

Department of the Interior

Law Enforcement Policy

Effective Date: 10/03/2017

Series: Law Enforcement and Security

Chapter 21: Use of the Polygraph and Polygraph Examinations

Originating Office: Office of Law Enforcement and Security

21.1 Policy. It is the policy of the Department of the Interior that polygraph examinations may only be used in criminal investigations. No other use of the polygraph is authorized within the Department of the Interior. During criminal investigations, polygraphs may be used for the following purposes:

- A. To aid in determining whether a person has pertinent knowledge of a particular matter under investigation or inquiry.
- B. To aid in determining the truthfulness of statements made or information furnished by a subject, victim, witness, informant, and/or an individual making allegations.
- C. To obtain information leading to the location of evidence, individuals or sites of offenses.

21.2 Use of the Polygraph.

- A. The polygraph examination has been used by federal law enforcement agencies as an investigative tool and may be valuable when the examination is performed by a competent and ethical examiner. Statements, admissions and confessions obtained from the examinee during a polygraph examination are admissible in court. Findings and conclusions resulting from interpretations of polygraph charts are generally not admissible in court.
- B. Consistent with the current policy of the Federal Bureau of Investigation (FBI) and the United States Secret Service (USSS), the use of voice-stress devices to determine the truthful or deceptive nature of a person's oral statements is prohibited.
- C. Polygraph examinations are to be conducted only by federally-certified polygraph examiners employed by a federal law enforcement agency. The Department of the Interior has agreements with the FBI and the USSS for polygraph examination services. (See Attachment 1, the fax sheet used to contact the FBI. Contact your local office of the USSS for polygraph services.)
- D. The polygraph is to be used selectively as an investigative aid and results considered within the context of a complete investigation. Polygraph results are not to be relied upon to the exclusion of other evidence or knowledge obtained during the course of a complete investigation. Use of the polygraph for dragnet-type screening of large numbers of suspects or as a substitute

for logical investigation by conventional means is prohibited.

E. The decision whether or not to use a polygraph examination must be made with the awareness that it might impact on other prosecutive actions. The United States Attorney or his or her designee should be consulted prior to the administration of a polygraph examination in any matter which there has been previous contact with a United States Attorney's office or where potential criminal charges are contemplated.

F. Polygraph examinations will be administered only to individuals who agree or volunteer to take an examination. Information concerning a person's refusal to take a polygraph examination shall appear only in the unproductive section of the prosecutive report or in the administrative section of other reports.

G. No polygraph examination will be given unless the person to be examined has voluntarily consented in writing after being fully informed of:

- (a) His or her privilege against self-incrimination,
- (b) His or her right to consult a lawyer prior to the examination,
- (c) His or her right to refuse to submit to the examination, and
- (d) The characteristics and nature of the polygraph machine and examination including an explanation of the physical operations of the machine, the procedures to be followed during the examination, and the disposition of information developed from an examination.
- (e) In the case of an employee of the Federal Government, an affirmation that a refusal to consent to a polygraph examination will not lead to any adverse action against them and will not be made part of their personnel file.

H. The following areas are not to be probed unless directly relevant to the investigation or inquiry.

- (a) Religious beliefs or affiliations.
- (b) Beliefs and opinions regarding social matters.
- (c) Information concerning sexual opinion or practices.
- (d) Political beliefs and organizational affiliations of a nonsubversive nature.

I. Polygraph examinations may only be conducted when the FBI or USSS examiner, in his/her professional judgment, believes the results will be accurate. All reasonable efforts must be made to ensure accuracy of the results.

21.3 Authorization/Approval for Conducting Polygraph Examinations. The following guidelines govern the authorization for conducting polygraph examinations:

A. Before asking the FBI or USSS examiner to conduct a polygraph examination, Interior Law Enforcement Officers shall first obtain the written approval from their supervisor after showing that the investigation has been as thorough as circumstances permit, the proposed examinee has been interviewed and, consistent with the circumstances of the case, the development of additional information by means of a polygraph examination is essential and timely for further conduct of the investigation or inquiry.

B. If approval is given, the Interior Law Enforcement Officer shall consult with the FBI or USSS examiner who will conduct the polygraph examination. The Interior Law Enforcement Officer should bring to the attention of the examiner any previously determined illness or psychiatric condition, current illness or physical condition of the examinee which could preclude the conduct of a meaningful polygraph examination.

C. If the FBI or USSS examiner agrees to conduct the polygraph examination, the examiner's agency guidelines governing the polygraph examination operation shall apply.

D. The Interior Law Enforcement Officer who is thoroughly familiar with the investigation should be available to assist the polygraph examiner as required during the test. This investigator should also be available to take any statement or confession which the examinee may elect to give after the examination is concluded.

E. After the polygraph examination has been conducted, the FBI or USSS examiner will provide the Interior Law Enforcement Officer with a copy of the polygraph examination work sheet and results, consent or agreement form signed by the examinee, interrogation or advice of rights form signed by the examinee, and any statements or admissions made by the examinee.

F. The information and forms regarding the polygraph examination and results are to be included in the Interior Law Enforcement Officer's investigative report in the same manner as any other investigative matter.

21.4 Law Enforcement Administrators' Responsibility. Interior Law Enforcement Administrators may supplement this chapter with policy statements or guidance consistent with this policy or issue guidelines governing the polygraph examination operation. It is the responsibility of the Interior Law Enforcement Administrators or their designees to review policy statements, guidance, or guidelines in a timely and comprehensive manner. Any supplemental policy, guidance, or guidelines must be first reviewed and approved by the Office of Managing Risk and Public Safety and the Office of the Solicitor.

21.5 Outside Cooperating Law Enforcement Agencies. This policy does not prohibit a cooperating law enforcement agency from conducting polygraph examinations in accord with that agency's policy and procedures if there is a joint criminal investigation being conducted between an Interior bureau and an outside law enforcement agency which is acting as the lead investigative agency.

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FAX

To: FBI - Polygraph Unit Fax: 202-324-2754

From: The Department of the Interior

Bureau: _____

Office: _____

Address: _____

Contact Person: _____

Telephone # _____

Fax _____

Criminal Incident # _____

Subject: Request for polygraph examination.

Examinee's Name: _____

Case background and justification for a polygraph examination: _____

Local Office of the U.S. Attorney advised of this request for examination? ___ Yes ___ No

Local Office of the FBI advised of this investigation and request for exam? ___ Yes ___ No

Signature: _____ Date: _____