

ALABAMA BOARD OF POLYGRAPH EXAMINERS
ADMINISTRATIVE CODECHAPTER 740-X-5
EXAMINATIONS

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740-X-5-.01 Proper Purpose Of Polygraph Examinations.

The sole proper purpose of polygraph examinations is to detect deception or verify the truth of statements. The availability of polygraph examinations as a means of detecting deception may well have a beneficial effect on the behavior of individuals who are aware that they may be asked to take polygraph examinations concerning their behavior. However, it is improper to use polygraph examinations as a scare tactic. Any practice or policy which is structured to influence or which seeks to affect the future conduct of examinees more than it seeks to detect deception or verify the truth of the examinees' statements concerning past behavior is improper.

Author: Polygraph Examiners Board

Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.

History: Filed October 8, 1981.

740-X-5-.02 Polygraph Examinations.

(1) A polygraph examination consists of:

- (a) A pre-test interview,
- (b) Chart examination, and
- (c) A post-test interview.

(2) An examiner will personally conduct an adequate pre-test interview.

Author: Polygraph Examiners Board

Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.

History: Filed October 8, 1981. **Amended:** Filed November 6, 1991.

740-X-5-.03 Incompetency Defined.

Pursuant to the authority and responsibility vested in it by the Alabama Polygraph Examiners Act, and pursuant to the provisions of §§34-25-5(a), 34-25-32(4)(6) of that act, the Board defines incompetency to include, but not be limited to, violation of any of the following minimum standards of competency:

(a) No examiner will use equipment which does not meet all the minimum requirements prescribed in §34-25-3 of the act.

(b) No examiner will ask a question during a polygraph examination without first reviewing that question with the examinee.

(c) No examiner will ask a question during a polygraph examination without waiting not less than ten seconds between the end of the preceding answer by the examinee and the beginning of the next question by the examiner.

(d) No examiner will rely upon a polygraph chart which contains less than seven questions.

(e) No examiner will render a verbal or written conclusion or opinion based, in whole or in part, on polygraph chart analysis of any question without having asked that question at least two times.

(f) No examiner will perform more than six polygraph examinations in any one calendar day.

(g) No examiner will produce a polygraph chart which is not adequately marked by the examiner to identify at a minimum each of the following: the individual being tested, the date of the examination, the time of the chart, the chart and test number, and the examiner's initials. Where charts are produced from instruments which contain electronically enhanced components, an examiner will mark such charts to show the sensitivity level at the beginning of the chart and at any point where the sensitivity level is changed.

(h) No examiner will render a verbal or written conclusion or opinion based upon a polygraph examination performed on an examinee whom the examiner knows or has reason to believe is physically or mentally unfit.

(i) No examiner will report information as factual which the examiner obtained through any means other than personally conducting an interview of the individual being tested, provided, that an examiner is not precluded from rendering a

professional opinion based on chart analysis even absent substantive admissions by the individual being tested.

(j) No examiner will conduct a pre-test interview in any manner other than personally and an examiner must conduct each pre-test interview, in its entirety, personally.

Author: Polygraph Examiners Board

Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.

History: Filed October 8, 1981. **Amended:** Filed November 6, 1991.

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740-X-5-.04 Unworthiness Defined.

Pursuant to the authority and responsibility vested in it by the Alabama Polygraph Examiners Act, and pursuant to the provisions of §34-25-5(a), 34-25-32(4)(6) of the act, the Board defines unworthiness to include, but not be limited to, violation of any of the following minimum standards of worthiness:

(a) No examiner will knowingly issue a polygraph examination report or render a verbal written conclusion or opinion which is misleading, biased or falsified in any way. Each polygraph report will be a factual, impartial, and objective account of the pertinent information developed during the examination, and the examiner's professional opinion based on analysis of the polygraph charts.

(b) No examiner will conclude a polygraph examination session without affording the examinee a reasonable opportunity to explain any reactions to pertinent questions which are evident on the charts.

(c) No examiner will solicit or attempt to solicit other business as a result of information or statements obtained from an examinee.

(d) No examiner will ask questions that either are or can reasonably be construed to be sexually oriented, unless the questions are relevant to the legitimate purpose of the examination, and unless the examiner explains the questions and their relevancy to the examinee before asking the question.

(e) No examiner will fail to permit an inspection authorized pursuant to Rule 740-X-6-.03.

(f) No examiner will fail to cooperate with the Board or any officer or agent thereof in any Board-authorized investigation conducted pursuant to Rule 740-X-6-.02.

(g) No examiner will conduct a polygraph examination which has as its primary purpose influencing the future conduct of an examinee rather than detecting deception or veracity on the part of the examinee.

(h) No examiner will fail to immediately notify the Board of the cancellation or discontinuance of his surety bond as required by Rule 740-X-3-.15.

(i) No examiner will conduct a polygraph examination unless a surety bond, as required by Rule 740-X-3-.14, is in effect.

(j) No examiner will conduct himself in a manner which reflects that he is a person of dishonesty or untruthfulness, or that he lacks integrity or is morally unfit.

(k) No examiner will violate any provision of any rule of these rules and regulations.

Author: Polygraph Examiners Board

Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.

History: Filed October 8, 1981.