

1977 WL 37353 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 2, 1977

\*1 The Honorable Toney J. Lister  
Member  
House of Representatives  
172 North Converse Street  
Spartanburg, South Carolina 29301

Dear Mr. Lister:

Thank you for your letter of May 23 forwarding a letter from G. David Drake concerning the polygraph statute of South Carolina.

The minimum requirements for all instruments are set forth in Section 56-1543.54 of the 1962 Code of Laws and require that all instruments used for the purpose of detecting deception or verifying truth of statements shall record visually, permanently and simultaneously: (1) the subject's cardiovascular pattern and (2) respiratory pattern. Any instrument which does not do this is prohibited.

The polygraph stress evaluator does not meet these requirements so far as I am aware. I have never seen one in operation but I have talked with an individual who is apparently familiar with it and it may have some promise of effectiveness and reliability, although it will take an expert technical opinion to verify this.

It is worth exploring to determine its effectiveness and reliability, especially in view of the fact that such devices, just as polygraphs, do not produce evidence in and of themselves, but are merely aids to an investigation.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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