



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

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| Policy No. DOC 3.1.26 | Subject: POLYGRAPH TESTS FOR OFFENDERS |
| Chapter 3: FACILITY/PROGRAM OPERATIONS | Page 1 of 2 |
| Section 1: Security Operations | Effective Date: Dec. 1, 1997 |
| Signature: /s/ Mike Ferriter, Director | Revised: 06/01/11 |

I. POLICY

The Department of Corrections cooperates with law enforcement agencies that conduct criminal investigations or prosecutorial activities that may include polygraph examinations for offenders. The Department's response to polygraph examination requests are guided by state and federal statutes.

II. APPLICABILITY

Department and contracted secure care facilities.

III. DEFINITIONS

Chief of Security – The staff person, regardless of local title (security major, director of operations), designated by the facility administrator to manage the facility security program.

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management. .

IV. DEPARTMENT DIRECTIVES

A. Approval

1. Upon notification from an authorized law enforcement agency, the facility administrator may request that the chief of security, or designee, arrange for an offender polygraph examination.
2. Facility administrators will work with local, state and federal law enforcement to facilitate a polygraph examination when informed by the law enforcement jurisdiction that an offender has agreed to a polygraph exam.

B. Location

1. The chief of security, or designee, will accommodate the scheduling of a polygraph at the request of an investigating law enforcement officer or jurisdiction to the extent possible. If staffing problems make scheduling an immediate polygraph exam impossible, then a mutually agreeable time will be arranged. Assigned security for an exam will only take place at the request of the polygraphist or at the recommendation of the chief of security.
2. The facility administrator will assist for off-site polygraph examinations.

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3. The Department will not provide escort services for off-site polygraphs, unless the escort is mutually agreed between the facility administrator and the law enforcement jurisdictions requesting the polygraph exam or otherwise stipulated in a court order.

C. Civil Cases

1. Facility administrators will not grant permission for offenders to submit to polygraph examinations in civil matters while in secure care custody.
2. The facility administrator will honor the order of a court of competent jurisdiction in granting civil case requests after conferring with Department's Legal Services Bureau.

V. CLOSING

Questions concerning this policy should be directed to the Department's Legal Services Bureau.

VI. REFERENCES

- A. *53-1-203, MCA*

VII. ATTACHMENTS

None.