

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.

17. If your agency has issued any new regulations or directives pertaining to the use of polygraphs and other so-called lie detection devices since your answer to the subcommittee questionnaire dated June 11, 1963 (or if your agency has amended any existing regulations or directives), provide two copies of each.

Army

PMG: Applicable regulations for which the Provost Marshal General is the proponent are attached.

OACSI: Army Intelligence has not issued any new directives pertaining to the use of polygraph since June 1963. However, a