



CITY OF DURHAM | NORTH CAROLINA

To: Thomas J. Bonfield, City Manager

Through: Theodore L. Voorhees, Deputy City Manager

From: Jose L. Lopez, Sr., Chief of Police *Jose L. Lopez, Sr.*

Date: May 21, 2012

Subject: Authorization to Execute a Contract for a Total Amount Not to Exceed \$56,250 for Pre-Employment Polygraph Examinations of Police Applicants

Executive Summary

The Police Department, in order to comply with certain management responsibilities, needs to hire a Contractor to provide services, as an independent contractor with experience in pre-employment polygraph examinations for sworn and selected non-sworn police department applicants for the purpose of providing polygraph examinations that include, but are not limited to, inquiries regarding prior criminal intent and conduct, alcohol and drug position, use, and any and all activities related thereto, and prior personnel actions and investigations.

Recommendations

That City Council authorize the City Manager to execute a three-year contract in the total amount of \$56,250 with North Carolina Polygraph Services, Inc. for police pre-employment polygraph examinations (RFP: Police Polygraph Examinations).

Background

A polygraph examination is conducted for all applicants in sworn positions in the Durham Police Department, and applicants for selected non-sworn positions, including those in the Forensics and Evidence Units.

Because police work requires such a high degree of integrity, a thorough background investigation is conducted, that involves cross checking applicant history, references, interviews and other sources of information. The polygraph examination, conducted after the conditional offer of employment, allows inquiries into every area of applicant history, including those not specifically uncovered earlier in the process. Because the examination is provided after the conditional offer of employment, a broader spectrum of questions, including those related to medical and psychological issues can be covered.

Polygraph examinations are administered by a polygraph examiner contracted with the Police Department in a manner that objective, job-related, nondiscriminatory, and specific to applicants for law enforcement positions. The polygraph examiner will follow all legal guidelines, such as Americans with Disabilities Act (ADA), Health Insurance Portability and Information Act (HIPAA), as well as comply with the accreditation standards outlined by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).

Applicants can be disqualified based on the results of the polygraph examination and verified through other means. Between ten and twenty percent (10-20%) of applicants are rejected in the post-conditional phase due to deception or other issues.

There are few certified polygraph examiners located near Durham. North Carolina Polygraph Services, Inc. was the only proposal submitted and this corporation provided this service under the last contract. The Selection Committee recommended North Carolina Polygraph Services, Inc. be selected for this contract.

Issues/Analysis

Police departments that do not conduct thorough background investigations and post-conditional testing have hired officers with criminal backgrounds or undetected criminal activity, or have been infiltrated by gang members (Chicago, Washington, DC, Miami and others). When these criminal activities or associations have become known, there has been adverse publicity, loss of citizen confidence, or continuing criminal activity conducted by officers. The Police Department has a high level of confidence in the background investigation process, and in the officers hired through that process.

Alternatives

There are two alternatives to contracting with a polygraph examiner:

1. **Internal Polygraph Examiner:** An internal polygraph examiner would have the same credentials as one contracted, but would be more costly due to officer salary, benefits, equipment, and training. Officers serving as internal polygraph examiners, even if dedicated solely to polygraph examinations, would need to be shared between Recruitment, Internal Affairs and Criminal Investigations. Because of this, and because of the extraordinarily busy time just before police academies begin, an external polygraph examiner would still be needed as back-up. Because the polygraph examiner could become a future co-worker of the applicant, there may be concerns about confidentiality of responses that could result in reticence during the examination.

2. **Voice-Stress Analysis:** Several officers have been trained in voice-stress analysis for use in criminal investigations and could be used for police applicants. Some departments, mostly in smaller towns with lower crime rates, have begun to utilize voice-stress analysis for police applicants. The results have not been proven to be as reliable as polygraph examinations, and do not have the support of the International Association of Chiefs of Police, the Department of Justice, or our own City and Police attorneys. The high level of integrity demanded of police officers, particularly in a municipality as large as the City of Durham, requires the most reliable process possible.

Financial Impact

The funding of \$18,750 per year, over three years, not to exceed a total of \$56,250, will be provided in the Department's general fund budget. This funding will affect three consecutive years beginning with FY2012-13.

SDBE Summary

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by North Carolina Polygraph Services, Inc. of Raleigh, North Carolina and have determined that they are in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

SDBE REQUIREMENTS

No MSDBE or WSDBE goals were set.

WORKFORCE STATISTICS

Workforce statistics for North Carolina Polygraph Services, Inc. are as follows:

Total Workforce	1
Total Females	1 (100%)
Total Males	0 (0%)
Black Males	0 (0%)
White Males	0 (0%)
Other Males	0 (0%)
Black Females	0 (0%)
White Females	1 (100%)
Other Females	0 (0%)