

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING
BUREAU

FORENSIC POLYGRAPH EXAMINERS

GENERAL RULES

(By authority conferred on the department by section 7 of 1972 PA 295, MCL 338.1707, and Executive Reorganization Orders Nos. 1980-1, 1991-9, 2007-18, 2008-4, and 2011-4, MCL 16.732, 338.3501, 445.2024, 445.2025, and 445.2030)

R 338.9001 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9002 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9003 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9004 Disclosure of information divulged during polygraph examination; written report required upon request; disclosure of professional opinion.

Rule 4. (1) A person who monitors an examination shall not disclose to any person, except the person requesting the examination, any information divulged by the examinee during a polygraph examination without first obtaining specific written consent from the examinee, unless otherwise required to do so by law.

(2) An examiner shall, upon the written request of the examinee or the person requesting the examination, prepare a written report of the examination, which shall contain all of the following:

(a) A statement of the objectives of the polygraph examination.

(b) The number of questions asked and the number of tests conducted during the examination which were relevant to the issues that the examinee agreed to be examined upon.

(c) The examiner's opinion as to the truthfulness or deception of the examinee, or the examiner's statement that he or she was not able to reach a conclusion about the examinee's truthfulness or deception.

(3) Upon the examinee's written request, the examiner shall furnish the examinee a written report of the examination. The report shall include the information indicated in subrule (2) of this rule.

(4) An examiner, an employee of an examiner, or other persons shall not divulge any information revealed by an examinee during an examination in explaining or responding to control questions introduced for diagnostic comparison purposes without first obtaining the written consent of the examinee. However, this shall not be construed as prohibiting lawful disclosure or use of any information concerning additional admissions or explanations volunteered by the examinee during the examination where such admissions or explanations are not responsive to control questions.

History: 1983 AACCS; 2014 AACCS.

R 338.9005 Record of examination required; maintenance; content.

Rule 5. An examiner shall, in the case of every polygraph examination administered by him or her, create and maintain a record for not less than 5 years. Such record shall contain, at a minimum, all of the following:

(a) Information pertaining to the objective of the examination.

(b) Information volunteered by the examinee during the pretest interview that is pertinent to the objectives of the examination.

(c) The exact relevant questions asked of the examinee during the polygraph examination and the examinee's answers thereto.

(d) All polygraph instrument recordings made during the polygraph examination and all other tests administered to the examinee. Such recordings and tests shall adequately identify all of the following:

(i) The order in which the tests were administered.

(ii) The point at which test questions were asked.

(iii) The examinee's answer to each test question.

(iv) The identification of each test question.

(e) All written consents of the examinee as required elsewhere in these rules.

(f) All pretest interview information volunteered by the examinee relating to the examinee's background, education, health, medical history, and his or her general suitability for the examination.

History: 1983 AACCS.

R 338.9006 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9007 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9008 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9009 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9010 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9011 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9012 Rescinded.

History: 1983 AACCS; 2014 AACCS.

R 338.9013 Examiner licensure.

Rule 13. An application for licensure shall be made on a form furnished by the department of licensing and regulation.

History: 1983 AACCS; 2014 AACCS.