

**SENECA FALLS POLICE DEPARTMENT
GENERAL ORDER**

General Order: 416	Rescinds: 07/01/2013
Subject: Computer Voice Stress Analyzer (CVSA)	NYS Accreditation: 50.6
Effective Date: 01/30/2017 By Order Of: Stuart W. Peenstra, Chief of Police	

I. PURPOSE

To establish guidelines for the administration of Computer Voice Stress Analyzer examinations utilized in conjunction with departmental investigations.

II. DEFINITIONS

- A.** Computer Voice Stress Analyzer (CVSA). The CVSA is a psychological stress evaluator that detects, measures, and charts the stress in an individual's voice (live or tape analysis) in response to questions following a pre-formatted questionnaire.
- B.** Qualified Examiner - An individual who has been certified by the National Institute of Truth Verification.
- C.** Overt Interviews - Live interviews by the CVSA examiner with the suspect/victim/witness, or complainant. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis.
- D.** Covert Interviews - Audio tape analysis by the CVSA examiner, where investigators have obtained taped interviews, from suspect/victim/witness, or complainant. Interviews are designed to capture a "Yes" or "No" response to pre-formatted questions. This taped interview will then be analyzed by the CVSA.

III. POLICY

- A.** CVSA examinations shall be administered only by qualified examiners.
- B.** CVSA examinations shall be used in conjunction with, and as a supplement to, a thorough investigation.
- C.** The CVSA is used for the purposes of truth verification. Therefore, the CVSA should be viewed as a means to protect the integrity of an investigation and/or the interviewee.
- D.** The CVSA may be used to interview a case victim. However, at no time shall the CVSA be utilized to interview the victim of an alleged sexual assault.
- E.** To ensure sound interviewing practices, investigating officers shall not offer or mention a CVSA examination to anyone. Investigating officers should advise the interviewee that an Investigator may contact them for a follow-up interview. Requests for CVSA examinations will be channeled through the chain of command to the Chief of Police for approval, only if a cost is associated. (Rev. 01/30/2017)
- F.** Results of CVSA examinations will be made available to the investigating officer (per C. above), who will then continue the conduct of an applicable follow-up investigation as assigned by competent authority.
- G.** The Seneca Falls Police Department has a writing agreement with the Seneca County Sheriff Department for any Requests for CVSA examinations. Approval must be approved by the Chief of Police before any CVSA examination, only if a cost is associated. (Rev.01/30/2017)

- H. CVSA examinations shall not be used in the selection process for departmental employment.

IV. PROCEDURE

A. Use of CVSA Examination for Investigative Status

CVSA examinations shall be utilized in conjunction with investigative leads and interviews of available suspect(s)/victim(s)/witness(es). When practical, both the victim and the accuser shall be tested in order to add validity to the examination results. These results are not to be used for arrest or legal action, but are designed for developing leads, determining validity of information, and obtaining case direction.

B. Persons Who May be Examined

1. Any individual who knows right from wrong may be examined. Generally, children who recognize right from wrong are testable. However, extremely young children can only be examined at the examiner's discretion.
2. Children under the age of sixteen (16) years must have parental or legal guardian consent prior to testing. Consent must be in writing and in the possession of the CVSA examiner prior to the commencement of the examination.

C. Persons Who May Not Be Examined

1. Any person who has been forced or coerced into taking the examination.
2. Any person that has been indicted by the Grand Jury or formerly charged for the crime that the CVSA is being requested for, unless there is an agreement and stipulation signed by the person, to be examined, his/her Defense Attorney and the Prosecutor.
3. Anyone who is not sufficiently relaxed. A cooling-off period may be required for anyone following an interrogation, intense interview, or who is extremely angry.
4. Anyone who is severely mentally handicapped.
5. Anyone impaired by alcohol or drugs to the point that would cause the examiner concern.
6. Children under six (6) years of age.

D. Responsibility of CVSA Examiner

1. The CVSA examiner shall review the available information pertaining to the case in question, prior to administering an examination.
2. Any covert use of the CVSA must be authorized by the Chief of Police or the Administration Bureau Commander. The CVSA examiner will receive a second opinion on all major cases, from another certified examiner.
3. The CVSA examiner will refrain from examinations that may compromise their integrity. Tests on close friends, relatives, and persons the examiner has a relationship with, must be deferred to a neutral operator.
4. CVSA examiners are not obligated to accept an order, from a superior or governing authority, that would cause him/her to violate professional standards (standards taught by Certified Examiner's Course). Examiners are not obligated to obey illegal orders and are not obligated to conduct an examination on a subject that is not suitable for testing. The CVSA examiner is the final authority. In the event the examiner declines to

administer an examination and the decision is questioned, a second opinion, from a CVSA examiner, is required.

V. CVSA RECORDS

- A.** CVSA records will include the Notification and Waiver of Miranda Rights form, Truth Verification Release Form (Attachment A), Subject Information Sheet, CVSA graph, and statement of results depending on the circumstances.
- B.** CVSA records will be maintained in a secure area by the qualified examiner. Such records will be maintained for at least a two (2) year period and/or until any litigation is concluded in the case/issue.

VI. INTERNAL AFFAIRS

- A.** CVSA examinations may be administered during criminal or administrative investigations, focusing on a sworn officer or civilian employee, if the employee freely volunteers to take the examination. This ensures the protection of the employee's Constitutional rights and permits the use of any statements or admissions made during the examination to be admitted as evidence.
- B.** Civilian complaints and witnesses may be tested by use of the CVSA in order to test the veracity of their complaint, allegation, or ability as a material witness pursuant to an internal investigation.
- C.** CVSA examiners will not administer tests on employees without written consent.
- D.** CVSA examinations will not be the sole determinate of an investigation conclusion.

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Attachment