



July 13, 1965  
NUMBER 5210.48

ASD(M)

## Department of Defense Directive

SUBJECT The Conduct of Polygraph Examinations and the Selection, Training and Supervision of DoD Polygraph Examiners

- References:
- (a) Deputy Secretary of Defense Multiple Addressee Memorandum concerning polygraph examinations dated April 27, 1964, (hereby canceled).
  - (b) DoD Directive 5210.7, "DoD Civilian Applicant and Employee Security Program," August 12, 1953.
  - (c) DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," February 15, 1962.
  - (d) DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956
  - (e) DoD Directive 5220.6, "Industrial Personnel Access Authorization Review Regulation," July 28, 1960.

### I. PURPOSE

This Directive (a) sets forth the conditions under which polygraph examinations may be conducted within the Department of Defense, and (b) contains requirements for the selection, training, and supervision of polygraph examiners.

### II. CANCELLATION

Reference (a) is hereby superseded and canceled.

### III. APPLICABILITY

The provisions of this Directive apply to all components of the Department of Defense.

#### IV. GENERAL POLICY

It is the policy of the Department of Defense that criminal, and counterintelligence investigations, including personnel security investigations, be oriented to depend upon evidence secured through skillful investigation and interrogation rather than upon the possibility of self-disclosure induced by a polygraph examination.

- A. The probing of a person's thoughts or beliefs, and questions about conduct which have no security implication, or are not directly relevant to an investigation, are prohibited. Examples of subject areas which should not be probed include the following: religious beliefs and affiliations, beliefs and opinions regarding racial matters, political beliefs and affiliations of a non-subversive nature, and opinions regarding the constitutionality of legislative policies.
- B. No polygraph examination shall be given to personnel of the Department of Defense, or to personnel outside the Department of Defense requiring access to classified defense information, except as authorized herein.
- C. Adverse action shall not be taken against a person for refusal to take a polygraph examination or for unwillingness to volunteer to take a polygraph examination. Moreover, information concerning a person's refusal either to submit to a polygraph examination or to volunteer for a polygraph examination shall not be recorded in his personnel file and shall be given the same protection afforded by subsection VII. E., below. The continuation of an investigation is, however, not considered to be an adverse action and is not prohibited by this section.

#### V. CRIMINAL INVESTIGATIONS

In a criminal investigation no polygraph examination shall be conducted unless the following requirements are met:

- A. A determination shall be made (to be confirmed in writing) in accordance with subsection VII. B. below, that:

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1. The investigation by other means has been as thorough as circumstances permit, the subject has been interviewed, and consistent with the circumstances of the case, the development of additional information by means of a polygraph examination is essential and timely for the further conduct of the investigation;
2. The alleged crime is an offense punishable under the United States Code or the Uniform Code of Military Justice by death or confinement for a term of one year or more;
3. There is reasonable cause to believe that the person to be examined has knowledge of, or was involved in, the matter under investigation.

B. The person to be examined has been advised:

1. That he has the opportunity to obtain and consult with counsel of his own choice prior to the polygraph examination.
2. Of his rights, in accordance with the provisions of either (a) the "self-incrimination clause" of the Fifth Amendment to the Constitution; or (b) Article 31 of the Uniform Code of Military Justice, whichever is appropriate.
3. That the polygraph examination will be conducted only with his prior written consent and that no adverse action will be taken against him because of a refusal to consent to take a polygraph examination.
4. Whether the area in which the polygraph examination is to be conducted contains a two-way mirror or other device whereby the examinee can be observed without his knowledge; and whether the examination will be monitored in whole or in part by any means.

VI. COUNTERINTELLIGENCE INVESTIGATIONS; INTELLIGENCE OPERATIONS; CRYPTOLOGIC INFORMATION

A. Counterintelligence Investigations. Polygraph examinations may be conducted as a part of a counterintelligence investigation of Department of Defense personnel or as a part of a personnel security investigation of Department of Defense personnel or of personnel outside the Department of Defense requiring access to classified defense information, provided the following requirements are met:

1. The determination has been made (to be confirmed in writing) in accordance with subsection VII. B., below, that:
  - a. The investigation by other means has been as thorough as circumstances permit, the subject has been interviewed, and further productive investigative effort is not likely without a polygraph examination; and,
  - b. The purpose of the investigation is to determine whether (1) to grant, deny, or withdraw a security clearance higher than Confidential; or, (2) in accordance with references (b) and (d), initial or continued employment, or membership in the Armed Forces, is clearly consistent with the interests of the national security; and
  - c. The information furnished by the individual cannot be checked through the use of other investigative methods.
2. The person to be examined has been advised:
  - a. That he has the opportunity to obtain and consult with counsel of his own choice prior to the polygraph examination;
  - b. Of his rights, in accordance with the provisions of either (1) the "self-incrimination clause" of the Fifth Amendment to the Constitution; or (2) Article 31 of the Uniform Code of Military Justice, whichever is appropriate.

- c. That the polygraph examination will be conducted only with his prior written consent and that no adverse action will be taken against him because of a refusal to consent to take a polygraph examination.
  - d. Whether the area in which the polygraph examination is to be conducted contains a two-way mirror or other device whereby the examinee can be observed without his knowledge; and whether the examination will be monitored in whole or in part by any means.
- B. Intelligence Operations. A polygraph examination may be authorized in the case of an individual who is a principal in an intelligence activity with the specific approval of, or by regulation issued by the Head of the DoD Component conducting the operation, where information cannot be checked through other investigative methods; in such cases, the provisions of subsection VI. A. , above, are not applicable.
- C. Cryptologic Information. Polygraph examinations may be authorized as an aid in determining the eligibility of persons for employment or access to sensitive cryptologic information by the National Security Agency pursuant to regulations issued by the Director, NSA, with the prior approval of the Secretary of Defense, and the provisions of subsection VI. A. , above, are not applicable.

## VII. CONDUCT OF EXAMINATIONS

- A. Nothing in this Directive shall preclude the conduct of a polygraph examination in conjunction with a criminal, counterintelligence, or personnel security investigation, when the individual under investigation or associated with an investigation voluntarily seeks a polygraph examination as a means of exculpation. All such voluntary requests shall be reviewed by an appropriate supervisory official to determine the propriety of the request and to assure compliance with all other requirements of this Directive applicable to examinations. The conduct of such polygraph examinations also shall be subject to all the requirements of this Directive for such examinations.

- B. Determinations pursuant to subsection V. A. and paragraph VI. A. 1., above, shall be made only by officials in positions selected by the Head of the DoD Component concerned or his designee for this purpose. A list of positions so selected shall be maintained by the DoD component concerned. It is intended that officials selected to make determinations in paragraphs V. A. and VI. A. 1., shall have had broad experience in a position of considerable responsibility, and shall be limited to the minimum possible number consistent with operational necessity.
  
- C. Heads of DoD components, the Assistant Secretary of Defense (Administration), and the Director, Office of Industrial Personnel Access Authorization Review, OASD( M), who receive investigative support (including the use of polygraph examinations) from other DoD elements are authorized to request that polygraph examinations be conducted, and in such cases to the extent applicable shall provide to the supporting DoD component:
  - 1. In the case of examinations conducted in connection with criminal investigations, the information specified in subsection V. A., above.
  - 2. In the case of the examinations conducted in connection with personnel security investigations, the information specified in paragraph VI. A. 1., above.
  
- D. Information obtained in the course of a polygraph examination shall be strictly controlled.
  - 1. Polygraph examination results may be permanently maintained only in an appropriate investigative file, at a single location determined by, and subject to the control of the Assistant Secretary of Defense (Administration) or the Head of the DoD Component concerned, as appropriate, or his designee for the purpose. Additional copies thereof shall be

destroyed within three months after close of the investigation which included the relevant polygraph examination.

2. Polygraph examination results shall be available within the DoD component conducting the examination only to the chief official thereof, his immediate advisors, and officials expressly charged with responsibility for personnel security, law enforcement, or the administration of criminal justice.
3. Polygraph examination results shall not be made available outside the DoD component conducting the examination, except to:
  - a. Officials of the Office of the Secretary of Defense or another DoD component, corresponding to those enumerated in paragraph 2., above.
  - b. Other Federal officials, charged with intelligence, security, or law enforcement responsibilities with a clear need to know;
  - c. State law enforcement officials where the results indicate an alleged violation of state law, or that a serious crime is likely to be committed;
  - d. Legal counsel for the person examined, upon request therefor (subject to provisions for safeguarding classified defense information);
  - e. Such other persons as the Head of the DoD Component concerned personally may determine.

- E. Polygraph examinations will not be given to persons who are not in sound physical or mental condition. Should the examiner or examinee have any doubt as to the physical or mental fitness of the examinee, the matter will be referred to the supervisory official for appropriate action.

VIII. SELECTION, TRAINING, AND SUPERVISION OF DOD  
POLYGRAPH EXAMINERS

A. Selection

1. No candidate will be selected for the position of polygraph examiner on or after September 1, 1965, unless the following minimum requirements are met:
  - a. United States citizen;
  - b. At least 25 years of age;
  - c. Graduate of an accredited college (Baccalaureate degree), plus two years as an investigator with a recognized government agency; or have satisfactorily completed two years training at an accredited college (a minimum of 60 semester hours, or an advanced standing as a junior), or the equivalent of two years of college, as defined by the Head of the DoD Component concerned, plus five years' investigative experience;
  - d. Successfully screened, on the basis of a background investigation, as being a person of high moral character and sound emotional temperament.
2. Incumbents
  - a. Persons now acting as polygraph examiners may continue in that capacity, provided the head of the investigative agency concerned finds that they meet all of the following requirements:

- (1) Have the education and experience set forth in subparagraph VIII. A. 1. c. above, or eight years of comprehensive investigative experience.
- (2) Have been found to be of high moral character and sound emotional temperament, after completion of a satisfactory screening including a background investigation.
- (3) Have been an authorized and practicing polygraph examiner for at least six months within the past three years, and are proficient in conducting such examinations.

B. Training

1. Training programs of polygraph examiners shall be determined by the Secretaries of the Military Departments consistent with the objectives and requirements of this Directive. The Assistant Secretary of Defense (Manpower) will be kept currently advised of the content of such programs.
2. Training programs for DoD polygraph examiners shall be designed to assure that no person shall be designated as a qualified DoD polygraph examiner without having demonstrated an understanding of the following:
  - a. Investigative techniques.
  - b. Methods of interrogation.
  - c. The basic elements of psychology, normal, abnormal, and criminal.
  - d. Constitutional and other legal considerations.
  - e. Physiology.

- f. The functioning of the polygraph including its usefulness and limitations.
  - g. Regulations of the DoD concerning use of the polygraph.
  - h. Training described in subparagraphs c., d., and e., above, shall be conducted by appropriate professional medical and legal personnel.
3. Before being certified as a qualified DoD polygraph examiner by the head of the investigative organization of which the candidate is a part, each candidate shall serve an apprenticeship under a certified examiner. Such apprenticeship will be for a period of not less than six months following the basic training course, during which period of time the candidate shall be required to demonstrate proficiency in the use of the polygraph.
  4. Appropriate provision will be made by the Heads of the DoD Components to assure that polygraph examiners obtain suitable refresher training.

#### C. Supervision of Polygraph Examiners

1. The conduct of each individual polygraph examination shall be carefully supervised pursuant to regulations issued by the Head of the DoD Component concerned.
2. Each examiner shall prepare a written record of each polygraph examination conducted, containing as a minimum the information shown in Inclosure 1.
3. Appropriate supervisory officials shall review each record of a polygraph examination in the light of pertinent investigative information. On the basis of such review, the supervisory official shall determine whether it is appropriate to request the individual

to undergo a repeat polygraph examination. Such a request should be made when it is considered desirable by the supervisory official, irrespective of whether the individual examined has made significant admissions in connection with the investigation, and irrespective of whether results of the polygraph examination disclose unusual physiological responses. The results of repeat polygraph examinations shall also be reviewed by appropriate supervisory personnel.

4. Determinations with respect to further investigation of cases wherein a polygraph examination has been undertaken will not be made by the polygraph examiner but shall be determined by appropriate supervisory officials, in accordance with regulations of the DoD component concerned.

## IX. STUDIES OF POLYGRAPH

- A. The provisions of Sections V., VI., VII., and VIII. of this Directive shall not be applicable to the conduct of experimental polygraph examinations of volunteer subjects in the course of research performed under the auspices of a research element of a Department of Defense component. The obtaining of special measurements or other information for research purposes only during regular polygraph examinations may be authorized on a case by case basis with the prior written consent of the Assistant Secretary of Defense (Manpower). The use of DoD polygraph examiners is authorized for research programs.
- B. The Assistant Secretary of Defense (Manpower) shall be kept fully and currently advised of all studies regarding the use of the polygraph proposed to be undertaken by any component of the Department of Defense and shall be provided with the following data:

1. Identity of agency or contractor selected to perform the work;
2. Qualifications of the agency or contractor;
3. Estimated cost of the work;
4. A description of the work and the purpose for undertaking the work;
5. Date work to be initiated and the date work to be completed.

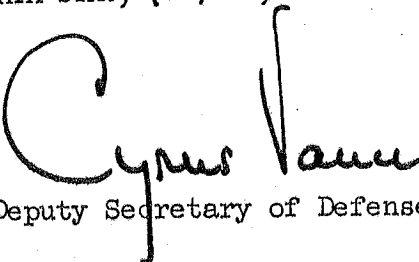
C. The Assistant Secretary of Defense (Manpower) shall collect data to determine the effectiveness of the polygraph and issue such Instructions regarding the use of the polygraph in the conduct of polygraph examinations, including the qualifications of polygraph examiners, as may be considered appropriate.

#### X. EXCEPTIONS

Individual exceptions to sections V. and VI., above, may be made for cause by the Assistant Secretary of Defense (Administration) or the Head of the DoD Component concerned. Written notice of such exceptions, including the basis therefor, shall be sent promptly to the Assistant Secretary of Defense (Manpower).

#### XI. EFFECTIVE DATE AND IMPLEMENTATION

- A. This Directive is effective immediately.
- B. Two (2) copies of proposed implementing documents shall be forwarded to the ASD(M) within sixty (60) days for review prior to publication.

  
Deputy Secretary of Defense

Inclosure - 1  
Record of Polygraph Examination

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Record of Polygraph Examination

File or Reference No.: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Examinee:

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Grade and Serial Number: \_\_\_\_\_  
Organization: (or other identifying data as appropriate)

Official authorizing examination:

Name: \_\_\_\_\_  
Position or title: \_\_\_\_\_

Date and time of examination:

Duration of examination:

Place of examination:

Background Data:

(This paragraph will state the purpose of the examination  
and a brief resume of the case.)

The examination:

(This paragraph will give a brief description of the examination,  
and list the relevant questions asked during the examination and  
the examinee's response.)

Results of examination:

(This paragraph will include admissions made by the examinee,  
unusual physiological responses, or a statement that there were  
no unusual physiological responses, the degree of cooperation of  
the examinee during the test and a statement as to whether all  
parts of the examination were completed.)

Signature of Examiner  
Organization

Signature of Reviewing Officer  
Position and Organization

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