



Sheridan Police Department  
Policies and Procedures  
20.8  
Chapter 20 – Investigations  
Section 8 – Polygraph Procedures

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Signature:

The purpose of a psychophysiological detection of deception (PDD, polygraph) examination is to determine whether the examinee is being truthful or deceptive regarding an issue under investigation. Polygraph examinations may be conducted as screening examinations, and may also be conducted as investigative or evidentiary examinations. The polygraph may be used as an investigative tool in the resolution of criminal cases, internal affairs investigations, pre-employment examinations and other matters. The polygraph examination shall be considered as supplemental to, but not a substitute for, other investigative efforts. Examinations shall be conducted for the purpose of determining the veracity of the person tested regarding the issue under investigation and to arrive at the truth concerning the issue.

#### **20.8.1 Polygraph Examiners**

- A. Personnel assigned as polygraph examiners shall:
  - 1. Successfully complete a basic course of polygraph instruction from a recognized American Polygraph Association polygraph school.
  - 2. Maintain and demonstrate proficiency as an examiner.
  - 3. Complete a minimum of twenty (20) hours of additional training in polygraph techniques or related areas during each consecutive twenty-four (24) month period.
- B. Examiners will conduct their official duties in a manner which reflects the highest standards of ethical conduct as a polygraph examiner.

#### **20.8.2 Environment**

- A. Examinations and interviews will be conducted in a professional atmosphere reasonably free of audible and visual distractions.
- B. Certificates and diplomas will not be displayed in a manner where they can be seen by the examinee during the testing phases of the examination.
- C. Examiners will maintain a professional appearance consistent with the standards of the business and professional community in the area and the season of the year.
- D. Uniforms will not be worn nor will emblems of authority (i.e. - badges, weapons, etc.) be displayed.

#### **20.8.3 Procedure**

- A. Scheduling Examinations
  - 1. Examinations will not be scheduled until the investigation has developed adequate, specific information to serve as a basis for the examination and examinations will not be scheduled in lieu of other investigative efforts. The effectiveness of the polygraph

examination, to a large extent, is based upon the thoroughness of the investigation, prior to having the person take the examination. All examinations must be approved by the detective supervisor or police department administration.

2. Appointments will be scheduled with a polygraph examiner. Priorities should be established based upon the seriousness of the crime involved and the most likely suspects should generally be scheduled first.
3. Documentation of the details of the crime, including, but not limited to, the initial reports of the incident, statements of the potential examinee and information supporting and/or contradicting those statements, will be provided to the examiner prior to the examination.
4. Persons will not be scheduled for examination immediately following an extensive accusatory interrogation.
5. Persons will not be scheduled for examination unless they are willing to submit to the examination.
6. Persons will not be scheduled for examination at a time when they:
  - a. Are obviously fatigued or in serious ill health;
  - b. Have serious physical injuries or are in substantial pain;
  - c. Are obviously influenced by alcohol or drugs; or
  - d. Have recently suffered a severe physical or emotional trauma.
7. Persons under the age of eighteen (18) will not be scheduled for examination until formal written and informed consent has been obtained from the individual's parent or legal guardian. If the examinee is under the age of eighteen (18) and does not live with a legal guardian or parent, then no examination will be conducted without first obtaining the advice of the prosecuting attorney's office.

#### **20.8.4 Records and Reports**

- A. The examiner will complete a report or synopsis of the polygraph examination to include an identification of the examinee, background information, relevant questions asked, the examinee's answers, the examiner's opinions concerning the indication of truthfulness or deception and any admissions made by the examinee relevant to the issue during the examination.
- B. Pre-test, test, and post-test activities shall be video and/or audio recorded.
- C. The results of the examination and information obtained from the examinee concerning the issue under investigation will not be released to any person or agency other than those authorized by department policy and law.
- D. Records, documents, and recordings obtained during the course of an examination will be maintained per the Wyoming record retention schedule, but for not less than three (3) years, in a manner which protects their confidentiality.
- E. Examiners will not divulge information gained during polygraph examinations for pre-employment purposes to any party except the hiring authority or his or her designee.
- F. Information gained during the examination of internal related polygraphs will be released only to the officer assigned to conduct the internal investigation, and chief of police, unless otherwise directed by the chief of police.

#### **20.8.5 Pre-Employment Polygraph Examinations**

- A. Decision-support and incremental validity

1. Psychophysiological detection of deception (PDD), or polygraph testing, may be regarded as a decision-support tool intended to add incremental validity to risk-assessment and risk-management efforts surrounding the evaluation and selection of law-enforcement and other public-service applicants.
2. Polygraph testing, and polygraph test results, should not supplant or replace the use of professional expertise and judgment provided by other relevant fields of practice. Polygraph testing should be integrated into a comprehensive selection process that includes background investigations, credit checks, national agency record checks, personal interviews and other methods used to assess the suitability of a candidate.
3. Polygraph test results, absent other supporting information, should not be used as the sole basis for the selection or rejection of a law-enforcement or public-service applicant.
4. Operational objectives of pre-employment testing include:
  - a. Increased disclosure of additional information that will be of interest to risk adjudicators and hiring professionals in the law enforcement and public service selection process.
  - b. Deterrence of unsuitable applicants from joining and/or remaining in the applicant pool, by increasing the likelihood that past transgressions and activities will become known to authorities.
  - c. Detection of applicants who attempt to withhold information that would be of interest to risk adjudicators and hiring authorities in the law enforcement selection process.

B. Screening tests

1. Pre-employment tests are screening tests. Screening tests are conducted in the absence of a known incident or allegations. This is in contrast to criminal investigative polygraph, or diagnostic examinations that focus on a suspect's involvement in a single known event or known allegation that is the subject of an investigation.
2. Screening exams may at times be narrowed to a single issue of concern, in the absence of a known incident or known allegation. However, most screening exams include multiple issues of concern (mixed issues), in which it is conceivable that a person could be involved in one (1) or more issues while remaining un-involved in other issues of concern.

C. Compliance

1. Examiners shall adhere to all requirements of the law, to include the Employee Polygraph Protection Act (EPPA), Equal Employment Opportunity Commission (EEOC), Americans with Disabilities Act (ADA), and other applicable bodies of law. Although polygraph examinations are used in both the pre-conditional and post-conditional offer stages in law enforcement hiring, the Americans with Disabilities Act (ADA) limits the scope of pre-offer medical inquiry.
2. Except as provided by law, polygraph test information and results should be kept confidential within the screening process; to be used exclusively to assist in applicant selection. Absent a legal obligation and waiver to report polygraph examination information, it should be treated with the utmost respect in regard to confidentiality.

D. Relevant Issue Selection

1. Investigation issues for law-enforcement and public-service pre-employment screening polygraphs should be selected from the agency hiring policies, and should reflect actuarial indicators of training and job performance whenever possible.

2. Polygraph investigation issues should be limited to the smallest number possible and restricted to areas that:
    - a. Are based on agency hiring policies, or are actuarially relevant to success in law-enforcement or public-service training and job performance;
    - b. Describe past behaviors (not thoughts, inclinations, intentions or states of mind);
    - c. Are sufficiently recent to assure accurate recollection by the applicant;
    - d. Are sufficiently precise in definition as to avoid confusion in the mind of the applicant; and
    - e. Are not adequately, or better addressed, by another investigative method already employed as part of the screening process.
  3. General evidence-based predictors of performance may include:
    - a. The applicant's history of involvement in unknown or unreported criminal activities, including contact, income from or involvement with organized crime activities;
    - b. The applicant's history of involvement with illegal drugs, including manufacture, distribution, transportation, profiting from, or use;
    - c. The applicant's history of involvement in sexual contact with minors, including child-pornography use; and
    - d. The applicant's history of involvement in unknown acts of violence, including acts of intolerance towards persons of differing racial or ethnic backgrounds.
- E. Pre-Employment Examination Questionnaire
1. A pre-employment examination questionnaire may be provided to the applicant for completion prior to the testing process. The questionnaire should cover the applicant's entire relevant life activities, including his or her experiences as a law enforcement officer, if applicable.
  2. The examiner should review the applicant's questionnaire with the applicant, following the principles of a structured or semi-structured interview. The goal is to elicit relevant information in a non-threatening manner.
  3. Any admissions by the applicant of activity that falls within the purview of legitimate areas of concern for the hiring agency should be noted and reported to the prospective
- F. Post-Test Review
1. The applicant should be informed of the test results and given an opportunity to provide any additional information or explanation whenever there are Significant Reactions (SR) observed to any of the test questions.
  2. Any admissions by the applicant of activity that falls within the purview of legitimate areas of concern for the hiring agency should be noted and reported to the prospective employer for consideration.
- G. All documentation of the examination shall be retained per the Wyoming records retention schedule (see Wyoming Statutes 9-2-405 through 9-2-413).