



## ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations		
POLICY & PROCEDURE # 1.43	DATE OF ISSUE: 02/17/2020	EFFECTIVE DATE: 02/28/2020
SUBJECT: Polygraph Examinations	ISSUING AUTHORITY: Chief Richard Burrows	
REFERENCE(S): Massachusetts Police Accreditation Commission # 42.2.6	___NEW    __X__AMENDS    ___RESCINDS	

### I. POLICY

- A. The use of polygraph (lie detector) examinations with respect to employment is a prohibited practice pursuant to M.G.L c. 149 s. 19B.
- B. Polygraph examinations may be utilized in a limited number of criminal investigations, however, only when approved by the Chief of Police in order to establish probable cause of a suspect or to eliminate them as a suspect. The Supreme Judicial Court has stated that although polygraph evidence cannot be entered at trial, it can be used as a basis for probable cause for affidavits and warrants. **[42.2.6]**
- C. If the Department were to have a potential suspect undergo a polygraph, they must be administered by an:
- Examiner that has completed a basic course of polygraph training at a polygraph school accredited by the APA, or training that was substantially equivalent in length and curriculum as required for APA school accreditation. Examiners who qualify for membership in the APA are regarded as satisfying this requirement. **[42.2.6]**
  - Examiner that is a member of a professional polygraph association, so they remain current with developments within the polygraph and applicable professions.

A copy of the examiner's certificate must accompany the report and results, and it shall be placed in the case file. **[42.2.6]**

- D. Polygraph examinations may be administered to members of the Police Department only when there has been a reasonable suspicion that an officer has engaged in criminal activity. "Once you have determined that there is a reasonable suspicion that a police officer was engaged in criminal activity, then it's fair game to require them to submit to a polygraph examination." *391 Mass 429, Local 346 International Brotherhood of Police Officers vs. Labor Relations Commission (1984)*

## **POLYGRAPH EXAMINATIONS INFORMATION**

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**History: Manual I, Section III.**