

Polygraph Examinations

611.1 POLYGRAPH EXAMINATIONS

The purpose of the Polygraph Section within the St. Mary's County Sheriff's Office is to provide an additional investigative tool for criminal investigations as well as meeting the Maryland Police and Corrections Training Commission standards pertaining to drug usage of deputy sheriff applicants. The St. Mary's County Sheriff's Office also conducts pre-employment polygraphs for crime lab and other forensic positions.

611.2 EXAMINER SELECTION PROCESS

Any sworn deputy sheriff interested in a position as a polygraph examiner must meet the following criteria:

- (a) Must complete the probationary period of a deputy sheriff.
- (b) Must have a minimum of five (5) years of law enforcement officer experience.
- (c) Must have at least two (2) consecutive above average evaluations.
- (d) Must have the recommendation of his/her supervisor.
- (e) Must meet the qualifications for attending an American Polygraph Association Polygraph School.
- (f) An announcement will be made when a position is available. Persons interested will submit a Request for Collateral Duty Blue Team report requesting consideration for the position.
- (g) All requests will be forwarded to the senior polygraph examiner, who will review all applicants and forward a recommendation to the Assistant Sheriff who will make the final decision.

611.3 TRAINING

Once a candidate has been selected, he/she will attend and must successfully complete a polygraph school approved by the American Polygraph Association. Upon graduation from the school, the examiner will begin polygraph examinations under the supervision of a senior agency polygraph examiner.

All polygraph exams completed by the new examiner, for at least a six (6) month period or 30 exams, will be checked by the senior examiner for quality assurance purposes.

All examiners will make every effort to complete 30 hours of continuing education training approved by the American Polygraph Association every two (2) years. All training will be documented using the Blue Team software's applicable training report within ten (10) days of completion.

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611.4 REQUEST FOR EXAMINATIONS

Deputy Sheriffs desirous of scheduling a polygraph examination pertaining to a criminal investigation will contact the polygraph supervisor with a complete copy of the investigative file. Upon review of the file, the supervisor will determine if an exam will be conducted and assign an examiner to handle. Once an examiner is assigned, a date will be decided and provided to the requesting officer. Upon the completion of a criminal polygraph examination, the polygraph examiner will provide a summary of the report to the case officer.

Upon receipt of the scheduled date from the examiner, the requesting officer will be responsible for notifying the suspect with the date, time and location of the examination. The date and time will be determined by the examiner, not the suspect. If there is a conflict with the date or time given by the examiner, the examiner may change the appointment, if possible. If the suspect has to cancel, the requesting officer will immediately notify the examiner of the cancellation.

Polygraph examinations may be conducted at the request of allied agencies. All requests must be approved by the polygraph supervisor and the same process as previously listed must be followed.

Pre-Employment polygraphs will be requested by the supervisor of the Sheriff's Office Personnel Section or his/her designee through the senior polygraph examiner. Dates, times and examiners will be determined and provided to the requestor. Upon completion of the pre-employment examinations, the results will be reviewed with the polygraph supervisor before discussion with other authorized personnel. Pre-employment examination files will be forwarded to the Commander of the Administrative Division for review and disposition. The Commander of the Administrative Division will provide the Human Resources Manager with the polygraph results, along with any information regarding drug use and serious crimes.

611.5 RESTRICTIONS

It is the policy of the State of Maryland as provided in 42 U.S.C. § 3796gg-8(a), that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth or child victim of an alleged sexual offense as defined under Federal, State, or local law to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of an offense.

It is also the policy as provided in 42 U.S.C. § 3796gg-8(b) that the refusal of a victim to submit to a polygraph or other truth-telling examination shall not prevent the investigation, charging or prosecution of an alleged sexual offense.

This policy shall not be construed to prevent a polygraph examination from being conducted when there is reasonable cause to believe the alleged victim is making a false report of a crime in violation of CR 9-501 of the Annotated Code of Maryland.

No more than two (2) polygraph examinations will be conducted by any examiner on any given day. All polygraph examinations will be stored in a secure location maintained by the St. Mary's County Sheriff's Office.

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611.6 RETENTION PERIODS

- (a) The St. Mary's County Sheriff's Office shall retain applicant polygraph reports and related digital recordings as follows:
 - 1. **Hired Applicants:** Records for applicants who are hired by the St. Mary's County Sheriff's Office are retained **indefinitely**.
 - 2. **Non-Hired Applicants:** Records for applicants who are not hired are retained for a **minimum of ten (10) years**.
 - 3. **Criminal Investigations:** Polygraph reports administered as part of a criminal investigation are retained for **one (1) year after final adjudication** of the case.