

**SUBJECT:** Prohibiting polygraph exams of police officers

**COMMITTEE:** Public Safety — favorable, without amendment

**VOTE:** 7 ayes — Oakley, Carter, Keel, Keffer, Madden, Olivo, E. Reyna  
1 nay — Driver  
1 absent — McClendon

**SENATE VOTE:** On final passage, April 9 — 16-14 (Bivins, Brown, Duncan, Fraser, Harris, Haywood, Moncrief, Nelson, Nixon, Ratliff, Shapiro, Sibley, Wentworth, West)

**WITNESSES:** (*On House companion, HB 1366*)  
For — B.J. Browning, Texas Conference of Police and Sheriffs; Jim Lyde, Texas Municipal Police Association; Mark Clark, Combined Law Enforcement Association of Texas  
Against — James McLaughlin, Texas Police Chiefs Association

**BACKGROUND :** Under current law, peace officers and fire fighters may be required to submit to a polygraph examination under extraordinary circumstances or when the integrity of an officer or department is in question. Peace officers and fire fighters may be discharged for refusing to take a polygraph examination.  
Department of Public Safety (DPS) officers may not be suspended, terminated or discriminated against for refusing to take a polygraph examination.

**DIGEST:** SB 527 would amend the Government Code to prohibit peace officers from being suspended, discharged or subject to any form of employment discrimination because they refused to take a polygraph examination.  
The bill also would amend the Local Government Code to delete references to police officers in provisions specifying when fire fighters and police officers may be required to take polygraph exams.

The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

SB 527 would treat police officers as the law enforcement professionals that they are. Terms and conditions of employment should never be dependent on the results of a polygraph exam, much less on an employee's willingness to submit to such an exam, because polygraph results are unreliable. Polygraphs are also inadmissible in Texas courts because they are so unreliable. The Legislature has prohibited DPS from disciplining or discriminating against its officers for refusal to take such exams and has severely limited the use of polygraphs in certain police and sheriff's departments. There is no valid reason to treat peace officers differently from DPS troopers and sheriffs.

Forcing officers to submit to polygraphs is not necessary for maintaining the highest standards for peace officers. The extensive background checks that entering officers must go through ensure high standards for police officers. Finding out the truth in serious cases involving charges against officers can be accomplished with good investigators and thorough investigations. Police officers should be allowed to volunteer to take a polygraph exam to clear their name, but should never be forced to take one.

**OPPONENTS  
SAY:**

Peace officers should be held to a higher standard than other citizens. Polygraphs have been successful tools for police chiefs to weed out bad cops and are usually used to recover stolen evidence or discover the truth in police brutality and other serious cases. Clean police officers should not be afraid of taking a polygraph because many times polygraphs can help clear the honest officers from false charges. In many police departments polygraphs are rarely used, and the threat of taking a lie detector will often force officers to tell the truth.

**OTHER  
OPPONENTS  
SAY:**

SB 527 would foster discrimination by treating certain public servants differently than others. Fire fighters also should be covered by the provisions of the bill.

**NOTES:** A related bill, HB 1422 by Hightower, prohibiting the Texas Department of Criminal Justice from disciplining employees who refuse to take a polygraph, has passed both houses and awaits action by the governor.