DEPARTMENT OF CORRECTIONS

Policy Number:	**107.030**
Title:	**Psychophysiological Detection of Deception (Polygraph Exams)**
Effective Date:	**12/31/18**

PURPOSE: To provide standards of practice in the administration of polygraph exams used in sanctioned hearings and treatment of offenders under the jurisdiction of the department.

APPLICABILITY: All agencies or individuals certified and/or funded/partially funded or contracted by the Minnesota Department of Corrections (DOC) to conduct polygraph exams or entities that conduct exams that may be introduced at a department hearing.

DEFINITIONS:

Acquaintance test – a test to assure the subject is physiologically able to respond appropriately to the polygraph exam.

American Polygraph Association (APA) member/associate member – an examiner certified by an APA-approved school and a member/associate member in good standing with the APA.

Instant offense – a test to verify or break an offender's denial of guilt (all or in part) to the offense(s) or any part of the offense for which they have been convicted, which is meant to make treatment more effective.

Instant offense/specific issue – a test used if requested by due process regarding an allegation of a violation of any offender discipline regulations.

Post-conviction sex offender testing (PCSOT) – a specialized polygraph examination to assist offenders involved in sex offender treatment programs within the department with progress in treatment, using methods that detect and address all known risk factors. This testing consists of: disclosure testing – instant offense, disclosure testing – sexual history, maintenance examination, and monitoring examination.

Maintenance examination – a PCSOT exam covers other facility rule violations/probation or supervised release violations or treatment issues. This test monitors a time period after the offender's date of conviction to the present, not to exceed 12 months. The purpose of this test is to assist treatment providers in developing individual treatment goals and to assist in evaluating risk behavior.

Monitoring examination – a PCSOT exam covers any sexual re-offending and other illegal sexual behavior for a designated time after placement on probation and/or supervised release or during treatment.

Sexual History – a test to explore the offender's sexual history as it relates to the offender's life prior to the date of conviction on the instant offense(s). This test explores the offender's sexual history, identifying additional victims, additional illegal sexual acts, and other sexual deviance to determine whether the offender is withholding information about the offender's sexual history.

PROCEDURES:

A. Psychophysiological detection of deception (PDD) examiner qualifications

1. Criminal/administrative examiners
   PDD criminal examiners must:
   a) Be graduates of a polygraph school accredited by the APA; and
   b) Have an intern, associate, or full membership in the APA.

2. PCSOT
   PDD examiners conducting PCSOT testing must:
   a) Be graduates of a polygraph school accredited by the APA;
   b) Have successfully completed 40 hours of specialized post-conviction sex offender training specific to polygraph exams of department supervised sex offenders;
   c) Have an intern, associate, or full membership in the APA; and
   d) Have successfully completed 40 continuing education hours every two years. Sixteen hours must be of specialized sex offender polygraph testing.

B. Environment
All examinations are administered in an environment free from distractions that would interfere with the examinee's ability to adequately focus on the issues being addressed.

C. Scheduling
1. Polygraph examinations are scheduled at least 90 minutes apart.

2. The polygraph examiner must not conduct over four examinations per year on the same client. This does not include a retest due to a lack of resolution during an initial examination.

3. The examiner must not plan to conduct an examination of less than 90 minutes in duration, from the start of the pretest interview through the end of the post-test interview.

4. The examiner must not conduct over three sexual history disclosure examinations in the same day.

D. Examination techniques
1. Only APA-accepted techniques are used during polygraph examinations.

2. Tests must be numerically scored. An acquaintance test chart is conducted. There must not be over four relevant questions per test series.

3. Diagnostic opinions of examination results are based on the appropriate and recognized test data approved by the APA.

E. Instrumentation
1. A computerized polygraph instrument must be used when conducting a polygraph exam for offenders under department supervision. During the tests, the instrument continuously records:
   a) Thoracic and abdominal movement associated with respiratory activity by using two pneumograph components;
   b) Electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue; and
   c) Cardiovascular activity to record changes in the pulse rate and blood pressure.

d) The instrument also includes a separate data channel specifically designed to record covert body movements.

e) Rapidly occurring relative changes in pulse blood volume using a Photoelectric Plethysmograph (PLE/PPG).

2. Instruments must be calibrated annually.

3. Examiners must not use any other device or instrument for testing for the detection of deception.

F. Quality control

Upon the request of the department, polygraph exams must be submitted for review to the department's office of special investigations (OSI) designated PDD quality control staff. The quality control measures must be recognized by the APA or American Society for Testing and Materials (ASTM). Information submitted must include the actual charts, audio/video recording of the entire examination, and all information used and gathered during the polygraph exam.

G. Documentation

1. The PDD examiner must provide the DOC with a copy of a graduation certificate from a polygraph school. The certification is retained in the employee's supervisory file.

2. The PDD examiner must provide the DOC with annual documentation of membership in the APA. The documentation is retained in the employee's supervisory file.

3. The PDD examiner must provide the DOC with annual documentation of membership in related professional organizations.

4. The examiner must provide annual documentation of continuing education credits.

5. All polygraph examinations must be electronically recorded in the entirety unless prohibited by state statute, government regulation, or contractual obligations. Audio/video is required. All polygraph examinations must be stored on an external hard drive and retained according to the OSI records retention schedule.

6. The PDD examiner must maintain polygraph exam results, including charts, questions, and related materials, for four years.

7. Documentation of calibration must be submitted to the department at least annually and upon request by the department.

8. The DOC schedules and inspects instruments annually.

9. All exams in their entirety must be maintained electronically as determined by the OSI deputy director.

10. Exams must be kept in accordance with the OSI records retention schedule.

11. The assistant director of investigations/designee must document the review in the Augmented Criminal Investigation Support System (ACISS).

H. Due process

1. If a due process supervisor requests a polygraph examination on an offender, the due process supervisor must contact the facility special investigator.

2. The special investigator contacts the OSI assistant director of investigations or designee who determines if a polygraph examination is appropriate.

I. Prison Rape Elimination Act (PREA)/Allegations of Sexual Assault
Offenders alleging to be the victim of a sexual assault must not be required to take a polygraph examination as part of or a condition to proceed with the investigation.

J. All entities contracted by the department to provide polygraph exams must have it stipulated in such contracts that the exams must be performed in accordance with this policy.

INTERNAL CONTROLS:

A. Reviews are documented in the ACISS.

B. All polygraph examinations are stored on an external hard drive and retained according to the OSI records retention schedule.

C. Polygraph graduation certification and membership documents are retained in the employee's supervisory file.

ACA STANDARDS: None

REFERENCES: American Polygraph Association Standards
Minn. Stat. §§ 241.31; 241.32; 611A.26

REPLACES: Policy 107.030, "Psychophysiological Detection of Deception (Polygraph Exams)," 5/15/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support