



COMPUTERIZED VOICE STRESS ANALYSIS

Directive: 15 -107

Date of Issue: February 2017 Amends/Cancel: N/A

I. PURPOSE

To establish guidelines for administering Computer Voice Stress Analyzer (CVSA) examinations in conjunction with pre-employment screening and investigations conducted by the Maryland Capitol Police (MCP).

II. POLICY

It is the policy of the MCP that, only individuals trained at an accredited school in the use of CVSA will administer examinations. Further, as provided in 42 U.S.C., section 3796gg-8(a), no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth or child victim of an alleged sexual offense as defined under federal, State, or local law to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of an offense. Additionally, the refusal of a victim to submit to a polygraph or other truth-telling examination shall not prevent the investigation, charging or prosecution of an alleged sexual offense.

III. DEFINITIONS

- A. THE COMPUTER VOICE STRESS ANALYZER (CVSA) - detects, measures and charts the stress in a person's voice following a pre-formatted questionnaire.
- B. CVSA COORDINATOR – A trained CVSA examiner designated by the Chief of Police or his designee to perform the administrative requirements of the CVSA program and to provide oversight and review of the other CVSA examiners within the department.
- C. QUALIFIED EXAMINER - A person who has satisfactorily completed training by a recognized instructor in truth verification and the use of the CVSA. In addition, re-certification must be successfully completed every three years.
- D. OVERT INTERVIEW - A live interview by a CVSA examiner with a suspect, victim, witness, complainant, or prospective employee. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis. At the examiner's discretion, all or portions of the interview may be recorded on audio and/or videotape.

- E. STRUCTURED INTERVIEWS - A legally obtained audiotape interview of suspect, victim, witness, or complainant. The interviews are designed to capture a response to pre-formatted questions. This taped interview is then analyzed by the CVSA examiner.

IV. PROCEDURES

A. USE OF CVSA EXAMINATION FOR PRE-EMPLOYMENT SCREENING

1. CVSA examinations will be used in the selection process for employment. CVSA examinations may be administered to police, civilian and volunteer applicants as well as persons having access to restricted areas of the Police Department. This is to ensure the following:
 - a. Suitability;
 - b. Verification of accuracy and completeness of information on the application;
 - c. Resolution of questions or conflicts arising during background investigations;
 - d. Discovery of previous criminal or other disqualifying behavior;
 - e. Deterrence of those seeking to penetrate law enforcement departments for improper purposes.
2. The CVSA will not be the single determinant of employment status. However, admissions made before, during or after the examination may be used to show cause.
3. The CVSA examiner will review the questions with the applicant, prior to the formal examination.

B. USE OF CVSA EXAMINATION FOR INVESTIGATIVE SCREENING:

1. CVSA examinations should be utilized in conjunction with investigative leads and interviews for available suspect(s), victim(s), and/or witness(es).
2. When practical, both the victim and the accused should be tested for comparison. These results are not to be used for arrest or legal action, but are designed for developing leads and/or obtaining case direction.
3. Tests are conducted at the discretion of the examiner.
4. Questions asked by the CVSA examiner will be provided to an applicant just prior to and at the location of the test so applicants can have sufficient time to review and ask examiner questions.
5. Persons who may be tested:

- a. Any individual who knows right from wrong.
 - b. Person(s) under the age of eighteen must have parental or legal guardian consent prior to testing. The consent must be in writing and in the possession of the CVSA examiner prior to the beginning of the examination.
6. Persons who may not be tested:
- a. Any person(s) who have been forced or coerced into taking the examination.
 - b. Persons indicted by the Grand Jury or formally charged for a crime may not be tested unless there is an agreement and stipulation signed by the person to be examined, his or her defense attorney, and the prosecutor.

C. RESPONSIBILITIES OF CVSA EXAMINER:

1. The CVSA Examiner will review the available information pertaining to the case in question prior to administering an examination.
2. Any structured interview using the CVSA must be authorized by the CVSA Coordinator.
3. The CVSA Coordinator or his/her designee must approve an examination request from another organization prior to conducting the CVSA examination.
4. All CVSA examiners will maintain a record of all examinations they have conducted.
5. The CVSA examiner will receive a second opinion on examinations from another certified examiner.
6. The CVSA examiner will refrain from examinations that may compromise his/her integrity. Any tests of friends, relatives or persons the examiner has a relationship with which represent a conflict of interest must be conducted by a neutral examiner.
7. In the event the examiner declines to administer an examination they will first obtain concurrence from the CVSA Coordinator.

D. RESPONSIBILITIES OF OFFICER/INVESTIGATOR REQUESTING A CVSA EXAMINATION:

1. The investigator will complete a preliminary investigation and consult with the examiner prior to a CVSA examination being scheduled. The CVSA is a supplement to, not a substitute for, a thorough investigation.
2. The investigator is responsible for notifying the person (s) to be examined as to the date and time for the scheduled appointment.
3. The investigator will remain available until the completion of an examination.

4. The investigator will notify the CVSA examiner immediately if the subject cancels an examination appointment.

E. CVSA RECORDS

1. CVSA records may include a waiver of rights, voluntary submission form, subject information sheet, CVSA graphs/charts, and/or statement of results.
2. CVSA records will be maintained for at least a two-year period and/or until any litigation is concluded in the case or issue.
3. The CVSA Coordinator or designee is responsible for the storage of the CVSA records. The records will be maintained in a confidential secure area in the Criminal Investigation Section or other secure area pending further investigation and examination by authorized personnel.
4. The CVSA Coordinator will maintain a tracking log of all CVSA test administered by examiners.

F. INTERNAL INVESTIGATIONS

1. CVSA examinations may be administered during criminal or administrative investigations, to both sworn and civilian employees.
2. Civilian complainants or witnesses may be tested with the CVSA in order to determine if their complaint, allegation or knowledge of a case is legitimate. These interviews must only be conducted after a voluntary test waiver has been signed.
3. In the case of a structured interview (audiotape analysis), the examiner will receive authority from the CVSA Coordinator prior to conducting the examination.
4. A CVSA examination will not be the sole determinant of an investigations conclusion.

G. PROCEDURES FOR OUTSIDE AGENCY TESTING

1. A member of any law enforcement agency may request a CVSA examination in writing to the CVSA Coordinator.
2. The CVSA Coordinator will review all approved requests on a case-by-case basis and based on the other criteria set forth in this directive.