

Department of Army: Neither of the aforementioned agencies, as such, conduct administrative hearings. However, reports of investigations of either agency could be submitted to other elements of the department which do hold administrative hearings. In any such instance, the PMG follows a policy that all references to any polygraph examination will be deleted prior to the submission of the report to any board or hearing. The ACSI follows a procedure in which the report of examination, with the findings of the examiner but excluding the charts, may be part of the completed report of investigation provided a board or hearing. However, the report of polygraph examination is not formally introduced into evidence. Polygraph charts and related documents, other than the findings, are not included in the reports of investigation.

NAVY

ONI: The specific answer to the primary and subordinate parts of this question is negative. Taking heed of that portion of the question in parentheses, however, it can be said that on occasions, not readily identifiable, either by name or number, defense attorneys have attempted to question special agent operators in the course of pretrial investigations and general courts-martial trials. As far as is known, the presiding authority limited information to a description of the machine and its attachments and never allow questions asked during or results of examinations to be introduced.

Marine Corps: No.

- (a) Yes; but only on rare occasions.
- (b) Yes.
- (c) Yes.

AIR FORCE

Yes. The Uniform Code of Military Justice prohibits the use of the results of "lie detector" examinations in court-martial cases (*U.S. v. Massey*, 5 USCMA 514, 18 CMR 138), and Air Force Regulation 1-1A similarly prohibits their use in administrative proceedings. However, the fact that such an examination was administered may, if otherwise relevant and competent, be received in evidence. For example, it has been used by defendants before courts-martial to place the time-sequence of the accused's interrogation in perspective, and to otherwise raise the issue of the voluntariness of a statement of an accused.

- (a) Yes; within the limitations mentioned above.
- (b) Yes.
- (c) No. The use of polygraph charts as evidence in administrative hearings is prohibited by AFR 11-1A. Two copies of this regulation are attached.

DIA

DIA provides for the administrative review of personnel actions by an activity known as the Personnel Advisory Board. Substantive matters affecting security, suitability, and employee retention, are referred to this Board for recommendations. Recommendations emanating from this Board are forwarded to the Chief of Staff, DIA, for approval and when he deems it necessary, may be referred to the Deputy Director or the Director, DIA, for consideration of the recommendations. When the polygraph has been utilized in conjunction with substantive cases, the Board is advised of the examination conducted and the results thereof. The Board is not provided the charts or graphs that are a product of the examination but rather is given the questions, the response by the examinee to the questions, and the polygraph operator's evaluation of the response as indicating no reaction, apparent deception, or inconclusive results.

- (a) As indicated above, polygraph examinations are considered in personnel actions; however, should the individual decline to take the polygraph examination, this information, under current policies is not provided to the Board.
- (b) Should it be considered necessary, the Board may examine and cross-examine the polygraph operator.
- (c) As noted above, the polygraph charts are not reviewed at the hearing but the questions and answers may be considered at the hearing.

Mr. KASS. Mr. Skallerup, Mr. Griffin asked you about the training school. Do you plan to set up one overall Defense Department school?

Mr. SKALLERUP. I know of no such plan at this time. The problem seems to be not whether to have a single school or not a single school,