

Model Policy for Release and Management of Polygraph Reports and Polygraph Data

(approved May 7, 2012)

An effective polygraph records policy should ensure that polygraph data and results are made available to those professionals and persons that require the information to make informed decisions about the strength of the information and test results, while restricting polygraph data and results from those who would attempt to use such information to thwart investigation efforts, damage the security of sensitive information, reduce the safety of individuals and communities, or undermine the effectiveness of polygraph tests and polygraph programs. Polygraph data and results should be regarded in the same manner as other forensic investigation data and other forensic test results. Though not subject to the same legal requirements as medical and psychological data, information should be retained in a manner that ensures the confidentiality and rights of victims of crime and abuse, and the rights of the examinee. Polygraph records policies should not be inconsistent with best practices and legal requirements.

1. Polygraph examiners should ensure that all polygraph reports, data, recordings, information and documents are protected against loss, inappropriate release, unauthorized access, alteration and misuse. Polygraph reports and related work products should be released only to authorized referring or retaining persons, professionals, and agencies as delineated on the signed statement of informed consent or as set out in orders of the court. Unless required by law, polygraph examiners should not release polygraph reports, test questions, data, recordings, information and documents of any kind related to the polygraph pre-test, in-test or post-test to persons that may attempt to use such information to neutralize or interfere with the effectiveness of future polygraph examinations.
2. Polygraph examiners should ensure that all polygraph reports, test questions, data, recordings, information and documents of any kind related to the polygraph pre-test, in-test and post-test are maintained for a minimum of three years or as otherwise required by law.
3. Nothing in this requirement is intended to prohibit a polygraph examiner from discussing the examination results with the examinee during the post-test phase of the exam, or with family members if in the context of a case review or legal proceeding with other professionals.
4. Polygraph examiners should discourage other professionals from re-distributing polygraph examination reports, including the attachment of the examination report to reports or materials submitted to the court. Instead, other professionals should be encouraged to summarize the polygraph results and information in their own reports. When polygraph examination data and results are of interest to the court, polygraph information should be submitted by the examiner.
5. Nothing in this Model Policy is intended to prevent proper use of polygraph reports or other information in court, other evidentiary proceedings, investigation contexts, or risk assessment and risk management activities for which the test is intended to provide information to the parties authorized to receive the report.

6. Polygraph examiners should comply with all lawful court orders and subpoenas regarding release of polygraph information. Nothing in this requirement is intended to prohibit a polygraph examiner from proper objection, opposition or appeal of a subpoena or court order.
7. Nothing in this Model Policy is intended to prevent proper use of polygraph or other information in professional quality control and quality assurance activities. Examiners subject to information requests for quality control purposes should provide information in both printed/printable and electronic form, along with the audio/video recording. Provided information should be sufficient to review the examination and referral basis in their entirety, and to replicate the manual and automated test data analysis.
8. Polygraph examiners should report all relevant information to the referring or retaining professionals. Polygraph examiners should remain aware of local laws regarding mandatory reporting of known or suspected cases of child abuse. Sworn law enforcement officers may be required to report all known crimes, depending on the scope of their authority or jurisdiction. However, polygraph examiners who are not sworn law enforcement officers, or not public employees, may be legally mandated child abuse reporters in some jurisdictions. Regardless of mandatory reporting requirements, polygraph examiners should remain aware that some referring professionals are required to report all known or suspected cases of abuse.
9. No one other than the examiner and examinee should be permitted in the examination room except in circumstances in which an examinee requires an interpreter to communicate effectively during the examination..
10. Referring professionals and attorneys should be permitted to observe the examination through a video monitor, or review the recording at a later time. In order to minimize distraction and outside influence, no interaction should occur between the examinee and observing professionals after the onset of the pretest interview. However, the examination may be terminated at any time.
11. Due to the sensitive nature of the information discussed during the polygraph examination, family members should not be allowed to observe the examination as it occurs, unless required by law, local practice regulation, agency policy, or court order.

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