

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal #17-6</p>	<p align="center">Policy # 22.5</p>
<p>Applicability: {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities</p>	<p>Related Standards & References: O.C.G.A. §49-4A-1, 49-4A-8, 49-4A-11, 35-8-2, 15-11-17, 12-15-2, 19-7-5 (3), 39-3-1, 19-15-2 Garrity et. al., v. State of New Jersey, 285U5493, (1967); Moss v. Central State Hospital, 179 Ga.App. 359 (1986) DJJ 22.3</p>	
<p>Chapter 22: INVESTIGATIONS</p>	<p>Effective Date: 8/31/17 Scheduled Review Date: 8/31/18</p>	
<p>Subject: POLYGRAPH EXAMINATIONS</p>	<p>Replaces: 7/1/15 Office of Investigations</p>	
<p>Attachments: A - Direction to Submit to Polygraph Examination B - Voluntary Stipulation C - Understanding of Rights and Options (employees) D - Understanding of Rights and Options (contractors) E - Refusal to Submit to Polygraph Examination (employees) F - Refusal to Submit to Polygraph Examination (contractors) G - Juvenile/Parental Waiver of Consent</p>	<p>APPROVED:  <hr/> Avery D. Niles, Commissioner</p>	

I. POLICY:

The Department of Juvenile Justice may utilize polygraph examinations and other tests as investigative tools in the course of an internal investigation.

II. DEFINITIONS:

Administrative Investigation: An investigation of alleged violations of DJJ policies, rules and regulations or state law.

Criminal Investigation: An investigation of alleged violations of Georgia law committed on DJJ property or involving DJJ programs, employees or youth supervised by the Department.

Contractor: Non DJJ employee contracted to provide services to DJJ.

Employee: This only includes individuals employed by DJJ. This does not include contractors, interns, and volunteers conducting business with DJJ.

Other Testing: Includes, but is not limited to, handwriting analysis, drug screening, and breath/blood alcohol testing.

Polygraph: An instrument designed to measure physiological responses of individuals to questions for the purpose of detecting deception or verifying truth of statements. Such an instrument shall, at a minimum, record visually, permanently, and simultaneously a subjects cardiovascular pattern, respiratory pattern, and galvanic skin response.

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III. PROCEDURES:

- A. Special incidents will be investigated by the Office of Investigations in accordance with DJJ 22.3, Internal Investigations.
- B. The use of polygraph examinations will be restricted to investigations of serious acts of employee or youth misconduct. Polygraph examinations are an aid to other investigative techniques to give the employee every benefit of the doubt and provide as much information as possible for management decisions. Polygraph examinations will be used only after appropriate interviews with the victim, witnesses and accused have taken place.
- C. Only Investigators assigned to the Office of Investigations may schedule polygraph examinations. Investigators will conduct the preliminary technical activities essential to the polygraph examination such as preparing questions to be asked during the polygraph examination and assuring that the appropriate forms are properly explained and signed by the person to be polygraphed.
- D. Only a polygraph examiner employed by the Department of Juvenile Justice or the Georgia Bureau of Investigations may administer a polygraph examination.
- E. Polygraph examination records are confidential and will be retained in a separate file by the Office of Investigations. Such records will be maintained separate and apart from the employee's personnel record for a minimum of 10 years or until any litigation in which a polygraph examination was used is resolved. The results of a polygraph examination will not constitute the sole basis for any adverse employment action against the examined employee.
- F. Notice and consent for the polygraph examination will be completed using forms approved by the Office of Legal Services.
 1. The Direction to Submit to Polygraph Examination (Attachment A), signed by the facility/office Director, will be hand delivered to the employee/contractor a minimum of 24 hours before the polygraph examination is scheduled.
 2. The Voluntary Stipulation Form (Attachment B) may be signed by the employee if he/she chooses to do so after being afforded sufficient time to review the form adequately. By signing this form, the employee enters into a voluntary stipulation that the results of the polygraph examination will be admissible in any administrative or criminal proceeding or hearing. The Director of Investigations (or designee) or the facility/office Director may sign on behalf of the Department.
 3. The Understanding of Rights and Options Form may be signed by the employee (Attachment C) or contractor (Attachment D) if he/she chooses to do so after

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being afforded sufficient time to review the form adequately. By signing this form, the employee/contractor agrees to submit to the polygraph examination and neither waives any constitutional rights nor stipulates to the admissibility of the results of the polygraph examination in any administrative or criminal proceeding or hearing.

4. The Refusal to Submit to Polygraph Examination Form (Attachment E) will be used by the employee to state his/her refusal to submit to a polygraph examination while acknowledging that refusal to submit to the examination will result in termination from employment.
 5. The Refusal to Submit to Polygraph Examination Form (Attachment F) will be used by the contractor to state his/her refusal to submit to a polygraph examination while acknowledging that refusal to submit to the examination will result in DJJ prohibiting the contractor from having contact with any DJJ youth.
 6. The employee will be informed that the results of the polygraph examination will not constitute the sole basis for any adverse employment action. The employee will also be informed that he/she may request a copy of the results of the examination directly from the polygraph examiner no later than 15 days from the date of the examination.
 7. Any questions from the employee or the employee's attorney concerning DJJ policies will be directed to the General Counsel or designee.
- G. A youth in the physical or legal custody of DJJ, who is an alleged perpetrator, a witness to, or a victim of misconduct, may also be subject to a polygraph examination in order to verify or corroborate statements. In such cases, a Juvenile/Parental Waiver of Consent (Attachment G) is required to indicate that the youth is submitting to the polygraph freely and voluntarily. In addition, when feasible, the parent/legal guardian of a committed youth under the age of 18 will be informed that the youth will be administered a polygraph.
1. The facility/office Director will give written consent for the polygraph in lieu of parental consent. A copy of the youth's commitment order will be attached to the consent form.
 2. Reasonable effort will be made to contact the parent/guardian of a committed youth prior to administering a polygraph examination to the youth. The parent/guardian of a committed youth will be notified of the intent to polygraph the youth and permission will be sought. If the parent/guardian refuses to consent or the Department is unable to locate the parents, the Department may administer the polygraph to a committed youth.

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3. The parent/guardian of a non-committed youth under the age of 18 must give written consent or a juvenile court must authorize the polygraph examination.

H. All investigation documents are confidential during the actual investigation process. When the investigation is completed, a copy of the report will be provided to the respective Deputy Commissioner and by Unit Head. Completed internal investigations are subject to the Georgia Open Records Act, except as otherwise provided by law.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO