

PLANNING AND DEPLOYMENT
TRANSMITTAL OF WRITTEN DIRECTIVE

FOR SIGNATURE OF: James E. Craig, Chief of Police

TYPE OF DIRECTIVE: Manual Directive 203.12

SUBJECT: POLYGRAPH EXAMINATIONS

ORIGINATED OR REQUESTED BY: Planning and Deployment

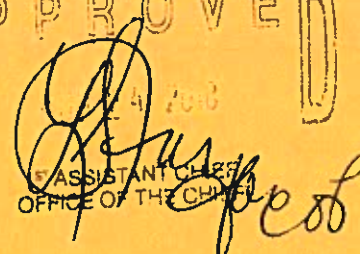
APPROVALS OR COMMENTS:

The above referenced manual directive was reviewed by Major Crimes. Revisions are marked in strikethroughs, bold, and italics.


The recommended changes reflected in this policy are as follows:

1. "Officer" was changed to "member" throughout the directive to eliminate any possible misunderstandings of rank.
2. "Investigator" was changed to "investigating member" for clarity.
3. Verbiage and grammatical changes were made to provide a clear read for all members of this Department.
4. 203.12 – 2.1 – Arranging an Examination (2) – This section was changed because the procedure has been changed to an electronic request.

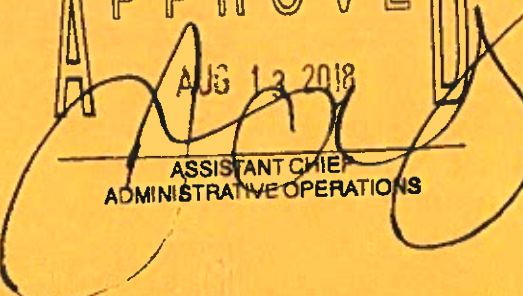
A P P R O V E D
SEP 14 2018
ASSISTANT CHIEF
OFFICE OF THE CHIEF



A P P R O V E D
SEP 18 2018
SECOND DEPUTY CHIEF
POLICE LEGAL ADVISOR



A P P R O V E D
AUG 13 2018
ASSISTANT CHIEF
ADMINISTRATIVE OPERATIONS



**AFTER THE DIRECTIVE IS APPROVED AND SIGNED, PLEASE RETURN TO
PLANNING AND DEPLOYMENT.**

1301 Third Avenue, 7th Floor, Detroit MI 48226

JW 5-245
7/24/18



Series 200 Operations	Effective Date	Review Date <i>Three Years</i>	Directive Number 203.12
Chapter 203 – Criminal Investigations			
Reviewing Office <i>Major Crimes</i>			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <small>Revisions in <i>italics</i></small>
References			

POLYGRAPH EXAMINATIONS

203.12 - 1 POLICY

Members shall strictly adhere to the procedures in this directive in order to maximize the reliability of polygraph examinations.

203.12 - 2 Procedure

1. The polygraph examination involves interrogation of individuals while measuring blood pressure, respiration, pulse rate, and other physiological factors which are not objective evidence of the truth or falsehood and which must be interpreted by the operator.
2. While the results of a polygraph examination are almost never admissible as evidence in court, as an investigative aid the polygraph is extremely valuable. Although polygraph examinations are usually restricted to the investigation of felony cases, exceptions may be made. The polygraph should not be used as a last resort. It is a supplement to, not a substitute for, field investigation. Generally, the results of a polygraph examination will be only as good as the investigation which preceded it.
3. The Detroit Police Department is under no obligation to conduct a polygraph examination for any individual. If an attorney requests, *in writing*, that a polygraph examination be administered to a client, it is within the authority of the investigating *member* and the commanding officer to deny or grant the request, except in the case of a court ordered polygraph examination.

203.12 - 2.1 Arranging an Examination

1. Polygraph examinations are voluntary, and when an *investigating member* believes an examination might be beneficial to a case, the *written* consent of the subject, or the *subject's attorney*, to submit to the examination must be obtained.
2. If the *subject* is willing to take the examination, the *member shall complete a Polygraph Examination Request Form (found on the Department Intranet Forms page) and email the completed form to polygraph_work_request@detroitmi.gov. If an examination must be canceled for any reason, an email should be sent immediately to polygraph_work_request@detroitmi.gov so that the time may be made available to others wishing to schedule an appointment.*
3. In sex crimes cases, members are cautioned that Michigan law prohibits law enforcement officers from requesting or ordering a victim to submit to a polygraph

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examination. A victim may be informed of the option of taking a polygraph examination if the victim inquires concerning such a test.

4. If the subject is a juvenile, approval must be obtained from the juvenile's parents or legal guardian unless the juvenile is a ward of the Probate Court. In all cases involving juveniles who are defendants, consent for a test must be obtained from the Probate Court. The *investigating entity* will handle the court approval procedure and the appointment for the polygraph examination.

203.12 - 2.2 Request by the Judge or Prosecutor

Once a defendant has been arraigned in court, a polygraph examination will be administered only upon request by the judge having jurisdiction in the case, and with the consent of the subject. In some cases, the prosecutor may request a polygraph examination. In such cases, the name of the prosecutor or assistant prosecutor must be noted on all related documents.

203.12 - 3 Responsibilities of the *Investigating Member*

1. Often, the success of any polygraph examination will depend upon the professional capabilities of the *investigating member*. If the case has not been investigated properly, the polygraph examination may not contribute to the successful conclusion of the investigation. The *investigating member* must base the investigation upon evidence secured through skill and technique, rather than any expected self-disclosure induced by the polygraph examination.
2. The *investigating member* must be able to brief the examiner on the minute details of the investigation. General facts, theories, and suspicions are not enough; the examiner must have detailed, verified facts. The *investigating member* should make the record of the person and all statements, documents, and evidence concerning the investigation *available to the examiner*. Some of the information the examiner must have includes the following:
 - a. Specific articles or exact amounts of money stolen;
 - b. Exact time offense occurred;
 - c. Aspects of the offense or any strange or obscene act committed at the scene;
 - d. Known facts about a suspect's actions or movements;
 - e. Facts indicating a connection between suspects, victims, and witnesses, especially when they deny any connection;
 - f. Exact type of weapon; and
 - g. Results of laboratory tests.
3. Whenever possible, the *investigating member* should withhold at least three (3) items of the case information *from the suspect and news reporters* which could be known only to the victim or the offender. Such information might include:
 - a. Type of weapon used;

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- b. Gun caliber;
 - c. Method of entry;
 - d. Exact amount of money stolen; or
 - e. Words the *subject* used at the crime scene.
4. The withheld information will enable the examiner to construct specific tests which may provide an accurate reaction and significant results.
 5. If the subject is a police prisoner, the investigating *member* (officer in charge of the case) is at all times responsible for that prisoner. The *member* who actually worked on the case should present case facts to the polygraph examiner, as they would be more familiar with all details of the case.

203.12 - 4 Conducting the Examination

1. During the examination, the polygraph examiner is the only person allowed in the polygraph room with the subject. The areas to be covered in the polygraph examination, the wording of the test questions, and the conduct of the entire examination are the sole responsibility of the polygraph examiner. Generally, only one (1) crime will be covered during any examination. If more than one (1) crime needs to be covered, the *investigating member* may schedule an additional examination at a later date.
2. If during the examination the subject makes an oral admission or confession, the polygraph examiner shall obtain a written admission or confession after completion of the examination. If an admission or confession is made outside of the polygraph examination, the officer in charge shall follow procedures set forth in regards to admissions and confessions and reduce it to writing. For cases involving capital offenses, the admissions shall be recorded as mandated by state law.

203.12 - 4.1 Physical and Mental Condition of the Subject

1. The physical and mental condition of a subject can and often does affect a polygraph examination. There shall be no interrogation of a subject immediately prior to a polygraph examination. The subject should be in their "normal" state. Persons under a doctor's care for heart disease or nervous disorders may be poor subjects for polygraph examinations. All questions regarding such situations should be directed to the polygraph examiner because the fact that person is suffering from a physical or mental disorder does not automatically disqualify them as a suitable subject. Pregnant women shall not be tested.
2. The polygraph examiner has the sole authority to decide at any time whether or not a particular examination should be started or, if once started, whether it should continue.
3. Persons who have recently suffered an emotional strain such as a homicide in the family or some other traumatic experience may not be suitable subjects for polygraph testing. *Investigating members* should observe the condition of all potential subjects and advise the examiner of any irregularities.

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4. Persons addicted to stimulant or depressant drugs may be tested under certain circumstances. Generally, persons under the influence of alcohol or narcotics at the time of testing will be poor polygraph subjects. Any information relative to the use of drugs by a potential subject should be relayed to the examiner.
5. The *investigating member* should not attempt to explain the examination to the person but should reassure the subject that many people are tested every week and that the polygraph examiner will assist in answering all questions.

203.12 - 4.2 Discussing Results of the Examination

When a test has been conducted, it is the responsibility of the polygraph examiner to apprise the subject of the test results; however, the results shall not be made public, nor given to any complainant.

203.12 - 5 Internal Departmental Investigations

Members who are the subject of an internal Departmental investigation may request, *in writing*, that they be given a polygraph examination. Under no circumstances shall such examination be conducted by a member of the Detroit Police Department.