

502 KAR 20:010. Examination standards.

RELATES TO: KRS 329.030

STATUTORY AUTHORITY: KRS 15A.160, 329.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 and 329.030(5) provide that the Secretary of the Justice Cabinet may establish such rules and administrative regulations for examinations for detection of deception examiners. This administrative regulation establishes the standards for such examinations.

Section 1. Within the forty-five (45) day period prior to the expiration of his original license, the trainee must take and pass a written examination as prescribed by the cabinet. If the trainee fails to pass the written examination, the cabinet, at the request of the trainee and his supervisor, may allow the trainee to retake the examination if the cabinet has received a sworn, notarized, written affidavit from the trainee's supervisor that he has given the trainee the additional training necessary, in his opinion, to assure the trainee can pass the examination and at least thirty (30) days have elapsed since the date of the trainee taking the last examination. If the trainee fails to pass the second examination, the cabinet, upon being shown good cause, may extend the trainee's license and intern program for a period of one (1) year.

Section 2. If a trainee license and intern program are extended by the cabinet, the administrative regulations governing the original intern training program will be followed except that the trainee will be allowed to take the written examination only one (1) additional time, and this must take place within the final thirty (30) day period prior to the expiration of his second trainee license. If the trainee fails to pass the written examination for the third time, his license shall be suspended and he must wait for a period of one (1) year before again applying for such license.

Section 3. The written examination for a detection of deception examiner license shall consist of a combination of essay, multiple choice and true-false questions. A score of seventy (70) percent correct answers shall be considered passing. Examinations will be given at a time and place designated by the cabinet. In addition to the written examination, the cabinet may require each license applicant to demonstrate his competence and proficiency by conducting a polygraph examination under the supervision of a qualified observer(s) appointed by the cabinet. Any applicant for an examiner's license who fails the examination may retake the examination after a period of thirty (30), but not more than forty-five (45), days have elapsed since the first examination. Any applicant for an examiner's license who fails the second examination must wait at least six (6) months before reapplying for a license. An applicant for an examiner's license who presently holds a license as a trainee shall follow the rules and administrative regulations established for such applicants.

Section 4. Suggested reference material from which the necessary information to pass the examination may be obtained is listed below. Other material is available from which such information may be obtained, and the following list is not intended to be an exclusive list of references.

- (1) "Truth and Deception," by Reid and Inbau;
- (2) "Lie Detection and Criminal Interrogation," by Inbau and Reid;
- (3) "The Machinery of the Body," by Carlson, Johnson and Cavert;
- (4) "Abnormal Psychology in the Life Cycle," by Allman and Jaffe;
- (5) "Introduction to Psychology," by Hilgard, Atkinson and Atkinson;
- (6) Polygraph instrument manuals;
- (7) "Outline of Physiology," by L. L. Langley;

(8) Kentucky Revised Statutes, Chapter 329 (Detection of Deception Examiners) and related administrative regulations; and

(9) "Physiology of the Human Body," by J. Robert McClintic.

(5 Ky.R. 284; eff. 11-1-78; Crt eff. 2-26-2020.)