

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject POLYGRAPH PROCEDURES AND RECORDS	Policy Number GH-3 Effective Date 11-05-24
Related Information Arizona Revised Statutes GJ-7, <i>Criminal Investigations: Operations</i> GJ-26, <i>Sheriff's Reserve Deputy Program</i> GJ-27, <i>Sheriff's Posse Program</i>	Supersedes GH-3 (08-04-21)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for the use of polygraph examinations and the retention of associated records.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office to maintain a Polygraph Services Section for the purpose of conducting polygraph examinations for Office background investigations and criminal investigations.

DEFINITIONS

Applicant: A person who has filed an application with Maricopa County Human Resources for employment.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Investigative Lead: An individual believed to have information or facts relevant to the matter under investigation.

Volunteer: A person who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An employee may not volunteer to perform the same, similar, or related duties for the Office that the employee is normally paid to perform.

Witness: An individual who has observed an incident.

PROCEDURES

1. **Polygraph Examiner Certification:** All Office polygraph examiners shall be graduates of an institution recognized by the American Polygraph Association (APA) and certified in accordance with APA guidelines.
2. **Pre-Employment and Pre-Appointment Polygraph Examinations:** The Office Human Resources Bureau Chief may authorize the use of polygraph examinations for pre-employment and pre-appointment background investigations. Pre-employment background investigations are conducted for compensated Office positions. Pre-appointment background investigations are completed for non-compensated Office positions. The Polygraph Services Section Supervisor shall report directly to the Pre-Employment Services Division Commander or designee regarding pre-employment and pre-appointment polygraph results and records.

- A. The Polygraph Services Section shall conduct polygraph examinations of individuals applying to be hired for specified Office positions and maintain a record of the results, as specified in the Pre-Employment Services Division Operations Manual.
 - 1. Applicants will be asked examination questions from subject areas, as approved by the Sheriff or designee.
 - 2. Applicants shall be advised of the examination procedures and their right to refuse the polygraph examination. The applicant shall be required to sign a *Statement of Release and Consent to Polygraph Examination*. Failure to sign shall constitute a refusal to take the polygraph examination and terminate the applicant's hiring process.
- B. A reserve deputy must meet the same pre-employment standards as those required of compensated deputies, as specified in Office Policy GJ-26, *Sheriff's Reserve Deputy Program*.
- C. Posse members who seek intermediate posse status, shall be required to pass a polygraph examination, as specified in Office Policy GJ-27, *Sheriff's Posse Program*.
- 3. **Criminal Investigation Polygraph Examinations Involving Office Employees:** When an employee is requested to take a polygraph examination in a criminal investigation, the employee shall be informed they have the right to accept or refuse the polygraph.
 - A. If an employee consents to a criminal polygraph examination, they shall be allowed to confer with legal counsel of choice, both prior to and following the polygraph examination.
 - B. No legal counsel shall be present during a polygraph examination related to an employee's criminal investigation. Information gathered during the examination may be used to aid in the investigation.
- 4. **Criminal Investigation Polygraph Examinations of Suspects, Witnesses, and Investigative Leads:** During the course of a criminal investigation, it may be determined that a suspect, witness, or investigative lead should be requested to submit to a polygraph examination.
 - A. The case should be reviewed by the criminal investigator and the polygraph examiner to determine the best examination questions for the individual taking the polygraph examination.
 - B. After first ascertaining that the suspect, witness, or investigative lead has consented to a polygraph examination, the assigned criminal investigator shall submit a request for a polygraph examination, through their immediate supervisor.
 - C. The polygraph examination shall be scheduled and conducted in a timely and appropriate manner.
 - D. When applicable, the suspect, witness, or investigative lead to be examined shall be advised of their Miranda rights by the assigned criminal investigator, as specified in Office Policy GJ-7, *Criminal Investigations: Operations*.
 - E. The suspect, witness, or investigative lead shall be advised by the polygraph examiner of their rights concerning polygraph examinations and shall be required to sign a *Statement of Release and Consent to Polygraph Examination* form. Failure to sign shall constitute a refusal to take the polygraph examination.
 - F. When the suspect, witness, or investigative lead is in custody, the criminal investigator will have custodial responsibility and shall be present in the waiting area outside the polygraph suite during the examination.

5. **Polygraph Examinations of Juveniles:** Juveniles, including those who have been remanded to be tried as adults, shall have the written approval of a parent or guardian prior to conducting a polygraph examination. The criminal investigator shall be responsible for obtaining the written approval. If the juvenile has been referred to the custody of the Maricopa County Juvenile Court, a court order shall be obtained prior to the polygraph examination. The suitability of examining a juvenile shall be determined by the polygraph examiner, with the approval of the Polygraph Services Section Supervisor, following a review of the case and an interview of the juvenile.
6. **Administrative Investigations:** Employee polygraph examinations related to administrative investigations are prohibited, as specified in ARS 38-1108.
7. **Conduct During a Polygraph Examination:** Polygraph examiners shall treat individuals with respect and be courteous. Individuals are also required to treat polygraph examiners with respect and be courteous. The polygraph examiner shall notify the Polygraph Services Section Supervisor of any individual becoming rude or abusive for consideration of ceasing the examination.
8. **Rescheduling:** Rescheduling of a polygraph examination will be at the discretion of the Polygraph Services Section Supervisor.
9. **Allegations from Inmates:** In the event an allegation of employee misconduct is made by an inmate, the inmate may be asked to submit to a polygraph examination. The inmate polygraph examination shall **ONLY** be conducted with the approval of the Professional Standards Bureau (PSB) Commander or Executive Chief of Compliance. If the inmate agrees to the examination, the Executive Chief of Compliance or PSB Commander may take steps to ensure the security, validity, and integrity of the examination through cooperative prearrangement with the respective jail facility commander or designee.
10. **Security:** All information surrounding a polygraph examination is highly sensitive and confidential in nature. All polygraph examination records shall be maintained in a secure location.
 - A. Access to these records will be limited and shall remain confidential to the extent permitted by law.
 - B. All data and reports from a polygraph examination of a deputy sheriff or a detention officer are confidential and may only be used for employment, certification, or reactivation of certification purposes, or the administrative matter for which a polygraph was administered, including other ancillary matters.
 - C. All other uses are prohibited.
11. **Polygraph Database:** The Polygraph Services Section shall maintain an internal database containing the polygraph subject's name and the date of the examination. The database information shall be retained, as specified in this Office Policy.
12. **Records Retention:** Polygraph records shall be maintained in compliance with federal and state laws, or any lawful orders issued by the Maricopa County Superior Court. Record retention schedules shall be maintained in compliance with the Arizona State Library, Archives, and Public Records policies. All data and reports of polygraph examinations administered for pre-employment purposes, shall be retained by the Pre-Employment Division.