



DEPARTMENT OF VETERANS AFFAIRS
Office of Inspector General
Washington DC 20420

February 22, 2013

This letter constitutes a decision under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested "a copy of documents within your offices describing or regarding the policy on the administration and use of polygraph examinations by the Office of the Inspector General."

We have decided to grant your request in part. Please find enclosed a redacted copy of OIG Directive 51 210.

We have withheld certain information pursuant to FOIA exemption 7E, which permits federal agencies to protect law enforcement documents that would disclose techniques, procedures, and guidelines for investigations if such disclosures could reasonably be expected to risk circumvention of the law.

You may appeal our decision. Please include your specific objection(s) as they pertain to the withheld information and reference your FOIA case number (13-00419-FOIA). The address is: Office of Inspector General (50C), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. You may also submit your signed appeal by fax at 202-495-5859 or email at VAOIGFOIA-Appeals@va.gov. You must submit any appeal within sixty (60) calendar days of the date of this decision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darryl Joe", is located below the "Sincerely," text.

Darryl Joe
Chief, Information Release Office

POLYGRAPH PROGRAM

1. REASON FOR ISSUE: To provide the Department of Veterans Affairs (VA), Office of Inspector General (OIG), policy for conducting the polygraph program.

2. SUMMARY OF CONTENTS: This directive outlines the OIG policies and procedures concerning the use of the polygraph examination as an investigative technique. Specifically, the directive more clearly incorporates the following:

- a. Examiner responsibilities.
- b. Examiner qualifications and selection, Examiner training.
- c. Examiner internship program.
- d. Examiner certification requirements and decertification procedures.
- e. Polygraph continuing education program.
- f. Record maintenance requirements.

3. RESPONSIBLE OFFICE: Special Agent in Charge (SAC), Analysis and Oversight Division (51X), Office of Investigations (OI).

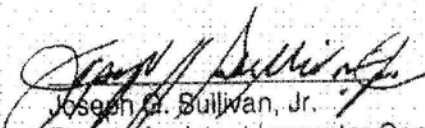
4. REFERENCES:

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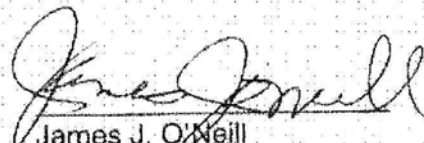
- b. National Center for Credibility Assessment.

5. RESCISSION: VA OIG Directive 51 210 Polygraph Program April 21, 2012; e-mail message from AIG James O'Neill dated January 11, 2011; Re: Directive 51 210 Polygraph Program – Policy Note.

CERTIFIED BY:


Joseph G. Sullivan, Jr.
Deputy Assistant Inspector General
for Investigations

BY DIRECTION OF:


James J. O'Neill
Assistant Inspector General
for Investigations

August 13, 2012


Joseph M. Vallowe
Deputy Assistant Inspector General
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Distribution: Electronic Distribution to All OI Employees.

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POLYGRAPH PROGRAM

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POLYGRAPH PROGRAM**1. GENERAL:**

a. **Purpose.** This directive establishes Department of Veterans Affairs (VA), Office of Inspector General (OIG), Office of Investigations (OI), policies and procedures governing the use of the polygraph examination as an investigative technique. This directive sets forth standard operating procedures that will be adhered to by Special Agents certified to conduct polygraph examinations on behalf of the OIG.

b. Introduction.

(1) The psychophysiological detection of deception (PDD) or polygraph technique has been accepted by the OIG as a valuable investigative tool that can be utilized in all cases under its jurisdiction. Through its proper use, many investigations can be resolved and result in a saving of man-hours, equipment, and money. To this end, and with a view toward establishing strict rules of professional conduct, the Polygraph Program Operating Procedures are established in this directive.

(2) Strict adherence to these procedures in this directive will ensure that the OIG Polygraph Program is an effective, valuable, cost efficient and productive investigative tool. It will further ensure that the program is being conducted within the guidelines of the OIG, within the limits of current judicial opinions, and at a level of professionalism above the minimum acceptable standards found in the polygraph community.

(3) The polygraph is a scientific, diagnostic instrument that graphically records physiological changes that take place in a person at a specific time. In the hands of a trained examiner, it is highly reliable in detecting deception being practiced by a subject regarding a specific issue. The end result of the procedure, therefore, is to obtain the truth concerning a specific matter. The detection of deception is only part of the procedure. Examinations are completely successful when the end result achieved is arriving at the truth (see example Polygraph Examination Report).

(4) Within the OIG, the polygraph technique is to be used as an investigative aid to support investigators in accomplishing their assigned duties. It will not replace proper and thorough investigative efforts. Reasonable efforts will be made to resolve the investigative issues in question prior to employing the use of the polygraph. Polygraph examinations will not be indiscriminately given as a routine course of each investigation. Examinations will be administered by a Federally certified examiner or intern examiner being monitored, when approved by the Assistant Inspector General for Investigations (AIGI) or a person acting within the authority of that individual, and after evaluation of the specific facts of each investigation.

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(5) During the past several years, legal considerations surrounding the use of the polygraph have received much attention. Polygraph examiners must be prepared to defend their competence, procedures, opinions, and standards before any and all judicial bodies, and in every testing situation. It is therefore imperative that all rules, regulations and established procedures be followed.

(6) The polygraph has certain limitations because not every subject is suitable for examination by virtue of physical or psychological maladies. Examiners will have sole discretion to determine the suitability of each examinee. All examinations will be conducted in a professional manner, reflecting the highest standards of the OIG and always cognizant of the rights of the individual.

2. PSYCHOPYSIOLOGICAL DETECTION OF DECEPTION (PDD) EXAMINER:

a. PDD Responsibilities.

(1) Examiners are certified by the designated agency representative as having specialized skills and meeting the qualifications and training requirements as specified in this chapter. Only OI certified examiners, or OI intern examiners under the supervision of a certified examiner, are normally authorized to conduct PDD examinations for OI. Under special circumstances, the Polygraph Program Manager may specifically authorize PDD examiners from other federal law enforcement agencies to conduct PDD examinations for OI. Every effort will be made to utilize OI examiners in OI investigations. OI examiners may assist with technical expertise in non-jurisdictional cases conducted by other law enforcement entities if approved by the Polygraph Program Manager.

(2) The PDD examiner is responsible for the proper conduct of an examination in accordance with OI policies.

(3) The PDD examiner will not conduct an examination in an investigation if the examiner has been extensively involved in the investigation.

(4) OI PDD examiners will be available for consultation as to the appropriateness of conducting a PDD examination or other technical or administrative matters related to PDD.

(5) Examiners are to maintain their proficiency in the field to include the knowledge of new techniques, changes in legislation affecting the PDD profession, and continued familiarity with related fields of study (psychology, physiology, and interrogation). To this end and consistent with professional standards, PDD examiners are required to attend a minimum of 80 hours advanced level or supplementary PDD related training every 2 years.

b. Qualification and Selection of PDD Examiner Candidates.

(1) Employees of OI or other applicants meeting the criteria established below shall be eligible for selection to attend basic training for PDD examiners if they meet the following minimum standards:

- (a) Be a special agent (GS-1811-13 or eligible for GS-1811-13).
- (b) Possess at least 5 years' criminal investigative experience.
- (c) Submit to and successfully pass a PDD security screening examination prior to acceptance for training.
- (d) Possess a 4-year Baccalaureate Degree.

(2) Selection of OI personnel or other qualified personnel will be subject to OI personnel hiring policies and procedures and contingent upon the recommendations of the Polygraph Program Manager. These individuals will be selected from the qualified personnel who have submitted their names for consideration and successfully met the minimum standards set forth above.

c. Training of PDD Examiners. Special agents selected for training must successfully complete the PDD Examiner Basic Training Course at the National Center for Credibility Assessment (NCCA).

d. Internship Program.

(1) Upon successful completion of the PDD Initial Training Course, each examiner will serve as an intern for a period not normally exceeding 12 months and will conduct at least twenty-five (25) monitored PDD examinations. Of these examinations, at least ten (10) must be monitored on-site and the remainder monitored in a manner approved by the Polygraph Program Manager.

(2) During this period the intern will undergo training under the direct supervision and guidance of a certified examiner (monitoring examiner). The intern examiner and monitoring examiner will carefully review all regulations and internal policy directives established for personnel conducting PDD examinations. All potential examination questions will be reviewed with the monitoring examiner prior to conducting an examination. The results of each examination will be discussed with the monitoring examiner.

(3) Each examiner's training program is based on that person's qualifications and experience.

e. Certification.

(1) After the successful completion of the internship program, the PDD examiner will be certified by the OI to conduct PDD examinations. Successful completion will be based on the input of those examiners who have supervised the intern's performance and the recommendation of the Polygraph Program Manager. The certification will be evidenced by the issuance of a certificate signed by the IG.

(2) Each examiner will retain this certification while they are serving as a PDD examiner. In order to maintain certification, a PDD examiner is required to conduct examinations on a routine basis. The examiner must conduct a sufficient number of examinations to assure that the examiner maintains proficiency in the PDD technique.

(3) Failure to conduct a sufficient number of polygraph examinations or maintain proficiency may necessitate the examiner obtain refresher training at NCCA and/or mentorship until the examiner demonstrates an acceptable standard of proficiency. An acceptable standard of proficiency will be determined by the Polygraph Program Manager.

f. Decertification.

(1) In those instances when it becomes necessary to decertify a PDD examiner, written notification will be provided by the Polygraph Program Manager. After this notification is made, the special agent is no longer authorized to conduct PDD examinations for OI. Examiners will be decertified at the conclusion of their assignment as a PDD examiner.

(2) Any certified examiner who shows a consistent lack of proficiency (unethical conduct, returns, repetitive technical deficiencies, failure to complete required continuing education, etc.), or is experiencing difficulty in the administration of any phase of the examination process may be decertified at the discretion of the Polygraph Program Manager.

(3) PDD examiners may be decertified when it is determined they have conducted any examination(s) in violation of OI policies. Any instances of unethical conduct may result in the decertification of a PDD examiner for cause.

g. Polygraph Continuing Education.

(1) Each certified PDD examiner will receive a minimum of 80 hours advanced level or supplementary PDD related training every 2 years during their tenure as PDD examiners. The training must be conducted or approved by the NCCA. This requirement is intended to develop and maintain each examiner's expertise and

proficiency in conducting PDD examinations and to meet the requirements established by the Federal Polygraph Continuing Education Certification Program.

(2) The Polygraph Program Manager is responsible for maintaining appropriate polygraph continuing education records for each assigned examiner.

3. CONDUCTING POLYGRAPH EXAMINATIONS:

a. Polygraph Application.

(1) A polygraph examination will be administered only when the investigator assigned to the case has utilized all reasonable investigative efforts to resolve the primary issue of the investigation. The investigator will have conducted an in-depth interview with the prospective examinee surrounding his knowledge of the facts in the investigation and gather background information. In the event that the subject of an exam is a minor, the investigator must obtain written consent from the parent or custodian of the minor.

(2) No arrangements will be made for polygraph examinations to be conducted by non-OIG examiners without coordination with the investigator's Special Agent in Charge (SAC)/appropriate supervisor, Deputy Assistant Inspector General for Investigations (DAIGI), AIGI, or the Polygraph Program Manager.

(3) The investigator is to be available to the examiner during the conduct of the examination to witness the examination. Likewise, the investigator, or a representative, should witness the advisement of rights in the event that testimony is needed at a future date. Investigators are advised to obtain complete and accurate affidavits from the examinee when admissions/confessions result in order to prevent repeated appearance of the examiner at future judicial proceedings.

b. **Polygraph Examination Requests.** It is OIG policy to administer polygraph examinations only as authorized and in the manner prescribed by this directive. Requests for polygraph examinations will be approved:

(1) By the Polygraph Program Coordinator, AIGI, or designee.

(2) Consistent with the circumstances of the case, the development of additional information by means of the polygraph is essential and timely, and investigation by other means has been thorough as circumstances reasonably permit. The AIGI or designee, in conjunction with the authorizing authority, will make the final decision as to the appropriateness of conducting an examination.

(3) Prior to the conduct of any polygraph examination, there must be a determination, to the extent practicable, of the examinee's suitability for testing. Conducting an examination immediately after a lengthy interrogation should not

occur. As detailed within this directive, an examination will not be administered when, in the opinion of the examiner, the examinee is not suitable for an examination.

(4) The person to be examined should, to the extent practicable and contingent on case circumstances, have been interviewed prior to requesting a polygraph examination. However, this is not meant to preclude the administration of an examination in those instances where advance notice of a polygraph examination to the examinee is not deemed necessary or appropriate. When considering this option, investigators are encouraged to contact an OIG polygraph examiner in advance to discuss the best course of action.

(5) OIG investigators who are interested in requesting a polygraph examination should first confer with their respective SAC/appropriate supervisor. The investigator should then contact an OIG polygraph examiner to discuss the facts and circumstances surrounding their case. If polygraph utilization is deemed appropriate, the investigator or polygraph examiner will complete a Polygraph Examination Request form.

(6) Investigators who prepare their own requests should, after completion of the request, fax or e-mail the request to the OIG polygraph examiner with whom they consulted. The polygraph examiner will forward the request to the AIGI or his/her designee for review. Once approval of the request has been completed, the assigned OIG polygraph examiner will contact the investigator to schedule the examination.

(7) OIG polygraph examiners are authorized to conduct polygraph examinations requested by other Federal, state, and local agencies. All outside requests for VA OIG polygraph assistance will be reviewed and approved/disapproved by the AIGI or designee. Requests for authorization to conduct polygraph examinations for other Federal, state, and local agencies should be obtained in the same manner as requests submitted in support of OIG cases. OIG requests for polygraph examinations will normally be given priority and will normally supersede requests made by other Federal, state, and local agencies.

(8) In these instances, OIG examiners must comply with all policies, requirements, and restrictions that are detailed in this directive. The examinations conducted in support of other agencies must be subjected to the same Quality Control Review (QCR) process that all OIG polygraph examinations receive. A polygraph report will be forwarded to the supported agency once the QCR has been completed. All related polygraph documents will be retained at headquarters.

c. **Calibration Procedures/Function Checks.** A functionality check will be conducted on any computerized instrument at the start of each examination day. This check will be conducted before any examination when the computer and components have been

transported, or when the components have been disassembled. This entails visually checking all components to ensure that they are in good working order. Additionally, leak checks of the pneumograph and cardiograph assemblies will be performed, and a self-check of the Galvanic Skin Conductance sensor will be performed. A functionality check will also be made of the piezo activity sensor.

d. **Pre-Test Procedures.** During the pre-test phase of the examination, the examiner must execute the Polygraph Examination Consent Form and/or Miranda Rights or Garrity Rights form(s) as applicable. These forms should be signed by the examinee. All pre-test interviews will include an evaluation of the examinee's physical, mental and emotional fitness; explanation of the testing procedure and equipment; a discussion of the details of the investigation; and a review of all questions to be asked during the actual examination. This is detailed in the Polygraph Examination Interview Worksheet.

e. **Question Formulation.**

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f. In-Test Procedures.

- (1) No one other than the examinee and the examiner should be present in the examination room during the in-test phase of the examination. Exceptions to this provision will be at the sole discretion of the examiner. Situations where the examiner may allow another individual in the room during the in-test phase include tests on opposite gender individuals and tests on minors.
- (2) An acquaintance test will be conducted using the "known" test format unless approved by the Polygraph Coordinator.
- (3) If available, a piezo activity sensor will be used to record movement by the examinee during chart collection, which could be indicative of the examinee employing CMs.
- (4) Additionally, the examiner will:
 - (a) Ensure that all polygraph charts are evaluated utilizing the "Three Position Scale" or the "Seven Position Scale."
 - (b) Conduct a standard series normally consisting of three charts. While an opinion can be rendered after two charts, a two-chart series is only acceptable when circumstances do not permit a third chart to be collected; for example, when the examinee terminates the examination after the second chart.
 - (c) Ensure that any chart collected with at least one relevant and one control question will be submitted to QCR with all other charts.
 - (d) Ensure that during the in-test phase of the examination a minimum of three charts containing the relevant test questions are collected
- (5) In most instances, the collection of three charts is appropriate. A fourth may be conducted if a conclusive opinion cannot be rendered after the third chart. In the event the charts contain abnormalities and artifacts due to movement, or suspected CMs, a fifth chart can be collected at the discretion of the examiner, but under no circumstances should a sixth chart be conducted. A fifth chart will not be conducted within a single series solely due to the inconclusiveness of the previous charts. The numerical total required for a conclusive opinion remains the same as for a three-chart series. All questions that comprise the selected format should be presented in each chart collected after the third chart.
- (6) Not conduct more than three polygraph examinations per day unless approval is received from the Polygraph Coordinator.

g. **Evaluation Phase.** Upon completion of a polygraph examination, an examiner is required to provide a conclusion regarding the examination. While the optimum result is a conclusion of deception indicated (DI) or no deception indicated (NDI), there are instances when a conclusion cannot be made based on the evaluation of the polygraph charts. The examiner must then use his/her judgment to continue with additional testing procedures, delay further examination, or attempt to resolve the issue(s) apparently causing concern to the examinee. All conclusions must be based on analysis of the polygraph charts.

(1) **NDI Conclusion.** The analysis of polygraph charts revealed no consistent physiological reactions to any relevant questions. As a practical matter, the examiner infers from his conclusion that the examinee answered the relevant questions truthfully.

(2) **DI Conclusion.** A DI opinion is reached under two circumstances: the first when an examinee makes an admission to a relevant question, the second when evaluation of the polygraph charts indicates deceptive criteria are present and the cause of the deceptive criteria is not logically explained or resolved through further testing/interview.

(3) **No Opinion (NO) Conclusion.** The examinee cannot be successfully tested for medical, psychological, or other reasons; or the examinee terminates the examination once the examination was initiated and before adequate charts were obtained for evaluation. If an examiner is unable to reach a NDI or DI conclusion based on the physiological data collected, a NO conclusion is also warranted. A NO conclusion would also be appropriate where the examiner suspects that CMs were employed by the examinee resulting in atypical physiological responses. This suspicion should be based on the examiner's experience and recordings obtained in conjunction with the use of the piezo activity sensor.

h. **Post-Test Phase.**

(1) This is the period following an evaluation of the charts during which the examinee is interviewed or interrogated regarding the responses. The examiner may use the post-test phase to clarify issues following inconclusive charts. When post-test admissions are made, the investigator will document them in an affidavit. The examiner will always record admissions or confessions in the polygraph examination report.

(2) The post-test phase shall be considered "terminated" by the examinee only when the examinee exercises their rights to legal counsel or terminates the interview. The circumstances of the termination should be clearly documented.

(3) Regardless of the numerical totals associated with chart evaluation, in the event CMs are suspected, a post-test interview will be conducted to attempt to further

resolve the issue being tested. Although the suspicion of CMs can be discussed with the examinee during this phase, the examiner should not lose focus of the issue under investigation.

i. **Use of Interpreters.** Polygraph examiners are encouraged to use qualified interpreters when dealing with non-English speaking subjects. It is desirable to have all examinations administered in the examinee's native language. A copy of the questions utilized during the exam will be written in the examinee's primary language and be included with the final report.

j. **Examination of Opposite Gender Persons and Minors.**

(1) When an examiner is testing in individual of the opposite gender or a minor, a witness should observe or monitor the examination. The witness may be either a female or male, and will preferably be an investigator from the OIG.

(2) Polygraph examinations of pregnant females will normally be prohibited after the sixth month of pregnancy or where a history of miscarriages is known. During the earlier stages of pregnancy, the examinee's physical state should be carefully covered in the pre-test interview. If necessary, a physician should be consulted before proceeding with the examination.

k. **Examination of Informants.** Informants often provide information that cannot be corroborated through normal investigative means. In those instances, the informant should be requested to undergo a polygraph examination. This is especially critical if it is anticipated that significant manpower and/or money will be expended on the basis of the informant's information.

l. **Examinations in Support of Plea Agreements.** The polygraph is a useful investigative tool that can be of great assistance in those instances wherein it becomes necessary to confirm that cooperating witnesses, subjects, etc., have divulged to law enforcement authorities all of their criminal involvement and knowledge. This not only assists law enforcement authorities, but also enables both prosecutors and defense attorneys the opportunity to determine if the individual is being completely truthful regarding the issue(s). The use of the polygraph should be considered with all plea agreement proffers. In those instances wherein OIG investigators are involved in such agreements, the following wording should be used:

(1) "(Defendant) shall truthfully disclose all information concerning all matters about which this office inquires of him/her. (Defendant) shall make him/herself available at all reasonable times requested by representatives of the Government and shall truthfully testify in the grand jury and at any trial as to any subject about which she/he is questioned. In addition, (defendant) shall voluntarily complete polygraph examinations whenever requested to do so by this office. Furthermore, (defendant) agrees to provide to this office upon request all documents, electronically stored

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data, and other materials that are relevant to the investigation and that are in the possession of (the defendant) or under his/her control."

(2) "The (defendant's) cooperation includes participation in affirmative investigative techniques, including, where possible, making telephone calls and introductions of law enforcement officials to individuals about whom (the defendant) is requested. These affirmative techniques must be conducted only at the express direction and under the supervision of this Office and Federal law enforcement personnel."

(3) "Should (the defendant) withdraw from this agreement, or should (the defendant) commit any Federal, state or local crime between the date of this agreement and his/her sentencing matter, or should it be established that (the defendant) has given materially false, incomplete, or misleading testimony or information or otherwise has violated any provision of this agreement, this agreement shall be null and void. Thereafter, (the defendant) shall be subject to prosecution for any Federal criminal violation of which this office has knowledge, including, but not limited to, perjury, and obstruction of justice."

(4) "Any such prosecution may be premised upon any information provided by (the defendant), and such information may be used against him/her."

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4. POLYGRAPGH FACILITIES:

a. Examination Room.

(1) OIG polygraph examinations should be audio monitored by the primary investigator or an investigator familiar with the facts and circumstances surrounding the case. The audio recording of polygraph examinations is not normally authorized. If a need to audio record a polygraph examination arises, the use of audio recording equipment must be approved by the AIGI or designee. The examiner will advise the examinee that the polygraph examination is being monitored and/or recorded as applicable. The examinee's acknowledgement will be documented on the polygraph consent form.

(2) Examinations may be visually monitored through two-way mirrors, video camera, or any other observation devices. The video recording of polygraph examinations is not normally authorized. If a need to video record a polygraph examination arises, the use of video recording equipment must be approved by the AIGI or designee.

(3) Examiners will allow or restrict observation of the examination at their discretion. All witnesses to a polygraph examination will be identified in the Polygraph Report.

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It is recognized that in many instances visual monitoring would not be practical, but at a minimum all examinations will be audio monitored.

(4) Requests by an examinee's counsel to observe an examination will be honored if the proper facilities are available. However, an investigator will be present in the observation room at all times.

5. QUALITY CONTROL PROCEDURES:

a. Purpose.

(1) The OIG Polygraph Program will maintain the highest standards of professionalism and accuracy by ensuring that each examiner conforms to universally accepted practices and OIG policies.

(2) The purpose of the QCR reports, charts, and related documents is to ensure proper format, reporting procedures, and technical accuracy. The review procedures will include an analysis of test question construction, an independent evaluation of the polygraph charts, and an overall review of the technical aspects of the test ensuring all required procedures were followed and that the recorded results are compatible with the opinion rendered. No examination will be considered final, and no polygraph examination report will be released, until the examination has been subjected to a complete QCR.

(3) All QCRs will be conducted by another senior certified examiner. The reviewer will render the appropriate opinion on the Technical Data Form. The Technical Data Form will be signed and dated by the reviewer. If QCR does not concur with a polygraph report, a copy of the reviewers report will be maintained in the official polygraph file at OIG headquarters.

b. Procedures for Review.

(1) QCR is a multifaceted aspect of managing a polygraph program. QCR begins with the selection of examiners with an excellent background and a history of investigative experience. The quality control system then continues with the formal training of examiners, coupled with on the job experience.

(2) Each examiner should forward the polygraph examination to QCR in a timely manner. The examination is then reviewed in its entirety to include an independent blind numerical evaluation of the polygraph charts; question construction; and conformity to acceptable procedures. The examiner conducting the QCR shall either approve or disapprove the charts and conclusions reached by the examiner. If the examiner and the QCR agree and there are no administrative shortcomings, the entire examination shall be filed and retained in accordance with OIG policies. Should the initial QCR process disagree with the original examiner's conclusions

report, the charts and/or accompanying report will be forwarded to a second examiner for quality control evaluation. The opinion of the second examiner is binding. In the event the final QCR is in disagreement with the original examiner, the exam will be returned to the examiner for correction or re-examination, as appropriate.

(3) The conclusion of NDI, DI, and NO must coincide with and be supported by numerical scoring of the polygraph charts. All related forms will be reviewed to assure proper execution.

c. **Re-Examinations.** The same or different examiner may administer a re-examination only when a polygraph examination is not completed; charts cannot be interpreted; or results are unresolved. Normally, re-examination will be joined with the original examination data and will be accomplished as expeditiously as possible.

d. **Benefits of QCR.** The benefits of these procedures are:

- (1) Identification and correction of examiner's errors immediately.
- (2) Standardization of techniques and reports.
- (3) Increased validity of polygraph examinations.
- (4) Decreased incidents of inconclusive results.
- (5) Support of the rendered opinion.

6. ADMINISTRATION:

a. **Refusal to Undergo a Polygraph.** If a VA employee is the subject of an OIG investigation and declines to undergo a polygraph examination, no adverse administrative action may be taken against the employee based solely on their refusal to take the exam. Investigators should advise VA managers and/or supervisors that no adverse action may be taken based against an employee based solely on the employee's refusal to undergo a polygraph examination.

b. Polygraph Examination Report.

(1) The Polygraph Examination Report will be prepared for each examination conducted by the examiner of record. This report will be prepared within seven working days from completion of the examination and forwarded for QCR. This includes those instances where the examination was terminated prior to its completion, or any examination where the pre-test phase of the examination was initiated but charts were not collected.

(2) Adjudicators making decisions regarding VA employees should be advised that their decisions should not be based purely on polygraph results of the employee or potential witnesses. Polygraph should be viewed as an investigative tool and the results should not be given any greater weight than any other evidence associated with the investigation.

c. **Record Maintenance.** All investigations in which a polygraph examination is conducted must include an individual case number. At the conclusion of the QCR, a polygraph examination report and all original documentation obtained during the administration of the examination Polygraph Examination Consent Form and/or Miranda Rights or Garrity Rights Form, etc. will be forwarded to the investigator for inclusion in the case file. All original polygraph examination charts and copies of all administrative paperwork will be maintained in an electronic format at headquarters. In addition, the following reports will be furnished:

- (1) A log of polygraph examinations conducted will be maintained by the program manager.
- (2) A semi-annual polygraph statistical report will be provided to headquarters and all field offices.
- (3) An annual polygraph activity report will be provided to headquarters and all Field Offices.
- (4) All PDD examination files will be maintained by the Polygraph Program. At the conclusion of the quality control review, the PDD examination report will be forwarded to the requester. The Polygraph Program will maintain a log and copies of all PDD reports.
- (5) Maintenance and final disposition of all PDD records will be completed in accordance with OIG file maintenance and archival plan.

d. **Demonstrations.** In general, utilization of polygraph equipment for any purpose other than its intended or authorized use is prohibited. Request for polygraph demonstrations will not be approved unless specific and reasonable justification accompanies the request. Prior approval from the AIGI must be received prior to any presentation concerning the polygraph. Investigators who are not certified polygraph examiners will not attempt to utilize polygraph equipment or display the equipment to suspects giving them the impression that it will be used.

e. **Equipment.** All polygraph instruments are accountable property. Each examiner has been trained to perform minor adjustments and repairs on the instruments. For more extensive repair work and to obtain replacement parts, headquarters will coordinate with the factory representatives to meet these needs.

7. POLYGRAPH CHARTS:

a. **Chart Markings.** The polygraph charts collected during a polygraph examination in which an electro-mechanical instrument is utilized will bear the following identifying notations:

- (1) Name of Examinee.
- (2) Time/Date of Examination.
- (3) Initials of Examiner.
- (4) Chart Number.
- (5) Any additional and required chart markings will only be those which are in compliance with the procedures as taught at the NCCA.

b. **Retention of Polygraph Charts.** Electronic copies of all charts containing physiological data will be maintained at headquarters along with the final polygraph report.

8. BIENNIAL REVIEW. Approximately every 2 years, the OI PDD program should be reviewed by the NCCA Assurance Program for compliance with Federally accepted standards within the program.