


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 5.05</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: CRIMINAL POLYGRAPH</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <p>Criminal Polygraph Criminal Procedure/Process</p>	<p>State Certification Standards:</p>		
<p>Special Instructions:</p>			

PURPOSE

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding the use of Polygraphs in a criminal investigation.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office to administer polygraph examinations when necessary and legal during a criminal investigation in order to thoroughly conduct an investigation. Any polygraph examination requested by the Rabun County Sheriff's Office will be conducted by the Georgia Bureau of Investigation's Polygraph Division in accordance with statute and case law.

DISCUSSION

The use of polygraphs during a criminal investigation is a topic that is filled with controversies and misunderstanding to many individuals. When used properly, a polygraph examination is an excellent law enforcement tool for criminal investigations.

DEFINITIONS

POLYGRAPH — As defined in the Georgia Law Enforcement Certification Program Standards Manual, Third Edition (January 2002). An apparatus designed for the detection of deception by measuring and recording changes in a person's voice characteristics, respiration, galvanic skin responses, heart activity or other physiological changes.

I. ADMINISTERING A CRIMINAL POLYGRAPH

A. A criminal polygraph examination may be administered when:

1. There are definite conflicting versions of an incident by the available witnesses, subjects, or victims;
2. The statement of a witness, subject, or victim clearly contradicts evidence or clearly established facts;
3. Evidence does not identify the actual perpetrator or eliminate suspicion of the other suspects in a multiple suspect situation;
4. The subject or defendant requests an examination for the purpose of proving their innocent;
5. The victim or witness requests an examination in order to establish truthfulness;
6. It appears necessary in order to confirm or refute an allegation which cannot be verified or disproved by direct or circumstantial evidence available to the investigator; or
7. The logical suspect admits only to a portion of the alleged offense.

B. A criminal polygraph examination should not be administered when:

1. The perspective examinee declines to voluntarily submit to the examination;
2. There are other investigative leads, which should logically be pursued before deciding on the feasibility of a polygraph examination;
3. The subject has made a confession, unless there is evidence to believe that the confession is false; or
4. The examinee is known to be:
 - a. Be mentally incompetent;
 - b. Have serious heart or lung problems;
 - c. Be a known addict of legal or illegal drugs;
 - d. To be in chronic pain;
 - e. Be taking prescribed stimulants, depressants, or beta-blockers;
 - f. Be emotional unstable requiring psychiatric care;
 - g. Be pregnant; or
 - h. Anytime the examiner decides that a polygraph examination would be inappropriate.

II. DUTIES AND RESPONSIBILITIES

A. The Investigator

It will be the responsibility of the investigator to:

1. Notify the subject who is to have the polygraph examination of the day, time, and location of the examination. This notification should be made no less than 24 hours prior to the examination date and time; and
2. Be available during the examination to assist the examiner with any information may be necessary during the course of the interview.

B. The Examiner

1. All Polygraph examinations will be conducted by the Georgia Bureau of Investigations polygraph division.
2. The final decision to conduct the polygraph examination rests entirely with the examiner.
3. Polygraph examiners used by the Rabun County Sheriff Office shall meet the following minimum standards:
 - a. Have successfully completed the minimum requirements as established by the American Polygraph Association and is in good standings with that organization; and
 - b. Must be prepared to present evidence of prior examination validity (confirmed findings of prior examinations).
4. The polygraph examiner must adhere to all of the American Polygraph Association's Policies and Procedures.
5. Any examination results or any admissions made during the course of the examination are confidential and will be released only to the case investigator or as otherwise provided under statute and case law.
6. All paperwork pertaining to the examination shall be maintained by the examiner in accordance with accepted procedures.
7. All state and federal statutes shall be applicable to all tests requested by the Rabun County Sheriff's Office.
8. This General Order is to be used in conjunction with all relevant existing Rabun County Sheriff's Office Policies and Procedures.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County