

Army Regulation 195-6

Criminal Investigation

Department of the Army Polygraph Activities

**Headquarters
Department of the Army
Washington, DC
21 April 2016**

UNCLASSIFIED

SUMMARY of CHANGE

AR 195-6

Department of the Army Polygraph Activities

This major revision, dated 21 April 2016--

- o Incorporates revised policy concerning the Army Intelligence Polygraph Program in accordance with AR 381-20(C) (throughout).

Effective 21 May 2016

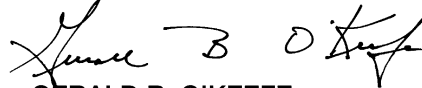
Criminal Investigation

Department of the Army Polygraph Activities

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:



GERALD B. O'KEEFE
Administrative Assistant to the
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History. This publication is a major revision.

Summary. This regulation prescribes the policies and responsibilities for using the polygraph in the Department of the Army. It updates the preparation and submission of the polygraph request; the conduct of the polygraph examinations; the supervision and review of those examinations; polygraph examination reports; and procedures for routing and storing polygraph records. This regulation implements DODD 5210.48 and DODI 5210.91.

Applicability. This regulation applies to the Active Army, the Army National

Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. The proponent of this regulation may modify chapters and policy of this regulation during mobilization.

Proponent and exception authority. The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and

identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Provost Marshal General (DAPM–MPO–PS), 2800 Army Pentagon, Washington, DC 20310–2800.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Provost Marshal General (DAPM–MPO–PS), 2800 Army Pentagon, Washington, DC 20310–2800.

Distribution. This publication is available in electronic media only and is intended for command levels C and E for the Active Army and the U.S. Army Reserve and D for the Army National Guard of the United States.

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Chapter 1

General

1-1. Purpose

This regulation contains policies, and procedures for using the polygraph in the Department of the Army (DA). It prescribes the authority for conducting polygraph examinations within DA. It delineates responsibility and authority between U.S. Army Criminal Investigation Command (USACIDC) and U.S. Army Intelligence and Security Command (INSCOM). Policy regarding the intelligence polygraph program, including counterintelligence scope polygraph examinations, is covered in AR 381-20(C).

1-2. References

See appendix A.

1-3. Explanation of abbreviations and terms

See the glossary.

1-4. Responsibilities

- a.* The Deputy Chief of Staff, G-2 will—
 - (1) Designate the Director, Army G-2X to centralize technical control of the Army intelligence credibility assessment program and appoint the Army Intelligence Polygraph Program Manager for the Army.
 - (2) Serve as the proponent for Army intelligence polygraph policy and procedures.
 - (3) Ensure the Commander, INSCOM plans, programs, resources, and implements the Army intelligence polygraph program as specified in AR 381-20(C).
- b.* The Provost Marshal General will—
 - (1) Exercise overall Army staff responsibility for the DA Polygraph Program.
 - (2) Ensure the execution of responsibilities assigned to the Secretary of the Army by DODD 5210.48 for support to the National Center for Credibility Assessment (NCCA).
 - (3) Provide Army staff policy guidance on using polygraph in criminal investigations.
 - (4) Ensure the Commander, USACIDC is authorized to—
 - a.* Conduct USACIDC polygraph examinations and authorize USACIDC polygraph examinations.
 - b.* Procure or possess polygraph equipment for USACIDC operational purposes.
 - c.* Have assigned USACIDC polygraph examiners.
 - d.* Certify, decertify, and recertify USACIDC polygraph examiners.
 - e.* Conduct quality control of USACIDC polygraph examinations.
 - f.* Designate a USACIDC polygraph program manager to oversee administration of USACIDC polygraph examinations.
 - g.* Designate members to the Department of Defense (DOD) Polygraph and the NCCA oversight committees.
- c.* The Commanding General, U.S. Army Training and Doctrine Command will—
 - (1) Execute Army responsibilities for the NCCA, as prescribed in DODD 5210.48 and DODI 5210.91.
 - (2) Provide and maintain facilities for the NCCA.
 - (3) Provide administrative, logistical, and special funding support to the NCCA.
 - (4) Provide personnel to the NCCA for practical exercises and research, to include paid examinees from local universities and communities as clinical and research requirements dictate.

1-5. Statutory authority

Titles 10 and 18, United States Code (10 USC and 18 USC), DODD 5210.48, and DODI 5210.91 are the statutory authorities. The Defense Authorization Act for FY04 is the statutory authority for the DOD Counterintelligence (CI) Polygraph Program.

1-6. Overall policies

Army investigations depend on relevant evidence secured through skillful investigation and interrogations. The polygraph is a useful investigative aid to secure and verify evidence. It will be used only as an aid in support of other investigative means. Use of the polygraph is not necessarily the final action of an investigation.

- a.* Questions asked will relate to the relevant issue under inquiry.
- b.* Unless directly relevant to the inquiry, the following issues will not be covered:
 - (1) Religious beliefs and lawful affiliations.
 - (2) Beliefs and opinions regarding racial matters.
 - (3) Political beliefs and affiliations of a non-subversive nature.
 - (4) Opinions on the constitutionality of legislative policies.

(5) Sexual orientation or preferences of subject.

c. For criminal investigations, no adverse action will be taken against persons refusing or unwilling to be examined by polygraph. Other investigation, as appropriate, may continue following the person's refusal to be examined by polygraph.

d. Army intelligence polygraph examinations, including counterintelligence scope polygraph (CSP) examinations of persons with access to certain highly sensitive and classified programs, are governed by the provisions in AR 381-20(C).

e. DOD requests for polygraph examinations will be submitted to the Commander, USACIDC. For USACIDC polygraph examinations, the point of contact is Chief, Polygraph Division; U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134-9998. For U.S. Army Intelligence (USAI) polygraph examinations, the point of contact is available at: usarmy.meade.902-mi-grp.mbx.polygraph-ppmo1@mail.mil. The subject of a criminal investigation may request an exculpatory polygraph investigation, and an examination may be administered if considered essential by the polygraph approval/authorization authority to a just and equitable resolution of the matter under investigation.

f. The polygraph may be used to examine the following:

(1) U.S. military and civilian persons in connection with criminal investigations of offenses of military interest punishable under Federal law or Uniform Code of Military Justice (UCMJ) by death or confinement of a term of 1 year or more. Investigation by other means must have been as thorough as circumstances permit, and developing information using a polygraph examination must be essential to conducting the investigation. In addition, the person being considered for examination must have been interviewed, and reasonable cause must exist to believe that they have knowledge of, or was involved in, the matter under investigation. Exceptions may be granted for exculpatory examinations.

(2) Foreign military and civilian persons in connection with criminal investigation of offenses of U.S. military interest punishable under Federal law or UCMJ by death or confinement for a term of 1 year or more, unless prohibited by the laws of a specific foreign country. Exceptions may be granted for exculpatory examinations.

g. Final administrative or judicial findings will not be based solely on polygraph results; however, the results of an analysis of the polygraph charts may be considered probative in administrative determinations.

h. Polygraph results and the records of results are privileged data and will be released only as provided in paragraph 2-8.

i. A polygraph examination will be conducted following judicial arraignment of the potential examinee only when authorized by a court and when consistent with this regulation. The polygraph will not be used to verify or refute a judicial finding. Additionally, a polygraph examination is not normally appropriate for:

(1) A convicted offender in connection with the offense for which they were convicted, as part of a post-trial review.

(2) Witnesses who have failed to be believable during a trial resulting in a conviction to verify or refute their testimony. This does not preclude using the polygraph in perjury investigations.

j. Polygraph instruments used will measure and record, as a minimum, respiration, galvanic skin response (or, conductance), blood volume, and heart rate.

1-7. Polygraph examinations authorized by U.S. Army Criminal Investigation Command

Polygraph examinations will be authorized by the Commander, USACIDC. The following named positions are delegated this authority:

a. The Deputy Commander, USACIDC.

b. The Director, U.S. Army Crime Records Center (USACRC).

c. The Chief, Polygraph Division, USACRC.

d. The Commanders of the 3d, 6th, and 701st Military Police Groups (Criminal Investigation Division (CID)) are authorized to approve the conduct of polygraph examinations within their respective areas of responsibility on an emergency basis. Examples are those instances in which the Deputy Commander, USACIDC; Director, USACRC; and the Chief, Polygraph Division, USACRC cannot be contacted within a two-hour time period and further delays in administering an examination would severely jeopardize the mission. Care must be taken to ensure emergency authority is appropriately applied and not used as a matter of convenience. The Director, USACRC, will be notified by the most expedient means available if this delegated authority is used.

1-8. Approval authorities

See AR 381-20(C) for Army Intelligence polygraph approval authorities.

Chapter 2 Polygraph Use

2-1. Preparation and submission of polygraph examination requests

The investigative element requesting approval to conduct a polygraph examination will submit a completed DA Form 2805 (Polygraph Examination Authorization) (refer to <http://www.apd.army.mil/ProductMaps/EForms/DAForms.aspx> for further details) to the concerned person. This request will, at a minimum, identify the requestor, the individual(s) to be tested, and a summary detailing the basis for the request. This summary will provide sufficient information to allow the approving authority to ensure compliance with applicable regulatory and policy standards, as well as to determine if the testing issue is appropriate for application of the polygraph technique. Approvals will be obtained prior to the conduct of an examination. Telephonic requests, followed with written requests, may be used in emergencies. The requesting official will include the following data on every polygraph examination request:

a. For criminal investigations—

(1) The offense which formed the basis of the investigation is punishable under Federal law or the UCMJ by death or confinement for a term of 1 year or more. Even though such an offense may be disposed of with a lesser penalty, the person may be given a polygraph examination to eliminate suspicion.

(2) The person to be examined has been interviewed and there is reasonable cause to believe that the person has knowledge of, or was involved in, the matter under investigation.

(3) Consistent with the circumstances, data to be obtained by polygraph examination are needed for further conduct of the investigation. Investigation by other means has been as thorough as circumstances permit.

b. Polygraph support may be provided for non-DOD law enforcement agencies only when—

(1) The requesting non-DOD law enforcement agency is conducting a criminal investigation involving DOD personnel to be examined.

(2) The investigation is of military interest.

c. The use of the polygraph may be authorized for exculpation, provided that the request for such examination is initiated by the subject (or a person acting on the subject's behalf) of a criminal investigation, and administration of the examination is considered essential by the polygraph approval/authorization authority to a just and equitable resolution of the matter under investigation.

2-2. Use of polygraph examinations conducted by agencies other than Federal agencies

Only polygraph examinations conducted by Federal agencies and conforming to DOD standards will be used in official DOD proceedings. On occasion, attorneys representing DOD-affiliated personnel contract for private commercial polygraph examinations on behalf of their clients, anticipating that the examinations will be used in official DOD proceedings. Since DOD cannot attest to the conditions under which the examinations were administered, DOD components will not accept nor use such examinations in any actions (such as courts or preliminary discussions before legal action, boards, or other judicial or administrative actions) instead of those conducted by Federal agencies.

2-3. Conduct of polygraph examinations

a. Only certified polygraph examiners will conduct independent polygraph examinations. When appropriate, at least 5 working days before a polygraph examination, the examiner will be furnished all investigative data on the person to be examined. These will include any prior polygraph examination results. Exception is permitted only for operational necessity.

b. A certified examiner must supervise examiners serving their internships during examinations (see para 3-2b).

c. The examination will not be given when, in the opinion of the examiner, a person is not suitable for any of the following conditions:

(1) Mental or physical fatigue.

(2) Apparent mental disorder.

(3) Extreme emotional stress, intoxication, narcotics addiction, or excessive use of depressants, stimulants, tranquilizers, or hallucinogens.

(4) Physical discomfort.

d. If any of the conditions listed in paragraph 2-3c are present, and if deemed necessary, polygraph supervisors from each respective polygraph office will decide what action to take. Examiners will not make any psychiatric or physical diagnoses.

e. The examinee will not be subjected to prolonged interrogation immediately prior to the polygraph examination.

f. Voluntary consent in writing on DA Form 2801 (Polygraph Examination Statement of Consent) must be obtained from the person being examined if connected with a criminal investigation ((refer to <http://www.apd.army.mil/ProductMaps/EForms/DAForms.aspx> for further details)). A signed statement or refusal is not required.

g. Examinees in criminal investigations must be advised of the following:

(1) Date, time, and place of the examination.

- (2) Appropriate individual rights.
- (3) If classified matter is to be discussed, the examinee's lawyer must possess an appropriate security clearance.
- (4) Whether the testing area contains a two-way mirror or observation device.
- (5) If the proceedings are to be monitored or recorded, the examinee will be informed prior to the conduct of the examination.
- (6) Continued investigation by other means is not prohibited if the polygraph examination is refused. No adverse action will be taken for refusing to take the examination.
 - h.* The instrument, nature, and procedures of the examination will be explained to the examinee.
 - i.* All questions to be asked by the examiner during the instrument portion of the examination will be reviewed with the examinee prior to testing.
 - j.* Certified polygraph examiners will be officially identified as "polygraph examiners." Other titles will not be used. Clinical garments are not to be worn by polygraph examiners.
 - k.* Females accused or suspected of an offense must be tested in the presence of a female witness at all times, unless the examiner is female.
 - l.* Public showing of the mechanical operations of the polygraph and the physiological changes that take place during the emotional stimulation is not permitted. No unfounded claims of application or reliability are allowed. Only certified examiners will instruct, lecture, or demonstrate the polygraph.
 - m.* Opinions of truth or deception can be expressed only if each relevant question has been asked at least twice during a series and valid criteria exist for evaluation.
 - n.* For polygraph examinations found to be "inconclusive," another examination may be given. Approval need not be obtained for such additional examination.
 - o.* The examiner who conducted the examination interprets the polygraph charts.

2-4. Polygraph examination rooms

Rooms used regularly for polygraph examinations must be located away from distracting noises such as street and office traffic, telephones, or latrines. Examination rooms will not be located in basements or on ground floors of multistory buildings. They will also meet the following standards:

- a.* Be about 12 feet by 12 feet, and large enough for polygraph equipment and required furniture.
- b.* Be soundproofed. Tile with geometric design will be avoided.
- c.* The floor will be carpeted to aid in soundproofing.
- d.* Be equipped with an observation mirror or audio and/or visual equipment to monitor and record.
- e.* Be air conditioned and heated. The air conditioner and heat source must operate at a low noise level.
- f.* Have electrical outlets that contain a ground connection.

2-5. Supervision and review

Each polygraph examination must be reviewed by USACIDC technical supervisors of the polygraph examiner for initial quality control. The quality control element representing USACIDC conducts a final review.

- a.* These quality control elements review all charts, reports of polygraph examinations and other investigative and operational data. These reviews are used to decide if the examination was satisfactory or if a repeat polygraph examination should be conducted. Quality control examiners may require polygraph examiners to justify their conclusions.
- b.* Direct communication between polygraph examiners and quality control elements of USACIDC is authorized and encouraged.

2-6. Polygraph examination report

a. Polygraph examiners must complete a narrative report detailing the facts and circumstances surrounding each examination they conduct. This report is exempt from information control (see AR 335-15). At a minimum, this report must—

- (1) Contain the date the examination was authorized and conducted and the report number to which the examination pertains.
- (2) Identify the examinee by name, rank, social security number, unit of assignment or address, the offense under investigation, and the reason the test is being administered.
- (3) Contain a synopsis of the investigation and how the examinee relates to the testing issue.
- (4) Whether or not the examinee made any pre-test admissions.
- (5) The examination results.
- (6) Whether or not the examinee made any admissions after the test.
- (7) Whether or not the polygraph charts show unusual physiological responses.
- (8) Whether or not all parts of the examination were completed.
- (9) Name and serial number of the instrument or computer used.

b. Copies of the polygraph examination report, which are attached as exhibits to reports of investigation, must be labeled: "Attached as Exhibit _____ is a Polygraph Examination Report. This exhibit will be destroyed not later than (enter date here, 3 months after the date of the report of investigation) (see AR 195–6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134–9998. Reproduction of this exhibit or its contents is prohibited."

2–7. Procedures for routing and storing polygraph records

a. Within three workdays after a USACIDC polygraph examination, the examiners will send the following documents electronically to the Director, U.S. Army Crime Records Center (CICR–PD), 27130 Telegraph Road, Quantico, VA 22134–9998, for quality control review:

- (1) All polygrams collected.
- (2) A listing of all questions used during the examination.
- (3) A DA Form 2801.
- (4) Polygraph examination report in narrative format.
- (5) Polygraph examination request in memorandum or email format.
- (6) Polygraph examiner worksheet.

b. An electronic message will be returned to the polygraph examiner of record providing the results of the quality control review. Upon a successful completion of the quality control review, the USACIDC examiner will provide a copy of the polygraph examination report to the supported Army element.

c. When the polygraph examination is part of a USACIDC lead request, a copy of the polygraph examination report will be attached to the information report. These will be sent to the requesting USACIDC element.

d. All law enforcement records that result from examinations for other agencies and are not part of the USACIDC report will be sent to the USACRC.

e. Polygraph documents at the USACRC will be segregated from case investigative files and dossier material.

2–8. Release of polygraph examination reports

a. Release of polygraph results will be strictly controlled and comply with DODI 5210.91, DODD 5400.11, and DOD 5400.11–R. Results of a polygraph examination apply to that data contained on the polygraph examination report. These include the following:

- (1) Synopsis of the examination.
- (2) Brief identification and background data.
- (3) Relevant questions asked and answered by the examinee.

(4) Polygraph examiner conclusions. These concern determinations of truth or deception and any admissions made during the examination.

b. All other records collected or connected with polygraph examinations that apply to pre-test preparations, examiner notes, polygraph worksheets, polygrams, and other technical details will not be sent outside the Army agency that conducts the examination, except as required by DODI 5210.91, DODD 5400.11, DOD 5400.11–R, or a court order.

c. Polygraph examination results may be released to the following:

- (1) The Secretary of the Army, the Chief of Staff, and their immediate advisers.
- (2) Army officials charged with—
 - (a) Counterintelligence and personnel security.
 - (b) Law enforcement.

(c) Administration of criminal justice. This includes legal counsel in judicial or administrative proceedings arising from the investigation.

(3) DOD officials corresponding to those listed in paragraphs 2–8c(1) and 2–8c(2).

(4) Federal, State, and local law enforcement officials when—

- (a) An alleged violation of Federal or State law or a felony is shown in the results.
- (b) Approved for release by the Commander, USACIDC.

(5) Legal counsel for the person examined, or to the person examined, on request (subject to safeguarding classified defense data).

d. Requests for criminal investigation polygraph examination reports will be forwarded to the Director, U.S. Army Crime Records Center, USACIDC. Records will be maintained to include the date, nature, and purpose of disclosure and name and address of person or agency which received the disclosure.

2–9. Polygraph equipment procurement

Only NCCA validated and approved polygraph equipment and/or technologies will be authorized for operational use.

2–10. Polygraph research and studies

a. The Commander, USACIDC may request authorization from the Director of Operations, Defense Intelligence

Agency to conduct research involving the use of the polygraph for criminal investigations. The following data must be provided in this request:

- (1) Name of agency or contractor selected to perform the research.
- (2) Qualification of agency or contractor.
- (3) Estimated cost of research.
- (4) Description of research and purpose.
- (5) Starting date and anticipated completion date.

b. Routine statistics or analysis of the contents of polygraph materials or report do not constitute research for the purpose of this regulation.

c. DA polygraph examiners may assist in authorized research and study programs.

2-11. Waivers

The Commander, USACIDC authorizes any requests for waivers on the use of the polygraph and examinations.

Chapter 3 Selection, Training, and Supervision of Polygraph Examiners

3-1. Selection

a. For the position of polygraph examiner, each person must be—

- (1) A U.S. citizen.
- (2) At least 25 years of age.
- (3) A graduate of an accredited college (or equivalent) with 2 years investigative experience (actual conduct of investigations). The experience must have been with a Government or other law enforcement agency.
- (4) Screened through a background or character investigation and must be found to be a sound and moral person.

b. Service members must be in military occupational specialty (MOS) 311A.

c. DOD civilians may be accepted by the USACIDC if eligible for accreditation as CID special agents.

d. Candidate examiners are required to receive a CSP examination. This examination will be conducted by examiners of the agency quality control office or designee. This ensures that in subsequent tests on others, the candidate knows the impact and effect of the examination. The examinations will be given prior to the training courses.

3-2. Training

a. The basic polygraph examiners training course (7H-SQIK\832ASIP9) as taught at NCCA will be the sole source of polygraph training for all applicants in accordance with DODD 5210.48.

- (1) Monitor the end product of intern examiners.
- (2) Make recommendations as to course content to the NCCA Advisory Committee.

b. Each candidate will serve an internship under a certified examiner. This period will be for at least 6 months following the basic polygraph training course. During that period, each candidate is required to—

- (1) Show proficiency in the use of the polygraph.
- (2) Conduct at least 25 examinations which have been directly supervised and monitored on site by a certified polygraph examiner.

c. Coordinate with quality control officers to ensure that candidates enter their intern period following basic polygraph courses or at other appropriate times.

d. Complete refresher or advance training at least every 2 years.

e. Complete 80 hours of continuing education to maintain Federal certified polygraph examiner training requirements.

3-3. Applications for training and certification of U.S. Army Criminal Investigation Command special agents

a. The USACIDC special agents will apply for training in a memorandum. The memorandum will be routed through the applicant's chain of command to: Commander, USACIDC (CISP-PE-AC), 27130 Telegraph Road, Quantico, VA 22134-9998. The applicants must meet the requirements listed in paragraph 3-1.

(1) Special agents-in-charge and commanders will recommend approval or disapproval and give comment. Any reason(s) for disapproval will be specified.

(2) Action will be taken by the Commander, USACIDC. A notification of approval or disapproval will be returned to the applicant through the chain of command.

b. For certification as a polygraph examiner, applications will be prepared in a memorandum. The memorandum will be routed through the applicant's chain of command to: Commander, USACIDC (CICR-PD), 27130 Telegraph Road,

Quantico, VA 22134-9998. Completion of a 6-month minimum internship during which 50 examinations were conducted is required. The examination results will have been reviewed by quality control persons at the USACRC. Evidence that the training period requirements listed in paragraph 3-2a have been met will also be included.

(1) The Director, USACRC, as the polygraph program manager, will recommend approval or disapproval of all requests for certification. Reasons for disapproval will be given.

(2) A DA Form 3833 (Polygraph Examiner Certificate) will be issued when approval is given by the Commander, USACIDC.

3-4. Retention of certification

a. Continued proficiency is required to retain certification. When an examiner is assigned other duties for more than 6 months or does not comply with paragraph 3-4b, the following is required:

(1) Completion of a refresher intern period of at least 2 months or a minimum of 15 examinations under supervision of a certified examiner.

(2) Coordination with quality control prior to entry into this intern period.

b. Certified examiners will conduct at least 18 polygraph examinations during a 6-month period. The following are exempt:

(1) Examiners who direct or instruct polygraph training.

(2) Polygraph quality control supervisors.

3-5. Revocation of certification

a. When a polygraph examiner's certificate is suspended or revoked, the certificate will be returned to the certifying official.

b. A polygraph examiner's certificate may be suspended for failure to maintain prescribed proficiency standards.

c. The following actions will be cause for withdrawal of the certification:

(1) Loss of accreditation of MOS 311A.

(2) Removal of military investigator badge and credentials.

(3) Removal from the position or duty requirement to conduct polygraph examinations for a period of more than 6 months.

(4) Continued failure to maintain prescribed proficiency standards.

3-6. Loss or damage of certificates

Loss or damage of polygraph certificates will be handled in the same manner as prescribed for loss or damage of credential in AR 195-3 and AR 381-20(C).

Appendix A References

Section I

Required Publications

Unless otherwise stated, Army publications are available on the Army Publishing Directorate Web site at <http://www.apd.army.mil>. DOD publications are available at <http://www.dtic.mil/whs/directives/>.

AR 195-3

Acceptance, Accreditation, and Release of United States Army Criminal Investigation Command Personnel (Cited in para 3-6.)

AR 335-15

Management Information Control System (Cited in para 2-6a.)

AR 381-20(C)

The Army Counterintelligence Program (Cited in para 1-1.)

DOD 5400.11-R

Department of Defense Privacy Program (Cited in para 2-8a.)

DODD 5210.48

Credibility Assessment (CA) Program (Cited in para 1-4b(2).)

DODD 5400.11

DOD Privacy Program (Cited in para 2-8a.)

DODI 5210.91

Polygraph and Credibility Assessment (PCA) Procedures (Cited in para 1-4c(1).)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand the publication.

AR 11-2

Managers' Internal Control Program

AR 25-30

The Army Publishing Program

National Defense Authorization Act for Fiscal Year 2004

Public Law 108-136 (Available at <http://www.gpo.gov>.)

National Security Act of 1947

Public Law 80-253

10 USC

Armed Forces

18 USC

Crimes and Criminal Procedure

32 USC

National Guard

Section III

Prescribed Forms

Unless otherwise indicated, DA Forms are available on the Army Publishing Directorate Web site (<http://www.apd.army.mil>).

DA Form 2801

Polygraph Examination Statement of Consent (Prescribed in para 2–3*f*.)

DA Form 2805

Polygraph Examination Authorization (Prescribed in para 2–1.)

DA Form 3833

Polygraph Examiner Certificate (Prescribed in para 3–3*b*(2).) (Stocked and issued through USACIDC.)

Section IV**Referenced Forms**

Unless otherwise indicated, DA Forms are available on the Army Publishing Directorate Web site (<http://www.apd.army.mil>).

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 3881

Rights Warning Procedure/Waiver Certificate

Appendix B**Internal Control Evaluation****B–1. Function**

The function covered by this evaluation is DA polygraph activities.

B–2. Purpose

The purpose of this evaluation is to assist evidence handlers, evidence custodians, evidence room inspectors, leaders, and commanders in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

B–3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation). Answers that indicate deficiencies must be explained and the corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test questions

- a.* Does an individual selected for polygraph examiner training meet the requirements as specified in paragraph 3–1?
- b.* Is the NCCA the sole source of basic polygraph examiner training?
- c.* Did the polygraph examiner complete a 6 month internship prior to certification?
- d.* Did the polygraph examiner conduct at least 25 examinations under the supervision of a certified examiner during an internship?
- e.* Did the polygraph examiner receive refresher or advanced polygraph training at least every 2 years?
- f.* When assigned to other duties for more than 6 months, did the polygraph examiner complete a refresher internship period of at least 2 months when they returned to polygraph examiner duties?
- g.* Are all polygraph examinations authorized in accordance with paragraph 2–1?
- h.* Did the polygraph examiner evaluate each examinees for suitability prior to and during the pre-instrument phase?
- i.* Are DA Forms 2801 (or the translation into English of the information documented within DA Form 2801) used by polygraph examiners to record the examinees' consent in criminal and counterintelligence investigations and exculpatory polygraph examinations?
- j.* Did the polygraph examiner identify examination results as preliminary until completion of a satisfactory quality control review?
- k.* Are polygraph reports provided to supported Army element only after completion of a satisfactory quality control?

- l.* Are polygraph examination reports and documents dispatched to quality control within 3 workdays from the date of examination?
- m.* Are only those officials identified in paragraph 2–8 provided polygraph examination results?
- n.* Are non-record copies of the polygraph report attached as exhibits to the reports annotated with the appropriate destruction statement specified in paragraph 2–6?
- o.* Are personnel security CI scope polygraph examinations of National Security Agency assignees authorized only after receipt of documentation verifying examinee employment, assignment, or detail to National Security Agency?
- p.* Are personnel security CI scope DOD polygraph examinations authorized prior to testing?
- q.* Are individuals who declined personnel security investigation polygraph examinations eligible for positions that have not been determined to require a polygraph examination?
- r.* Do polygraph examiners advise examinees of their privilege against self-incrimination and right to legal counsel prior to the conduct of personnel security related polygraph examinations?
- s.* Are examinees of unresolved deceptive personnel security CI scope polygraph examinations afforded the opportunity to undergo additional polygraph testing?
- t.* Are the requirements set forth in AR 195–6 met prior to denying an individual access to designated classified information based on unresolved deceptive personnel security CI scope polygraph examinations?
- u.* Do all polygraph examinations receive a quality control review by the USACIDC or USAI polygraph quality control office?
- v.* Is a “blind” analysis of the polygrams collected during an examination performed during the quality control review?
- w.* Are polygraph test questions that are used during an examination reviewed and evaluated during the quality control review?
- x.* Are polygraph examination documents reviewed to ensure proper polygraph technique was used?
- y.* Are polygraph examination documents reviewed for administrative sufficiency?
- z.* Is the use of DA Forms 2801 (when applicable) and the DA Form 3881 (Rights Warning Procedure/Waiver Certificate) verified?
- aa.* Are statistical records maintained on the performance of polygraph examiners?

B–5. Supersession

Not applicable.

B–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Provost Marshal General (DAPM–MPO–PS), 2800 Army Pentagon, Washington, DC 20310–2800.

Glossary

Section I Abbreviations

AR

Army regulation

CI

counterintelligence

CID

Criminal Investigation Division

CSP

counterintelligence scope polygraph

DA

Department of the Army

DOD

Department of Defense

DODD

Department of Defense directive

DODI

Department of Defense instruction

INSCOM

U.S. Army Intelligence and Security Command

MOS

military occupational specialty

NCCA

National Center for Credibility Assessment

UCMJ

Uniform Code of Military Justice

USACIDC

U.S. Army Criminal Investigation Command

USACRC

U.S. Army Crime Records Center

USAI

U.S. Army Intelligence

USC

United States Code

Section II

Terms

Counterintelligence

Those intelligence activities intended to detect, evaluate, counteract, or prevent hostile intelligence collection, sabotage, terrorism, or assassination conducted by or on behalf of any foreign power, organization, or person operating to the detriment of the Army.

Cryptologic information

Information pertaining to the production of signals intelligence and maintenance of communications security.

Foreign intelligence

Information relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons.

Foreign nationals

All persons who are neither citizens, nor immigrant aliens to the United States.

Polygram

Paper of any length from a polygraph instrument that reflects calibration procedures or physiological tracings of an examinee.

Polygraph examination

Questioning and other processing of an examinee before the actual use of the polygraph instrument; the use of the polygraph instrument with respect to such examinee; and any questioning or other processing involving the examinee after the use of the polygraph instrument. Specifically, examinations consist of three phases: pre-instrument portion, instrument portion, and post instrument portion.

Polygraph examination results

A synopsis of the polygraph examination that normally includes a brief identification and background information, the relevant questions asked, the examinee's answers, the examiner's opinions concerning the indication of truthfulness or deception, any admissions made by the examinee during the examination.

Polygraph examination report

The complete, detailed memorandum formatted report prepared by the polygraph examiner as prescribed by USACIDC and INSCOM including pre-instrument preparations, the examiner's notes, polygram, and other technical details of the polygraph examination.

Polygraph instrument

A diagnostic instrument capable of measuring and recording, as a minimum, respiration, electrodermal, blood volume, and heart rate response to verbal and or visual stimuli.

Relevant question

A polygraph question pertaining directly to the matter under investigation for which the examinee is being tested.

Technical question

A question that refers to any other question asked by the examiner during the instrument portion of the examination.

Third Agency Limitation (Third Agency Rule)

The governing rule that states that, except as provided in Section 102, National Security Act of 1947, classified information originating in one U.S. agency (for example, DOD) will not be disseminated by another agency to which the information has been made available without the consent of the originating agency.

Section III**Special Abbreviations and Terms**

This section contains no entries.

UNCLASSIFIED