

(a) If your agency holds administrative hearings, are any references to polygraph examinations admitted in evidence?

(b) If the answer to question 16(a) is in the affirmative, is the polygraph operator made available for examination and cross-examination purposes?

(c) Are polygraph charts and other related documents admitted in evidence in these administrative hearings?

Army

PMG: In fiscal year 1964, a Military Police Corps polygraph examiner conducted six examinations preliminary to administrative board proceedings. In each instance cited above, the results of the examinations were not used as evidence in the hearings, no testimony concerning the polygraph examinations was heard by the board except that in one instance a respondent asked the board for a polygraph examination. Even in this case, the polygraph examiner did not appear before the board in this or any other proceedings, and no other reference to a polygraph examination appeared in the records of board proceedings.

ACSI: Army Intelligence has not been involved in any legal or administrative matter involving the use of the polygraph or any other so-called lie detection device.

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 court-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.