

CHAPTER 10-11-03 DETECTION OF DECEPTION EXAMINATIONS

Section

10-11-03-01	Detection of Deception Examination Procedures
10-11-03-02	Detection of Deception Examination Records

10-11-03-01. Detection of deception examination procedures.

1. No person may be present during the detection of deception examination without the express consent of the examiner.
2. An examiner shall terminate a detection of deception examination in progress immediately upon request of the examinee.
3. No detection of deception examination may be conducted prior to a complete understanding between the examiner, the requesting agency, and examinee as to the specific reason for the test, including all records, documents, and investigative reports necessary to conduct the examination.
4. An examiner when administering a detection of deception examination, may not attempt to determine truth or deception on manners or issues not previously discussed with the examinee at the preexamination interview or not reasonably related to the matters or issues previously discussed with the examinee.
5. The detection of deception examination of a subject and that subject's fitness for the examination is at the discretion of the examiner.

History: Effective July 1, 1984; amended effective October 1, 2022.

General Authority: NDCC 43-31-13

Law Implemented: NDCC 43-31-13

10-11-03-02. Detection of deception examination records.

An examiner shall create and maintain a record of every detection of deception examination administered. Records must be maintained for five years and must contain the following:

1. All polygraph charts (polygrams) on each examinee.
2. All written reports or memoranda of verbal reports.
3. A list of all questions asked while the polygraph is recording.
4. Background information elicited during the pretest interviews.
5. A form signed by the examinee indicating that the examinee has voluntarily agreed to take the polygraph test and that the examinee has the right to leave the examining room at any time during the examination.
6. All tape recordings of the detection of deception examination if made.
7. An index either chronological or alphabetical listing the names of all persons examined, the type of detection of deception examination, the date of the examination, the name of the examiner, and the file or record number in which the records are maintained.

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