that has already been tried and convicted in the case without authorization from the Chief of Police.
5. "Specific criminal" polygraph examinations which are requested by an officer, during a criminal investigation, will be given priority.

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## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
2	INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	1

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	2(1)