



Polygraph Examination of Alleged Victims

.01 Policy

Bladensburg Police Department policy prohibits any law enforcement officer or other government official to 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. The refusal of a victim to submit to an examination described above shall not prevent the investigation, charging, or prosecution of the offense.

Polygraph testing is known to be unreliable when used with people in crisis and some argue that it is inappropriate for use with sexual assault victims (Jordan, 1996; Sloan, 1995). Even J.E. Reid, the developer of the modern polygraph examination lists factors that can influence validity such as:

- extreme emotional tension or nervousness;
- over anxiety;
- anger;
- concern over neglect of duty or responsibility that made possible the commission of the offense by someone else;
- involvement in other similar acts or offenses;
- physical discomfort during test;
- adrenal exhaustion; and,
- physiological and mental abnormalities (Reid & Inbau, 1977).

.02 Terms

Polygraph Examination: Any type of mechanical or electrical test or system used to examine, test, or question an individual to determine the veracity of the responses of the individual.

Sexual Offense: A violation of Title 3, Subtitle 3, §3-601, §3-602, §3-604, or §3-605 of the Criminal Law Article.

.03 Governing Legislation and Reference

Governing Legislation:

Violence Against Women and Department of Justice Reauthorization Act of 2005.

Title 42 U.S.C. § 3796gg-8(a).

Maryland Criminal Law Article, §3-601, et seq.

Forms: N/A

.04 Procedure

A Law Enforcement officer or any other person involved in an investigation or prosecution of a sexual offense may not request or require that the alleged victim of the offense submit to a polygraph examination.

Many of these factors are extremely likely to be seen with sexual assault victims, rendering the validity of the polygraph examination extremely questionable. Factors may be introduced by the examiner, further limiting the validity, including:

- excessive interrogation prior to test;
- excessive number of test questions ;
- inadequate question phraseology; and,
- inadequate control questions (Reid & Inbau, 1977).

The polygraph, or other truth telling device, will never be used with victims of sexual assault during the course of the investigation – even if the victim requests it. A competent, evidence-based investigation will most likely reveal the truth much more effectively.

Polygraph Examination of Alleged Victims

HISTORY: Adopted August 12, 2009

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:

A handwritten signature in black ink, appearing to read "Charles L. Owens". The signature is written in a cursive style with large, looping letters.

Charles L. Owens
Chief of Police