

(M) SAME — POLYGRAPH EXAMINATIONS.

(1) IF THE LAW ENFORCEMENT AGENCY ORDERS THE LAW ENFORCEMENT OFFICER TO SUBMIT TO A POLYGRAPH EXAMINATION, THE RESULTS OF THE POLYGRAPH EXAMINATION MAY NOT BE USED AS EVIDENCE IN AN ADMINISTRATIVE HEARING UNLESS THE LAW ENFORCEMENT AGENCY AND THE LAW ENFORCEMENT OFFICER AGREE TO THE ADMISSION OF THE RESULTS.

(2) THE LAW ENFORCEMENT OFFICER'S COUNSEL OR REPRESENTATIVE NEED NOT BE PRESENT DURING THE ACTUAL ADMINISTRATION OF A POLYGRAPH EXAMINATION BY A CERTIFIED POLYGRAPH EXAMINER IF:

(I) THE QUESTIONS TO BE ASKED ARE REVIEWED WITH THE LAW ENFORCEMENT OFFICER OR THE COUNSEL OR REPRESENTATIVE BEFORE THE ADMINISTRATION OF THE EXAMINATION;

(II) THE COUNSEL OR REPRESENTATIVE IS ALLOWED TO OBSERVE THE ADMINISTRATION OF THE EXAMINATION; AND

(III) A COPY OF THE FINAL REPORT OF THE EXAMINATION BY THE CERTIFIED POLYGRAPH EXAMINER IS MADE AVAILABLE TO THE LAW ENFORCEMENT OFFICER OR THE COUNSEL OR REPRESENTATIVE WITHIN A REASONABLE TIME, NOT EXCEEDING 10 DAYS, AFTER COMPLETION OF THE EXAMINATION.

(N) INFORMATION PROVIDED ON COMPLETION OF INVESTIGATION.

(1) ON COMPLETION OF AN INVESTIGATION AND AT LEAST 10 DAYS BEFORE A HEARING, THE LAW ENFORCEMENT OFFICER UNDER INVESTIGATION SHALL BE:

(I) NOTIFIED OF THE NAME OF EACH WITNESS AND OF EACH CHARGE AND SPECIFICATION AGAINST THE LAW ENFORCEMENT OFFICER; AND

(II) PROVIDED WITH A COPY OF THE INVESTIGATORY FILE AND ANY EXCULPATORY INFORMATION, IF THE LAW ENFORCEMENT OFFICER AND THE LAW ENFORCEMENT OFFICER'S REPRESENTATIVE AGREE TO:

1. EXECUTE A CONFIDENTIALITY AGREEMENT WITH THE LAW ENFORCEMENT AGENCY NOT TO DISCLOSE ANY MATERIAL CONTAINED IN THE INVESTIGATORY FILE AND EXCULPATORY INFORMATION FOR ANY PURPOSE OTHER THAN TO DEFEND THE LAW ENFORCEMENT OFFICER; AND

2. PAY A REASONABLE CHARGE FOR THE COST OF REPRODUCING THE MATERIAL.

(2) THE LAW ENFORCEMENT AGENCY MAY EXCLUDE FROM THE EXCULPATORY INFORMATION PROVIDED TO A LAW ENFORCEMENT OFFICER UNDER THIS SUBSECTION:

(I) THE IDENTITY OF CONFIDENTIAL SOURCES;

(II) NONEXCULPATORY INFORMATION; AND