Polygraph Examinations for Federal Employees and Contractors

Aug 26, 2013

Federal employees and government contractors will sometimes be expected to undergo a polygraph examination in connection with their security clearance process. A polygraph, or lie detector examination, is used to measure and record such items as blood pressure, respiration, and pulse when an individual answers a series of questions that he or she is asked. The use of a polygraph is believed to produce physiological responses when deceptive answers are given by an individual in response to questions asked by a polygraph examiner.

**Types of Polygraph Examinations**

Presently, there are basically two types of polygraph examinations used in the security clearance process today: (1) the Counterintelligence Polygraph examination (CI Polygraph) and (2) the Lifestyle Polygraph examination (Lifestyle Polygraph).

The CI Polygraph is the most common type of polygraph examination used in the security clearance process and is geared toward screening for security issues associated with espionage, sabotage, terrorism, unauthorized disclosure of classified information, unauthorized contacts with foreign nationals and deliberate damage to or malicious misuse of a U.S. government or defense system. A CI Polygraph is a different type of examination than a Lifestyle Polygraph examination, which covers more personal issues.

The Lifestyle Polygraph tends to focus on an applicant’s private life and security issues that could potentially affect his or her susceptibility to potential blackmail or coercion by foreign countries or others. The Lifestyle Polygraph is part of a Full-Scope polygraph, which also includes CI Polygraph questions.

**Issues Examined During a Polygraph Examination**

Issues that are often examined in detail during CI Polygraph examinations include questions focused on espionage and on improper disclosures of classified documents. In the CI Polygraph context questions regarding the improper disclosure of documents tend to be one of the most significant areas of examination in recent years. Lifestyle Polygraph examinations focus more on areas of sexual conduct (e.g., pornography), alcohol/drug use, illegal conduct, mental health, family relationships, dishonest conduct, and compulsive and/or addictive behaviors.

**How Polygraph Examinations are Conducted**

Polygraph examinations are administered by professional polygraph examiners trained in their fields. Polygraph examiners are expected to have a number of certifications and training in order to qualify to conduct polygraph examinations.
In the Department of Defense (DoD) context, polygraph examinations fall under DoD Directive 5210.91. These types of examinations normally take about 2 to 3 hours to complete. The examinations are usually videotaped and/or recorded. If an individual is scheduled for a polygraph examination, the individual has the right to decline to take one, but such a move would have a negative effect on one’s ability to maintain or obtain a security clearance.

There are generally three distinct phases to a polygraph examination conducted for purposes of a security clearance investigation:

1. **Pre-Test Phase**

Polygraph examinations generally begin with a pre-test phase that the polygraph examiner uses to prepare the individual for the examination. During this phase, the individual will usually be given the 1) history, rationale, and legal issues associated with the polygraph examination; and 2) the nature of the questions that will be asked. The individual will then be asked for his or her consent to take the polygraph.

The polygrapher, during the pre-test phase, will review the questions to be asked before the test actually begins. At this time, the individual undergoing testing is given the opportunity to express his or her concerns about the questions to be asked and to clear up any issues prior to the in-test phase. The polygrapher will also usually calibrate his or her equipment during this time through this interaction with the individual. The individual will also be informed that he or she has the right to have counsel available (for most federal agencies) to consult with during the examination.

2. **In-Test Phase**

The in-test phase for a polygraph examination is the portion of the exam where the polygrapher asks the individual CI or LifeStyle Polygraph questions, depending on the polygraph examination to be provided. These questions, along with unrelated questions, are then asked while the individual is connected to the polygraph machine. Oftentimes, questions will be repeated.

3. **Post-Test Phase**

Following the In-Test phase, the polygrapher moves to the Post-Test phase where the individual is questioned about any unresolved issues that came up during the examination. If this follow-up interview does not make progress toward resolving the issues arising through the polygraph, the examination will be discontinued. It is also during this stage that the polygrapher will form his or her opinion as to whether the examination has been successful. Typically, in addition to the polygrapher in the room, there may be a supervisor observing the polygraph examination in the same or adjacent rooms.

**Follow-up Polygraph Examinations**

If an individual does not pass the initial polygraph examination, he or she may be brought
back for additional examinations. The most common situation in this regard is for an employee to be provided up to three attempts total, although the number of additional attempts allowed can vary.

Contact Us

Berry & Berry, PLLC represents individuals in security clearance matters. Please contact the firm at (703) 668-0070 or www.berrylegal.com to schedule an initial consultation with an experienced attorney who is familiar with the security clearance process.

Attorneys

John V. Berry

Practice Areas

Security Clearance