

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: POLYGRAPH EXAMINATIONS/ CRIMINAL INVESTIGATIONS	NUMBER: 440.3
CANCELS ORDER DATED: 1-1-97	DATE: 7-1-10

I. POLICY

While the polygraph is recognized as an important investigative aid, certain restrictions must be placed on its use. The polygraph is a valid technique when used to confirm or disprove statements which cannot be corroborated by other means. Standardization of procedures will preclude charges of misuse and harassment and offer uniform criteria which must be met prior to usage. Such limitations are intended to protect the interests of victims, witnesses and suspects without unduly hampering criminal investigations.

II. PROCEDURE

- A. Polygraph examinations should not be mentioned during the initial stages of an investigation. If inconsistencies or conflicts appear, all alternate methods of checking leads will be exhausted prior to requesting a polygraph examination. The statement, "Are you willing to take a polygraph?" is to be avoided in the early stages of the investigation.
- B. If, after exhausting all alternative investigative methods, inconsistencies still exist, detectives will request the use of the polygraph by submitting PD Form 168, Polygraph Examination Request. This form is to be approved by the detective's supervisor after it is determined that the need is justified and that the necessary information cannot be obtained through other means. After receiving supervisory approval, one copy of the request will be forwarded to the Polygraph Section so a time and date for the examination may be scheduled. One copy of the request will be retained by the detective to be included in the case file. It shall be the responsibility of the detective to contact the Polygraph Section in order to determine the time and date assigned for polygraph examinations.
- C. Polygraph examinations will not be scheduled for victims or suspects immediately following the offense or after lengthy interrogation. Since results of a polygraph depend upon the physiological reactions of the examinee, accurate results cannot be obtained if the subject is distraught or emotionally exhausted. Immediate examinations will be given only if extenuating circumstances exist. The decision of the polygraph examiner as to the suitability of the subject will be final.

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D. SCHEDULING PROCEDURE

1. Detectives shall contact the victim, witness or suspect to be tested one day prior to the examination being administered to confirm their presence at the appointment. Detectives shall notify the polygraph examiner immediately of any cancellations.
2. Detectives who have scheduled polygraph examinations shall report in person to the polygraph examiner assigned their case a minimum of one day prior to the test being administered and present the appropriate documents required on PD Form 168.
3. Detectives who have scheduled polygraph examinations are expected to be present on the date of the examination. If the detective cannot be present, another detective familiar with the case may represent them.
4. Failure to comply with this procedure shall result in the cancellation of the polygraph examination and notification of the detective's supervisor. Emergency situations resulting in non-compliance will be considered on a case-by-case basis.

III. TRAINING

All examiners employed by the Department shall hold a valid Virginia polygraph license issued by the Commonwealth of Virginia Department of Professional and Occupational Regulation (DPOR). They shall attend, at minimum, 40 hours of continue education training, including four hours of legal training every two years, which is recognized by the American Association of Police Polygraphists and the Virginia Polygraph Association.

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IV. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
02.03

This general order becomes effective July 1, 2010, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

APPROVED BY:

Chief of Police

County Executive