



**Maryland-National Capital Park Police
Prince George's County Division**



DIVISION DIRECTIVE

TITLE COMPUTERIZED VOICE STRESS ANALYZER			PROCEDURE NUMBER PG471.1
SECTION Operational Procedures	DISTRIBUTION A	ISSUE DATE 09/01/19	REVIEW DATE 05/01/21
REPLACES PG471.1 "Computerized Voice Stress Analyzer," issued 07/01/17			
RELATED DIRECTIVES PG709.0	REFERENCES CALEA 42	AUTHORITY <i>S.R. Johnson</i> Chief Stanley R. Johnson	

I. POLICY

The Maryland-National Capital Park Police Department has established guidelines for administering a Computer Voice Stress Analysis (CVSA) examinations in conjunction with pre-employment screening and investigations conducted by the Police Department. Only individuals trained at an accredited school in the use of CVSA will administer examinations.

Note: It is the policy of the State of Maryland, that as provided in 42 U.S.C. § 3796gg-8 (a), no law enforcement officer, prosecuting officer or other government officials 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. It is also the policy of the State of Maryland that as provided in 42 U.S.C. § 3796gg-8 (a) 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.

II. DEFINITIONS

A. The Computer Voice Stress Analyzer (CVSA) is an instrument that charts and detects, the stress in a person's voice with the aid of a pre-formatted questionnaire.

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- B. Certified Examiner is a person who successfully complete the Certified Examiners Course (CEC) as offered by NITV Federal Services will be awarded the NACVSA status of Certified CVSA Examiner upon attaining membership in the NACVSA. Also, re-certification must be successfully completed every two years.

- C. Overt Interview is 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.

- D. Structured Interviews **is always recorded.** They can either be legally obtained live or from a telephone conversation. A structured interview is used for pre-employment, and crimes against person or property. Following a structured interview, the examiner will create a test made up of relevant, irrelevant, and control questions. The interviews are designed to capture a response to pre-formatted questions. This taped interview is then analyzed by the CVSA examiner.

III. PROCEDURE

- A. Use of CVSA examination for pre-employment screening:
 - 1. CVSA examinations will be used in the selection process for all applicants seeking employment with the Park Police Division of M-NCPPC. 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). 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.

- C. Persons who may be tested:
 - 1. Any individual who knows right from wrong. Generally, children who recognize right from wrong may be tested.
 - 2. Except for pre-employment CVSA tests are conducted at the discretion of the examiner.

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D. Persons who may not be tested:

1. 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.
2. Any person(s) who have been forced or coerced into taking the examination.
3. 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.

E. 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 Assistant Chief of that area of operation.
3. The Park Police Division Chief or his/her designee must approve an examination request of 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 (cold call) 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 have 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 if the decision is in question, a second opinion from a CVSA examiner is recommended.

F. 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.

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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 in the Criminal Investigations Division until the completion of an examination.
4. The investigator will notify the CVSA examiner immediately if the subject cancels an examination appointment.

G. CVSA Records:

1. CVSA records will include a waiver of rights, voluntary submission form, subject information sheet, CVSA graph, and/or statement of results.
2. CVSA records will be maintained for at least a five-year period and/or until any litigation is concluded in the case or issue.
3. All CVSA records will be destroyed after the five-year period.
4. The CVSA coordinator or designee is responsible for the storage of the CVSA records. The records will be maintained in a secure, confidential area in the Office of Accountability and Oversight or another secure area pending further investigation and examination by authorized personnel. The records are all copies of CVSA charts, waivers to take the test, and all questions asked during an examination.
5. The OAO Monthly Report will be submitted to the Park Police Division Chief by the Administrative Assistant and will document the number of CVSA examinations administered.

H. Office of Accountability and Oversight:

1. CVSA examinations will be administered during criminal or administrative investigations, or to sworn officers or civilian employees, but only if the member freely volunteers to participate in the examination. This ensures the member's constitutional rights and permits any statements or admissions made during the examination to be admitted as evidence.
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.

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- a) In the case of a structured interview (audiotape analysis), the examiner will receive authority from the Manager of the Officer of Accountability and Oversight.
3. A CVSA examiner will not administer a test on a police officer without written consent.
4. A CVSA examination will not be the sole determinant of an investigation's conclusion.
- I. 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:
 1. Suitability
 2. Verify accuracy and completeness of information on the application.
 3. Resolve question or conflicts arising during background investigations.
 4. Discover previous criminal or other disqualifying behavior.
 5. Deter those seeking to penetrate law enforcement departments for improper purposes.
- J. Questions asked by the CVSA examiner will be presented 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.
- K. 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.
- L. Procedures for Outside Agency Testing:
 1. A sworn member of any law enforcement agency may request a CVSA examination in writing. The Park Police Division Chief or designee must approve all requests.
 2. The coordinator will handle all approved requests on a case-by-case basis and based on the other criteria set forth in this directive.

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