



PROCEDURE

**Parole and Probation
DIVISION DIRECTIVE MANUAL**

AG REVIEW BY:	ORIGINATION DATE: 02/19/1999	APPROVED BY: JOHN ALLAN GONSKA, CHIEF <i>(original signature on file)</i>
REFERENCES:	DATE EFFECTIVE: 06/01/2006	SUBJECT: Offender Polygraph Process
PROCESSED BY: CHARLES C. COMBS	REVISION DATE: 05/26/2006	DIRECTIVE NUMBER: 6.3.115

A. PURPOSE:

To set forth conditions governing the utilization of polygraph examinations on offenders under the supervision of the Division of Parole and Probation.

B. POLICY:

The Division of Parole and Probation, in conjunction with the Nevada Division of Investigation, shall conduct periodic polygraph examinations of certain offenders under the supervision of the Division of Parole and Probation.

1. As outlined in NRS 176A.400 and 176A.410, offenders convicted of specified crimes are mandated to have a special condition requiring them to submit to polygraph examinations at the direction of the Division. Additionally, the Board/Court may order a special condition of polygraph examinations on any offender granted community supervision. Division personnel may also request any offender under supervision to voluntarily submit to a polygraph examination when it is determined that such an examination would be crucial to the supervision of the case and for protection of the community;
2. Testing shall be conducted at the request of the supervising officer and upon approval by the

Captain;

3. Polygraph results shall remain the sole property of the Division of Parole and Probation. Results may be discussed or provided to outside parties as deemed appropriate by Division personnel in accordance with release of information and confidentiality statutes, policies and procedures;

C. PROCEDURE:

1. The supervising officer shall determine the necessity to utilize the polygraph process as a tool to provide appropriate supervision to offenders on a case by case basis;
2. After deciding that a polygraph examination would be appropriate, the supervising officer shall:

a. Determine if the offender has a special condition for polygraph testing.

- 1) If the offender does not have a special condition for polygraph testing, the supervising officer shall request the offender to voluntarily submit to a polygraph;
- 2.) If the offender refuses, the supervising officer shall prepare a modification of probation/parole requesting a special condition be added to the offender=s supervision agreement stating: That you submit to polygraph examinations as directed by the Division of Parole and Probation. A Court/Board hearing should then be scheduled for the modification request.

b. The supervising officer shall submit a request for polygraph testing memorandum to the Captain through the chain of command providing the following information:

- Offender Name
- File Number
- NOC Code
- Requesting Officer Name, CID Number and Area Command;

c. The Captain shall forward the approved requests to the Office of the Chief;

d. A log of all polygraphed offenders shall be maintained by the Office of the Chief;

e. The Captain shall provide the authorization for the supervising officer to contact the polygraph examiner and establish a date and time for the administration of the exam.

- 1.) After contacting the examiner, the Officer shall complete and forward the Nevada Division of Investigation form APolygraph Request@ to the examiner. (Northern and Central Commands shall utilize the NDI office in Carson City and Southern Command shall utilize the office in Las Vegas);

- 2.) The supervising officer shall notify the offender of the date, time and location of the exam.
- f. Questions to be asked of the offender shall be limited in time to the term of supervision or since the last polygraph test;
 - g. The line of questioning shall be event specific and relate to compliance with the terms and conditions of the supervision grant;
 - h. Upon completion of the exam, the examiner shall forward the results to the Office of the Chief who shall record the results and then forward them to the supervising officer.

The supervising officer may, however, obtain verbal results from the polygraph examiner at any time;

- i. If the polygraph result shows the offender was deceptive, the officer should consult with their immediate supervisor and determine an appropriate course of action to be pursued. Consideration should be given to:
 - 1.) Increasing the level of supervision;
 - 2.) Utilizing the offender's search clause when appropriate;
 - 3.) Modification of special conditions to enhance the Division's ability to monitor and supervise the offender;
 - 4.) Other means of monitoring the offender's behavior.

Deceptive results in and of themselves are not sufficient to generate a Violation Report;

- j. If an offender admits to new or previously undiscovered criminal conduct during the course of the polygraph process, the information shall be provided to the appropriate local law-enforcement agency by the supervising officer. A detailed chronological entry shall be made including, but not limited to, the event, time and location of the criminal act. The entry shall also contain the law enforcement agency notified, the name and title of the person notified. The information shall also be acted upon by the Division with regard to the offender's term of community supervision;
- k. Refusals by offenders to comply with special conditions to submit to polygraph testing shall be handled in the same manner as a deceptive result. Refusal to comply with a special condition, however, may be sufficient to generate a Violation Report;
- l. The Sex Offender Registration Unit, Nevada Parole and Probation (NPP) Headquarters, shall be notified in writing of the additional information.

3. The Secretary of the Chief shall provide a statistical report to the Division Chief on a monthly basis which shall include the following information:

- a. Date of examination;
- b. Offender name;
- c. Crime for which the offender is under supervision;
- d. Originating Area Command;
- e. Examination results:
 - 1.) Truthful;
 - 2.) Deceptive;
 - 3.) Inconclusive;
- f. If new criminal information was discovered.