

Army Regulation 195-6

Criminal Investigation

**Department of
the Army
Polygraph
Activities**

**Headquarters
Department of the Army
Washington, DC
29 September 1995**

UNCLASSIFIED

SUMMARY of CHANGE

AR 195-6

Department of the Army Polygraph Activities

This revision--

- o Implements DOD Directives 5210.48 and 5210.78 and DOD Regulation 5210.48-R (chap 1).
- o Revises the approval authority for polygraph examinations conducted by the U.S. Army Criminal Investigation Command (chap 1).
- o Expands the approval authority for polygraph examinations conducted by the U.S. Army Intelligence and Security Command by increasing the number of approving authorities (chap 1).
- o Incorporates DOD Policy on using polygraph examinations conducted by agencies other than Federal agencies (chap 2).
- o Eliminates the need to use DA Form 2802 (Polygraph Examination Report) by requiring a narrative report in its place (chap 2).

Effective 30 October 1995

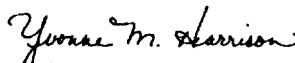
Criminal Investigation

Department of the Army Polygraph Activities

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


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Administrative Assistant to the
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History. This UPDATE printing publishes a revision of this publication.

Summary. This regulation contains policies, responsibilities, and procedures for use of polygraph in the Department of the Army.

Applicability. This regulation applies to the Active Army, the Army National Guard, and the U.S. Army Reserve. It also

applies to Department of Defense and Army contractors when they are subject to authorized polygraph examinations.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff for Operations and Plans. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Proponents may delegate this approval authority, in writing, to a division chief under his or her supervision within the proponent agency who holds the grade of colonel or the civilian equivalent.

Army management control process.

This regulation contains management control provisions, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of

this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAMO-ODL), WASH DC 20310-0400.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAMO-ODL), WASH DC 20310-0400.

Distribution. Distribution of this publication is made in accordance with the requirements of DA Form 12-09-E, block 3188, intended for command levels C, D, and E for Active Army, ARNG, and USAR.

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Glossary

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Chapter 1 Introduction

1-1. Purpose

This regulation contains policies, responsibilities, and procedures for using the polygraph in the Department of the Army.

1-2. References

Required and related publications and prescribed and referenced forms are listed in Appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in the regulation are explained in the Glossary.

1-4. Responsibilities

a. Commanding General (CG), U.S. Army Criminal Investigation Command (USACIDC), and CG, U.S. Army Intelligence and Security Command (INSCOM), are authorized to—

- (1) Conduct polygraph examinations.
- (2) Procure or possess polygraph equipment for operational purposes.
- (3) Have assigned polygraph examiners.
- (4) Certify, decertify, and recertify polygraph examiners.
- (5) Conduct quality control of polygraph examinations.
- (6) Designate USACIDC and INSCOM Polygraph Program Managers to oversee administration of polygraphs.
- (7) Designate members of the Department of Defense (DOD) Polygraph and DOD Polygraph Institute (DODPI) Oversight Committees.

b. The CG, USACIDC, in coordination with the Deputy Chief of Staff for Operations and Plans (DCSOPS) is responsible for—

- (1) Exercising overall Army Staff (ARSTAF) responsibility for the Department of the Army (DA) Polygraph Program.
- (2) Ensuring the execution of responsibilities assigned to the Secretary of the Army by DOD Directive 5210.78 for support to the DODPI.
- (3) Providing ARSTAF policy guidance on using polygraph in criminal investigations.

c. Deputy Chief of Staff for Intelligence (DCSINT) is responsible for—

- (1) Providing ARSTAF policy guidance on the use of the polygraph in intelligence and counterintelligence (CI) activities.

(2) Designating the DCSINT member of the DOD Polygraph and DODPI Oversight Committees.

d. CG, United States Army Training and Doctrine Command (TRADOC) is responsible for—

- (1) The execution of Army responsibilities for the DODPI as prescribed in DOD Directive 5210.78.
- (2) Providing and maintaining facilities for the DODPI.
- (3) Providing administrative, logistical, and special funding support to the DODPI.
- (4) Providing personnel to the DODPI for practical exercises and research, to include paid examinees from local universities and communities as clinical and research requirements dictate.

1-5. Statutory authority

Titles 10 and 18, United States Code; DOD Directive 5210.48; and DOD Regulation 5210.48-R are the statutory authority for this regulation. The Defense Authorization Act for FY88-89 is the statutory authority for the DOD CI Polygraph Program.

1-6. Overall policies

Army investigations depend on relevant evidence secured through skillful investigation and interrogations. The polygraph is a useful investigative aid to secure and verify evidence. It will be used only as an aid in support of other investigative means. Use of the polygraph is not necessarily the final action of an investigation.

a. Questions asked will relate to the relevant issue under inquiry.

b. Unless directly relevant to the inquiry, the following issues will not be covered:

- (1) Religious beliefs and affiliations.
- (2) Beliefs and opinions regarding racial matters.
- (3) Political beliefs and affiliations of a non-subversive nature.
- (4) Opinions on the constitutionality of legislative policies.
- (5) Sexual orientation or preferences of subject.

c. No adverse action will be taken against persons refusing or unwilling to be examined by polygraph; nor will such

refusal be recorded in personnel files, investigative files, or any other files (except in the polygraph examination technical report maintained in the headquarters of the component investigative agency with authority for administration, control, and conduct of criminal investigations). A person's supervisor, and in the case of a contractor's employee, the person's employer, will not be informed of the refusal unless this is necessary in support of action to be taken regarding eligibility for access to specifically designated information protected under special access programs under DOD Directive 5210.48 and as established under Executive Order 12356 and DOD 5200.1-R. In a criminal case, the refusal to take a polygraph examination will not be communicated to any persons other than those directly involved in the administration, control, or conduct of criminal investigations. Other investigation, as appropriate may continue following the person's refusal to be examined by polygraph. No adverse action will be taken solely on the basis of a polygraph examination chart that indicates deception, except regarding access programs under DODD 5210.48, Section D.12.b or regarding Defense Intelligence Agency (DIA) positions designated as critical intelligence positions under DODD 5210.48, Section D.13.c.

d. DOD requests for polygraph examinations will be submitted to the CG, USACIDC or CG, INSCOM, as appropriate.

e. The subject of a criminal, personnel security, or CD investigation may request an exculpatory polygraph investigation, and an examination may be administered if considered essential to a just and equitable resolution of the matter under investigation.

f. The polygraph may be used to examine the following:

(1) United States military and civilian persons in connection with criminal investigations of offenses of military interest punishable under the Federal law or Uniform Code of Military Justice (UCMJ) by death or confinement of a term of 1 year or more. Investigation by other means must have been as thorough as circumstances permit, and developing information using a polygraph examination must be essential to conducting the investigation. In addition, the person being considered for examination must have been interviewed and reasonable cause must exist to believe that he or she has knowledge of, or was involved, in the matter under investigation. Exceptions may be granted for exculpatory examinations.

(2) Foreign military and civilian persons in connection with criminal investigation of offenses of U.S. military interest punishable under the Federal law or UCMJ by death or confinement for a term of 1 year or more, unless prohibited by the laws of a specific foreign country. Exceptions may be granted for exculpatory examinations.

(3) U.S. military and civilian persons, including contractor personnel and foreign military and civilian persons affiliated with DOD, when they are subjects of an investigation pertaining to—

(a) Unauthorized disclosure of classified information or material, provided there is reasonable cause to believe that the person has knowledge of, or was involved in, the unauthorized disclosure.

(b) Acts of espionage and spying, sabotage, treason, subversion, sedition, or terrorism.

(c) Serious credible derogatory information which cannot be resolved in any other manner on alleged poor character, untrustworthiness, unreliability, or on acts which may adversely affect military operations or security, thereby causing substantial doubt that access to classified information is clearly consistent with national security if such information cannot be resolved in any other manner.

(4) Counterintelligence scope polygraph (CSP) examinations are conducted according to AR 381-20 and may be used to determine the initial and continued eligibility of military, civilian, and contractor personnel for:

(a) Access to specifically designated Special Access Programs (SAPs).

(b) Access to specifically designated TOP SECRET information.

(c) Employment or assignment to the Defense Investigative Agency (DIA) in designated critical intelligence positions.

(d) Access, employment, assignment, or detail to the National Security Agency (NSA) in activities that require access to sensitive cryptographic information, or access to NSA spaces where sensitive cryptographic information is produced, processed, or stored.

(e) Access to non-NSA spaces where sensitive cryptographic information is produced, processed, or stored.

(f) Employment by, assignment, or detail to DOD activities concerning collection of national foreign intelligence through special reconnaissance programs.

(g) Assignment or detail to Central Intelligence Agency (CIA).

(5) The polygraph may be authorized to determine eligibility for access to sensitive compartmented information (SCI) in a limited number of exceptional cases when operational exigencies require a person's services immediately before the completion of the required single scope background investigation (SSBI). Authority to approve such polygraph use is limited to the DCSINT. At a minimum the following apply:

(a) A determination must be made that it is necessary to the national interest to authorize access.

(b) The person being considered for SCI access must have been interviewed according to AR 380-67.

(c) The SSBI has been initiated.

(d) The questions during the polygraph examination will be limited to CI topics.

(6) U.S. citizens and foreign nationals who are actual or prospective agents or operatives in approved intelligence or counterintelligence operations.

(7) Foreign nationals whose backgrounds cannot be verified and who require access to classified data.

g. Final administrative or judicial findings will not be based solely on polygraph results. However, the results of an analysis of the polygraph charts may be considered probative in administrative determinations.

h. Polygraph results and the records of results are privileged data and will be released only as provided in paragraph 2-9.

i. Polygraph examinations for reasons or programs other than set forth in this regulation must have prior approval of the ASD (C3I).

j. Except as authorized in this regulation, the polygraph will not be used to examine Army or DOD personnel. Within the Army, use of the polygraph as an employment screening or selection device or a condition of employment is prohibited.

k. Not later than 30 April and 31 October each year, the CG, USACIDC, coordinating through the DCSOPS, will ensure that USACIDC statistical data on polygraph usage is submitted to ASD (C3I). The ASD (C3I) will prescribe the format for this report.

l. A polygraph examination will be conducted following judicial arraignment of the potential examinee only when authorized by a court and when consistent with this regulation. The polygraph will not be used to verify or refute a judicial finding. Additionally, a polygraph examination is not normally appropriate for:

(1) A convicted offender in connection with the offense for which he or she was convicted, as part of a post-trial review.

(2) Witnesses who have failed to be believable during a trial resulting in a conviction to verify or refute their testimony. This does not preclude using the polygraph in perjury investigations.

m. Polygraph instruments used will measure and record, as a minimum, respiration, galvanic skin response (or, conductance), blood volume, and heart rate.

1-7. Polygraph examinations authorized by USACIDC

Polygraph examinations will be authorized by the CG, USACIDC. The following named positions are delegated this authority:

a. The Deputy Commander, USACIDC.

b. The Director, U.S. Army Crime Records Center (USACRC).

c. The Chief, Polygraph Division, USACRC.

d. The Commanders of 3d Military Police (MP) Group (CID), Sixth Region, 5th MP Detachment (CID) European area of responsibility (AOR) and 2d MP Detachment (CID)(Korean AOR) are authorized to approve the conduct of polygraph examinations within their respective AORs on an emergency basis. Examples are those instances in which the Deputy Commander, USACIDC, Director, CRC, and the Chief, Polygraph Division, CRC, cannot be contacted within a 2-hour time period and further delays in administering an examination would severely jeopardize the mission. Care must be taken to ensure emergency authority is appropriately applied and not used as a matter of convenience. The Director, CRC, will be notified by the most expedient means available if this delegated authority is used.

1-8. Polygraph examination authorization for U.S. Army military Intelligence and counterintelligence personnel

a. Polygraph examinations will be authorized by the following officials, or their representatives for INSCOM:

(1) DCSINT, Headquarters, Department of the Army (HQDA).

(2) Commander-in-Chief, U.S. Army Europe, and Seventh Army (USAREUR).

(3) CG, Eighth U.S. Army.

(4) CG, INSCOM.

b. Authorized representatives are:

(1) Polygraph Program Manager, INSCOM.

(2) Assistant Deputy Chief of Staff for Operations-HUMINT/CI, INSCOM.

(3) Commanders of the 66th, 470th, 501st, 500th and 513th MI Brigades, the 902d MI Group, the Foreign Intelligence Agency, and the Foreign Counterintelligence Agency.

(4) DCSINT, USAREUR.

(5) Chief of Collection, Office of the DCSINT, USAREUR.

(6) Chief of Counterintelligence, Office of the DCSINT, USAREUR.

(7) Deputy J2, U.S. Forces Korea/Eighth U.S. Army.

(8) Chief of Security Section, Office of the Assistant Chief of Staff, J2, U.S. Forces Korea/Eighth U.S. Army, for foreign national employees and prospective employees of the United States requiring access to classified data.

(9) G-2, Eighth U.S. Army.

Chapter 2 Polygraph Use

2-1. Preparation and submission of polygraph examination requests

The investigative or intelligence element requesting approval to conduct a polygraph examination will submit a completed DA Form 2805 (Polygraph Examination Authorization) (fig. 2-1) to the concerned person. A request may also be sent via an electronic message or electronic mail or media provided all elements of the DA Form 2805 are included in the request. Approvals will be obtained prior to the conduct of an examination. Telephonic requests, followed with written requests, may be used in emergencies. No specific polygraph approval is required for examinations conducted as a part of an approved CSP Program. The requesting official will include the following data on every polygraph examination request:

a. For criminal investigations:

(1) The offense which formed the basis of the investigation is punishable under Federal law or the UCMJ by death or confinement for a term of 1 year or more. Even though such an offense may be disposed of with a lesser penalty, the person may be given a polygraph examination to eliminate suspicion.

(2) The person to be examined has been interviewed and there is reasonable cause to believe that the person has knowledge of, or was involved in, the matter under investigation.

(3) Consistent with the circumstances, data to be obtained by polygraph examination are needed for further conduct of the investigation. Investigation by other means has been as thorough as circumstances permit.

b. For intelligence and counterintelligence investigations and operations and the resolution of certain personnel security investigations:

(1) Security considerations necessitate the examination of a person because of one or more of the following:

(a) Alleged unauthorized disclosure of classified data.

(b) Alleged acts of espionage, sabotage, treason, subversion, sedition, and spying.

(c) Credible derogatory data on alleged poor character, untrustworthiness, unreliability, or on acts which may adversely affect military operations or security, thereby causing substantial doubt that access to classified information is clearly consistent with national security.

(d) Questions as to the reliability of U.S. citizens and foreign nationals who are actual or prospective agents or operatives in approved intelligence or counterintelligence activities.

(e) Questions as to the reliability of foreign nationals whose backgrounds cannot be verified and who require access to classified data.

(2) Investigation by other means has been as thorough as circumstances permit.

(3) Examinee has been interviewed on all relevant subjects requested for testing and the polygraph examination is essential and timely.

(4) Polygraph examination are authorized during a personnel security investigation to resolve credible derogatory information that cannot be resolved in any other manner. Such information may include data provided by the proposed examinee.

(5) Polygraph examinations are authorized to determine the suitability, reliability, or credibility of agents, sources, or operatives in foreign intelligence or CI activities.

c. The providing of polygraph service or support to entities other than DOD components must receive the prior approval of ASD(C3I), or his or her designee. This does not apply to those instances in d(1) and, d(2) as described below.

d. Polygraph support may be provided for non-DOD law enforcement agencies only when:

(1) The requesting non-DOD law enforcement agency is conducting a criminal investigation involving DOD personnel to be examined; and

(2) The investigation is of military interest.

e. The use of the polygraph may be authorized for exculpation, provided that the request for such examination is initiated by the subject (or a person acting on the subject's behalf) of a criminal, personnel security, or counterintelligence investigation, and administration of the examination is considered essential to a just and equitable resolution of the matter under investigation.

2-2. Use of polygraph examinations conducted by agencies other than Federal agencies

Only polygraph examinations conducted by Federal agencies and conforming to DOD standards will be used in official DOD proceedings. On occasion, attorneys representing DOD affiliated personnel contract for private commercial polygraph examinations on behalf of their clients, anticipating that the examinations will be used in official DOD proceedings. Since DOD cannot attest to the conditions under which the examinations were administered, DOD

components will not accept nor use such examinations in any actions (such as courts or preliminary discussions before legal action, boards, or other judicial or administrative actions) instead of those conducted by Federal agencies.

2-3. Conduct of polygraph examinations

a. Only certified polygraph examiners will conduct independent polygraph examinations. When appropriate, at least 3 working days before a polygraph examination, the examiner will be furnished all investigative data on the person to be examined. These will include any prior polygraph examination results. Exception is permitted only for operational necessity.

b. A certified examiner must supervise examiners serving their internships during examinations (see para 3-2b).

c. The examination will not be given when, in the opinion of the examiner, a person is not suitable for any of the following conditions:

- (1) Mental or physical fatigue.
- (2) Apparent mental disorder.
- (3) Extreme emotional stress, intoxication, narcotics addiction, or excessive use of depressants, stimulants, tranquilizers, or hallucinogens,
- (4) Physical discomfort.

d. If any of the conditions listed in *c* above are present, and if deemed necessary, polygraph supervisors from each respective polygraph office will decide what action to take. Examiners will not make any psychiatric or physical diagnoses.

e. The examinee will not be subjected to prolonged interrogation immediately prior to the polygraph examination.

f. Voluntary consent in writing on DA Form 2801 (Polygraph Statement of Consent) (fig. 2-2) must be obtained from the person being examined if connected with a criminal or counterintelligence investigation. A signed statement or refusal is not required. Written consent statements are not needed for polygraphs of agents, sources, or operatives in foreign intelligence or CI activities.

g. Examinees in criminal and counterintelligence investigations must be advised of the following:

- (1) Date, time, and place of the examination.
- (2) Appropriate individual rights.
- (3) If classified matter is to be discussed, the examinee's lawyer must possess an appropriate security clearance.
- (4) Whether the testing area contains a two-way mirror or observation device.
- (5) If the proceedings are to be monitored or recorded, the examinee will be informed prior to the conduct of the examination.
- (6) Continued investigation by other means is not prohibited if the polygraph examination is refused.
- (7) No adverse action will be taken for refusing to take the examination.

h. The instrument, nature, and procedures of the examination will be explained to the examinee.

i. All questions to be asked by the examiner during the instrument portion of the examination will be reviewed with the examinee prior to testing.

j. Certified polygraph examiners will be officially identified as "polygraph examiners." Other titles will not be used. Clinical garments are not to be worn by polygraph examiners.

k. Females accused or suspected of an offense must be tested in the presence of a female witness at all times, unless the examiner is female.

l. Public showing of the mechanical operations of the polygraph and the physiological changes that take place during the emotional stimulation is not permitted. No unfounded claims of application or reliability are allowed. Only certified examiners will instruct, lecture, or demonstrate the polygraph.

m. Opinions of truth or deception can be expressed only if each relevant question has been asked at least twice during a series and valid criteria exist for evaluation.

n. For polygraph examinations found to be "inconclusive," another examination may be given. Approval need not be obtained for such additional examination.

o. The examiner who conducted the examination interprets the polygraph charts.

2-4. Polygraph examination rooms

Rooms used regularly for polygraph examinations must be located away from distracting noises such as street and office traffic, telephones, or latrines. Examination rooms will not be located in basements or on ground floors of multistory buildings. They will also meet the following standards:

- a.* Be about 12 feet by 12 feet, and large enough for polygraph equipment and required furniture.
- b.* Be soundproofed. Tile with geometric design will be avoided.
- c.* The floor will be carpeted to aid in soundproofing.
- d.* Be equipped with an observation mirror or audio/visual equipment to monitor and record.
- e.* Be air conditioned and heated. The air conditioner and heat source must operate at a low noise level.

f. Have electrical outlets that contain a ground connection.

2-5. Supervision and review

Each polygraph examination must be reviewed by USACIDC or INSCOM technical supervisors of the polygraph examiner for initial quality control. The quality control element representing USACIDC or INSCOM conducts a final review.

a. These quality control elements review all charts, reports of polygraph examinations and other investigative and operational data. These reviews are used to decide if the examination was satisfactory or if a repeat polygraph examination should be conducted. Quality control examiners may require polygraph examiners to justify their conclusions.

b. Direct communication between polygraph examiners and quality control elements of USACIDC and INSCOM is authorized and encouraged.

2-6. Polygraph Examination Report

a. Polygraph examiners must complete a narrative report detailing the facts and circumstances surrounding each examination they conduct. This report is exempt from information control (see AR 335-15, para 1-7d). At a minimum, this report must:

(1) Contain the date the examination was authorized and conducted, and the report number to which the examination pertains.

(2) Identify the examinee by name, rank, social security number, unit of assignment or address, the offense under investigation, and the reason the test is being administered.

(3) Contain a synopsis of the investigation, and how the examinee relates to the testing issue.

(4) Whether or not the examinee made any pre-test admissions.

(5) The examination results.

(6) Whether or not the examinee made any admissions after the test.

(7) Whether or not the polygraph charts show unusual physiological responses.

(8) Whether or not the examinee was cooperative.

(9) Whether or not all parts of the examination were completed.

(10) Name and serial number of the instrument or computer used.

(11) Date and time of the latest polygraph calibration.

b. Copies of the Polygraph Examination Report which are attached as exhibits to Reports of Investigation must contain one of the following:

(1) USACIDC. "Attached as Exhibit_____ is a Polygraph Examination Report. This exhibit will be destroyed not later than (enter date here, 3 months after the date of the report of investigation)(AR 195-6, para 2-6b). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, 6010 Sixth Street, Fort Belvoir, VA 22060. Reproduction of this exhibit or its contents is prohibited."

(2) INSCOM. "Attached as Exhibit_____ is a Polygraph Examination Report. This exhibit will be destroyed not later than 3 months after close of investigation or operation (AR 195-6, para 2-6b). The original, to include related polygraph records, is in the Investigative Records Repository, Central Security Facility, 902d Military Intelligence Group, INSCOM, Fort George G. Meade, MD 20755-5995, Reproduction of this exhibit or its contents is prohibited."

2-7. Procedures for routing and storing polygraph records

a. USACIDC.

(1) Within 3 workdays after a USACIDC polygraph examination, examiners will send the following documents by registered mail to the Director, U.S. Army Crime Records Center, ATTN: CICR-RD, 2301 Chesapeake Avenue, Baltimore, MD 21222-4099, for quality control review:

(a) All polygrams collected.

(b) A listing of all questions used during the examination.

(c) DA Form 2801.

(d) Polygraph Examination Report in narrative format.

(e) DA Form 2805, or electronic message.

(f) Polygraph examiner worksheet.

(2) An electronic message will be returned to the polygraph examiner of record providing the results of the quality control review. Upon a successful completion of the quality control review, the USACIDC examiner will provide a copy of the Polygraph Examination Report to the supported Army element.

(3) When the polygraph examination is part of a USACIDC lead request, a copy of the Polygraph Examination Report will be attached to the information report. These will be sent to the requesting USACIDC element.

(4) All law enforcement records that result from examinations for other agencies and are not part of the USACIDC report will be sent to the USACRC.

(5) Polygraph documents at the USACIDC records holding center will be segregated from case investigative files and dossier material.

b. INSCOM

(1) Within 5 workdays after a military intelligence polygraph examination, the following will be sent by the examiner to the Polygraph Quality Control Branch, 902d Military Intelligence Group, INSCOM, Fort George G. Meade, MD 20755-5900:

- (a) All polygrams collected.
- (b) Polygraph Examination Report in narrative format.
- (c) DA Form 2805 or electronic message.
- (d) An original consent statement (when obtained).
- (e) Allied documents.

(2) After successful completion of the quality control review, military intelligence reports will be routed to the appropriate element for further action or retention.

(3) When all polygraph activities have been completed, the originals of all military intelligence reports will be referred to the Commander, Central Security Facility, 902d Military Intelligence Group, INSCOM, ATTN: Investigative Records Repository, Fort George G. Meade, MD 20755-5995.

(4) Original technical files, including polygrams and examiner's notes, will be maintained by the Quality Control Branch according to AR 25-400-2.

c. Filing and retention times

(1) When a polygraph examination is conducted in connection with a personnel security investigation, a copy of the Polygraph Examination Report will be provided to the Defense Investigative Service for inclusion in the person's personnel security investigative file.

(2) All non-record copies of polygraph reports, polygram and allied documents will be destroyed within 90 days after completion of the investigation or action.

2-8. Semiannual DOD Polygraph Utilization Report

The CG, USACIDC, coordinating with the DCSOPS, will submit a Semiannual DOD Polygraph Utilization Report (DDPOL9(SA)1361) to ASD (C3I) each year prior to 30 April and 31 October. The CG, INSCOM, through the DCSINT, will submit a Semiannual DOD Polygraph Utilization Report to ASD (C3I) each year prior to 30 April and 31 October. These reports will be inclusive from 1 October through 31 March and 1 April through 30 September, and be submitted in the format prescribed by ASD (C3I).

2-9. Release of Polygraph Examination Reports

a. Release of polygraph results will be strictly controlled. Results of a polygraph examination apply to that data contained on the Polygraph Examination Report. These include:

- (1) Synopsis of the examination.
- (2) Brief identification and background data.
- (3) Relevant questions asked and answered by the examinee.
- (4) Polygraph examiner conclusions. These concern determinations of truth or deception and any admissions made during the examination.

b. All other records collected or connected with polygraph examinations that apply to pre-test preparations, examiner notes, polygraph worksheets, polygram, and other technical details will not be sent outside the Army agency that conducts the examination, except as required by law.

c. Polygraph examination results may be released to the following:

- (1) The Secretary of the Army, the Chief of Staff, and their immediate advisers.
- (2) Army officials charged with:
 - (a) Counterintelligence and personnel security.
 - (b) Law enforcement.

(c) Administration of criminal justice. This includes legal counsel in judicial or administrative proceedings arising from the investigation.

(3) DOD officials corresponding to those listed in (1) and (2) above.

(4) Federal, State, and local law enforcement officials when:

- (a) An alleged violation of Federal or State law or a felony is shown in the results.
- (b) Approved for release by the CG, USACIDC or CG, INSCOM.

(5) Legal counsel for the person examined, or to the person examined, on request (subject to safeguarding classified defense data).

(6) DOD component members of the National Foreign Intelligence Board (NFIB) and other NFIB member agencies based on official need. Third agency limitation will be applied.

d. Requests for polygraph examination results will be sent to the CG, USACIDC or CG, INSCOM. Records will be

maintained to include the date, nature, and purpose of disclosure and name and address of person or agency which received the disclosure.

2-10. Polygraph maintenance, storage, and procurement

- a.* Polygraph instruments will be calibrated according to manufacturer's instructions within 24 hours before use.
- b.* Use no instrument which does not meet minimum standards of the manufacturer.
- c.* Send calibration charts, as appropriate, to USACIDC and INSCOM quality control element along with the first subsequent examination administered in which a polygram was collected.
- d.* Polygraphs will be secured to prevent damage or misuse.
- e.* The CG, USACIDC, and CG, INSCOM, may procure polygraph equipment only when found through adequate research to be:
 - (1) Electromechanically suitable.
 - (2) Operationally reliable.
 - (3) Suitable for training with the least expense and delay.

2-11. Polygraph research and studies

- a.* The CG, USACIDC, coordinating with DCSOPS, and the CG, INSCOM through the DCSINT, may request authorization from the ASD (C3I) to conduct research involving the use of the polygraph for criminal investigations and intelligence activities. The following data must be provided in this request:
 - (1) Name of agency or contractor selected to perform the research.
 - (2) Qualification of agency or contractor.
 - (3) Estimated cost of research.
 - (4) Description of research and purpose.
 - (5) Starting date and anticipated completion date.
- b.* Special measurement or other data obtained specifically for research purposes during regular polygraph examinations will have the prior written consent of ASD (C3I).
- c.* Routine statistics or analysis of the contents of polygraph materials or report do not constitute research for the purpose of this regulation.
- d.* DA polygraph examiners may assist in authorized research and study programs.

2-12. Waivers

Any requests for waivers to the uses of the polygraph as set forth in this regulation will be submitted to CG, USACIDC, or DCSINT, as appropriate. USACIDC will authorize waivers to Army policies regarding criminal polygraphs. DAMI-CIC will authorize waivers to Army policies regarding intelligence polygraphs. USACIDC and DAMI-CIC will forward requests to ASD (C3I) when waivers of DOD polygraph policies are required.

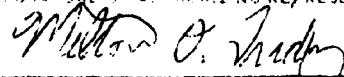
POLYGRAPH EXAMINATION STATEMENT OF CONSENT		FILE NUMBER
For use of this form, see AR 195-6; the proponent is the US Army Criminal Investigation Command.		94-CID023-12345
DATA REQUIRED BY THE PRIVACY ACT		
AUTHORITY: PRINCIPLE PURPOSE: ROUTINE USES.	Title 10, United States Code, Section 3012(g). To provide commanders and law enforcement officials an accurate and verifiable identification means. Information provided by you will be maintained by the Department of the Army and may be furnished for official use to accredited DoD and other Federal law enforcement agencies. Your Social Security Account Number and your date and place of birth are used as additional/alternative identification means for filing and retrieval.	
DISCLOSURE:	Disclosure of personal information is voluntary.	
LOCATION	TIME	DATE
Fort Bragg, NC		
NAME (Last, First, MI)	SOCIAL SECURITY NO.	GRADE/STATUS
JONES, John J.	111-11-1111	SSG/E-6
DATE AND PLACE OF BIRTH	ORGANIZATION OR ADDRESS	
16 July 1969, Fayetteville, NC	A Company, 3/505th Infantry Bn, Fort Bragg, NC 28307	
STATEMENT OF CONSENT		
In the presence of the witness(es) whose signature(s) appear below, my rights, as specified on DA Form 3881 (completed copy attached), have been explained to me by <u>SA Connie J. Webb</u> who informed me that he/she is a polygraph examiner of the United States Army. I have been advised that this polygraph examination statement of consent is being completed in connection with:		
In conjunction with explaining the nature of the polygraph examination, I have been told:		
<ul style="list-style-type: none"> a. that should I refuse to undergo a polygraph examination, no adverse action may be taken against me based solely on my refusal. b. that I have the right to talk privately with a lawyer before, during and after the polygraph examination. c. that the examination area is equipped with a two-way mirror or observation device. d. that the examination will be monitored/recorded. e. that questioning may occur before, during and after the instrument portion(s) of the polygraph examination. f. that anything I say or do during the polygraph examination may be used against me in my administrative, military or judicial proceedings. g. that the polygraph examination will not be conducted without my voluntary consent and even though I am now giving my consent, I can withdraw it at any time and the examination will be stopped. 		
Understanding my unqualified right to refuse, I <u>John J. Jones</u> do hereby this date of my own free will consent to undergo a polygraph examination. I have not been threatened, coerced, unlawfully induced or promised anything in conjunction with my consent to undergo a polygraph examination.		
WITNESSES		SIGNATURE OF EXAMINEE
SIGNATURE		<i>John J. Jones</i>
TYPED NAME AND ORGANIZATION/ADDRESS		SIGNATURE OF EXAMINER
		<i>Connie J. Webb</i>
SIGNATURE		TYPED NAME AND ORGANIZATION OF EXAMINER
		CONNIE J. WEBB 87th MP DCT (CID) Fort Bragg, NC 28307
TYPED NAME AND ORGANIZATION/ADDRESS		EXHIBIT NUMBER

DA FORM 2801
1 JUL 85

Replaces edition of 1 Apr 83 which is obsolete

U.S.G.P.O. 988-0-201-424 70747

Figure 2-1. Sample DA Form 2801 Illustrated

TO: (Requesting Agency) Special Agent in Charge, Ft. Bragg Resident Agency, 3d MP Gp (CID) Fort Bragg, NC 28307	DATE 94 11-02
<input checked="" type="checkbox"/> CONDUCT OF POLYGRAPH EXAMINATION IS AUTHORIZED. <input type="checkbox"/> THIS CONFIRMS TELEPHONIC AUTHORIZATION GRANTED ON _____ <input type="checkbox"/> CONDUCT OF THE POLYGRAPH EXAMINATION IS NOT AUTHORIZED. <input type="checkbox"/> PRIOR TO AUTHORIZATION, FURNISH THE FOLLOWING:	
REMARKS	
TYPED NAME, GRADE, POSITION OF AUTHORIZING REPRESENTATIVE Milton O. Friday, Jr., DAC Chief Polygraph Division, USACRC	SIGNATURE OF AUTHORIZING REPRESENTATIVE 

U.S. GPO: 1994-300-727/10563

Figure 2-2. Sample DA Form 2801 Illustrated—Continued

POLYGRAPH EXAMINATION AUTHORIZATION		DATE OF REQUEST
For use of this form, see AR 195-6; proponent agency is US Army Criminal Investigation Command		94 11 01
		REPOSITORY / DOSSIER NO
TO: (Authorizing Representative)	FROM: (Requesting Agency)	
Director US Army Crime Records Ctr, USACIDC 2301 Chesapeake Ave., Baltimore, MD	Special Agent in Charge 87th Military Police Det., 3d MP Group (CID), Fort Bragg, NC	
1. Request authority to conduct polygraph examination of:		
EXAMINEE NAME (Last, First, Middle) OR SOURCE NUMBER	GRADE	SOCIAL SECURITY NO
JONES, JOHN J.	SSG E-6	111-11-1111
UNIT ADDRESS, OR DOD AFFILIATION	DATE AND PLACE OF BIRTH	
A Co, 3/505th Inf. Fort Bragg, NC 28307	16 July 1969 Fayetteville, NC	
2. The following information is provided:		
<p>a. (U) Consistent with circumstances of the case, investigation by other means has been as thorough as circumstances reasonably permit and the development of additional information by means of polygraph examination is essential and timely for the further conduct of the investigation.</p> <p>b. (U) The proposed examinee has been interviewed, and the examination is to be conducted in accordance with AR 195-6.</p> <p>c. (U) For criminal investigation polygraph examinations, The offense which forms the basis for the investigation is punishable under the Uniform Code of Military Justice by death or by confinement for a term of one year or more and there is reasonable cause to believe that the proposed examinee has knowledge of or was involved in the matter under investigation.</p> <p>d. (U) For military intelligence polygraph examinations: The investigation pertains to an alleged unauthorized disclosure of classified information; alleged acts of espionage, sabotage, treason, subversion, sedition, or disaffection; or the purpose of the investigation is to resolve credible derogatory information indicating allegations of poor character, untrustworthiness, unreliability, or acts which may adversely affect military operations or security, causing substantial doubt that access to classified information is clearly consistent with national security; or the purpose is for foreign national limited access authorization to classified information; or the proposed examinee is being used as an agent or operative in an approved intelligence or counterintelligence operation.</p> <p>e. () Basis for investigation (M: Purpose):</p> <p>f. () Summarized justification for request:</p> <p>g. (U) Initial request for authorization. Request confirms telephonic request made on _____.</p>		
TYPED NAME, GRADE, POSITION OF REQUESTER	SIGNATURE OF REQUESTER	
Special Agent Connie J. Webb 87th MP DET., 3d MP Gp., (CID) Fort Bragg, NC 28397	<i>Connie J. Webb</i>	
SPECIAL HANDLING INSTRUCTIONS AND NOTICES	DOWNGRADING / REGRADING / TERMINATION MARKING	
None	None	

DA FORM 2805
1 Oct 76

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

Figure 2-3. Sample DA Form 2805 Illustrated

Chapter 3

Selection, Training, and Supervision of Polygraph Examiners

3-1. Selection

- a.* For the position of polygraph examiner, each person will be:
 - (1) A U.S. citizen.
 - (2) At least 25 years of age.
 - (3) A graduate of an accredited college (or equivalent) with 2 years investigative experience (actual conduct of investigations). Experience will have been with a U.S. Government or other law enforcement agency.
 - (4) Screened through a background or character investigation as being a sound and moral person.
- b.* Service members will possess military occupational specialty (MOS) 311A, 351B, or 97B.
- c.* DOD civilians may be accepted by the USACIDC if eligible for accreditation as CID) special agents or by INSCOM if qualified for employment in Army military intelligence as intelligence operations specialists eligible for issue of MI badge and credentials.
- d.* Candidate examiners are required to receive a CSP examination. This examination will be conducted by examiners of the agency quality control office or designee. This ensures that in subsequent tests on others, the candidate knows the impact and effect of the examination. Examinations will be given prior to the training courses.

3-2. Training

- a.* The basic polygraph examiners training course (7H-SQIK\832ASIP9) as taught at DODPI will be the sole source of polygraph training for all applicants in accordance with DOD Regulations 5210.48 and 5210.78. Quality control will:
 - (1) Monitor the end product of intern examiners.
 - (2) Make recommendations as to course content to the DODPI Advisory Committee.
- b.* Each candidate will serve an internship under a certified examiner. This period will be for at least 6 months and not more than 1 year following the basic training course. During that period, each candidate is required to:
 - (1) Show proficiency in the use of the polygraph.
 - (2) Conduct at least 25 examinations which have been directly supervised and monitored on site by a certified polygraph examiner.
- c.* Coordinate with quality control officers to ensure that candidates enter their intern period following basic polygraph courses or at other appropriate times.
- d.* Complete refresher or advance training at least every 2 years.

3-3. Applications for training and certification-USACIDC

- a.* CID special agents will apply for training, by memorandum, through channels, to the CG, USACIDC, ATTN: CISP-PE-AC, 6010 6th Street, Fort Belvoir, VA 22060. Applicants must meet the requirements listed in paragraph 3-1.
 - (1) Special agents-in-charge and commanders will recommend approval or disapproval and give comment. Reason for disapproval will be given.
 - (2) Action will be taken by the CG, USACIDC. If approved, applications will be returned through channels.
- b.* For certification as a polygraph examiner, applications in memorandum form will be sent through channels to the GO, USACIDC, ATTN: CICR-PD. Completion of a 6-month minimum internship during which 50 examinations were conducted is required. The examination results will have been reviewed by quality control persons at the USACRC. Evidence that the training period requirements listed in paragraph 3-2a have been met will also be included.
 - (1) The Director, USACRC, as the Polygraph Program Manager, will recommend approval or disapproval of all requests for certification. Reasons for disapproval will be given.
 - (2) DA Form 3833 (Polygraph Examiner Certificate) (fig. 3-1) will be issued when approval is given by the CG, USACIDC.

3-4. Applications for training and certification-INSCOM

- a.* Counterintelligence personnel will apply for training by memorandum format through command channels, to the CG, U.S. Total Army Personnel Command, ATTN: TAPC-OPW-MI, Alexandria, VA 22332- 0420, for warrant officer personnel and ATTN: TAPC-EPL-M, 2461 Eisenhower Avenue, Alexandria, VA 22331 for enlisted personnel.
- b.* Qualified civilians may apply for training by letter to the appropriate civilian personnel office.
- c.* Each application for certification will:
 - (1) Contain a statement that the requirements of paragraphs 3-1 and 3-2b have been met. The agency that holds the field military or civilian personnel file will verify that statement.

(2) Be sent through command channels to CG, INSCOM, ATTN: IAOPS-HUCI-PG, 8825 Beulah Street, Fort Belvoir, VA 22060-5246.

- d.* Commanders will recommend approval or disapproval and comment as needed,
- e.* An examiner's polygraph certificate will be issued when approved by the CG, INSCOM.

3-5. Retention of certification

a. Continued proficiency is required to retain certification. When an examiner is assigned other duties for more than 6 months or does not comply with *b* below, the following is required:

(1) Completion of a refresher intern period of at least 2 months or a minimum of 15 examinations under supervision of a certified examiner.

(2) Coordination with quality control prior to entry into this intern period.

b. Certified examiners will conduct at least 18 polygraph examinations during a 6-month period. The following are exempt:

(1) Examiners who direct or instruct polygraph training.

(2) Polygraph quality control persons for both USACIDC and INSCOM.

3-6. Revocation of certification

a. When a polygraph examiner's certificate is suspended or revoked, the certificate will be returned to the certifying official.

b. A polygraph examiner's certificate may be suspended for failure to maintain prescribed proficiency standards.

c. The following actions will be cause for withdrawal:

(1) Loss of accreditation of MOS 311A, 351B, or 97B.

(2) Removal of military investigator badge and credentials (MOS 351B or 97B only).

(3) Removal from the position or duty requirement to conduct polygraph examinations for a period of more than 6 months.

(4) Continued failure to maintain prescribed proficiency standards.

3-7. Loss or damage of certificates

Loss or damage of polygraph certificates will be handled in the same manner as prescribed for loss or damage of credential in AR 195-3 and AR 381-20.

Department of the Army



UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND

*Know all by these presents that, reposing particular trust and confidence
in United States Army criminal investigator,*

*who, having completed a qualifying course of instruction and having
otherwise satisfied prerequisites of character, knowledge, experience and
professional skill, is herewith certified an accredited
Polygraph Examiner.*

*and is authorized to administer polygraph examinations in accordance with
the laws of the United States of America and Department of the Army
Regulations and policies pertaining thereto.*

*I do strictly charge this United States Army criminal investigator with
accomplishing these duties in a manner consistent with the highest standards
of ethical conduct observed in the profession of law enforcement and endorsed
by those officials charged, under the laws of the United States of America,
with the administration of criminal justice.*

*This certification is to continue in force during the active military service
of the holder and the pleasure of the Commanding Officer,
United States Army Criminal Investigation Command.*

*Done at the City of Washington, this day of in
the year of Our Lord, one thousand nine hundred and*

Commanding

DA FORM 3833, 1 JAN 72

Figure 3-1. Sample DA Form 3833 Illustrated

Appendix A References

Section I Required Publications

AR 195-3

Acceptance, Accreditation and Release of U.S. Army Criminal Investigation Command Personnel. (Cited in para 3-7.)

AR 335-15

Management Information Control System. (Cited in para 2-16.)

AR 381-20

The Army Counterintelligence Program. (Cited in paras 1-6 and 37-7.)

Section II Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation. This section contains no entries.

Section III Prescribed Forms

DA Form 2801

Polygraph Examination Statement of Consent. (Prescribed in para 2-7.)

DA Form 2805

Polygraph Examination Authorization. (Prescribed in paras 2-1 and 2-7.)

DA Form 3833

Polygraph Examiner Certificate. (Prescribed in para 3-3.)

Section IV Referenced Forms

This section contains no entries.

Glossary

Section I Abbreviations

AOR

area of responsibility

ARNG

Army National Guard

ARSTAFF

Army Staff

ASA (M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

ASDC3I

Assistant Secretary of Defense, Communications, Command, Control, and Intelligence

CI

counterintelligence

CID

Criminal Investigation Division

DA

Department of the Army

DCSINT

Deputy Chief of Staff for Intelligence

DCSOPS

Deputy Chief of Staff for Operations and Plans

DIA

Defense Intelligence Agency

DOD

Department of Defense

HQDA

Headquarters, Department of the Army

INSCOM

U.S. Army Intelligence and Security Command

MCM

Manual for Courts-Martial

MOS

military occupational specialty

NAF

Non appropriated funds

NSA

National Security Agency

OASD

Office of the Assistant Secretary of Defense

ODCSOPS

Office of the Deputy Chief of Staff for Operations and Plans

TRADOC

United States Army Training and Doctrine Command

UCMJ

Uniform Code of Military Justice

USACIDC

U.S. Army Criminal Investigation Command

USAR

United States Army Reserve

USAREUR

U.S. Army Europe

Section II**Terms****Counterintelligence**

Those intelligence activities intended to detect, evaluate, counteract, or prevent hostile intelligence collection, sabotage, terrorism, or assassination conducted by or on behalf of any foreign power, organization, or person operating to the detriment of the U.S. Army. It includes the identification of the hostile multidiscipline intelligence collection threat, the determination of friendly vulnerabilities to that threat, and the recommendation and evaluation of security measures.

Cryptologic information

Information pertaining to the production of signals intelligence and maintenance of communications security.

Foreign intelligence

Information relating to the capabilities, intentions, and activities, of foreign powers, organizations, or persons.

Foreign nationals

All persons who are neither citizens, nor immigrant aliens to the United States.

Polygram

Paper of any length from a polygraph instrument that reflects calibration procedures or physiological tracings of an examinee.

Polygraph examination

Questioning and other processing of an examinee before the actual use of the polygraph instrument; the use of the polygraph instrument with respect to such examinee; and any questioning or other processing involving the examinee after the use of the polygraph instrument. Specifically, examinations consist of three phases: pre-instrument portion, instrument portion, and post instrument portion.

Polygraph examination results

A synopsis of the polygraph examination that normally includes a brief identification and background information, the relevant questions asked, the examinee's answers, the examiner's opinions concerning the indication of truthfulness or deception, any admissions made by the examinee during the examination.

Polygraph examination technical report

The complete, detailed technical report prepared by the polygraph examiner including pre-instrument preparations, the examiner's notes, polygram, and other technical details of the polygraph examination.

Polygraph instrument

A diagnostic instrument capable of measuring and recording, as a minimum, respiration, electrodermal, blood volume, and heart rate response to verbal and or visual stimuli.

Relevant question

A polygraph question pertaining directly to the matter under investigation for which the examinee is being tested.

Technical question

A question that refers to any other question asked by the examiner during the instrument portion of the examination.

Third Agency Limitation (Third Agency Rule)

The governing rule that states that, except as provided in section 102, National Security Act of 1947, classified information originating in one U.S. Agency (for example, DOD) will not be disseminated by another agency to which the information has been made available without the consent of the originating agency.

Section III**Special Abbreviations and Terms****CIA**

Central Intelligence Agency.

CI-IP

Counterintelligence and Investigative Program.

CSP

counterintelligence scope polygraph.

DODPI

Department of Defense Polygraph Institute.

SSBI

single scope background investigation.

USACRC

United States Army Crime Records Center.

USAMPS

United States Army Military Police School.

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DATA FILE: C:\wincomp\nich1.fil

DOCUMENT: AR 195-6

DOC STATUS: NEW PUBLICATION