

DEPARTMENT GENERAL ORDER 99-61

OFFICE of the CHIEF OF POLICE
REPLACES: SOP 502.15.00

DATE: November 9, 1999

POLYGRAPH AND CVSA

I. PURPOSE.

To establish parameters for the use of polygraph and CVSA examinations in the detection of deception.

II. DEFINITIONS.

Polygraph Examination - An examination using an apparatus designed for the detection of deception by measuring and recording changes in a person's respiration and heart activity.

Computer Voice Stress Analyzer (CVSA) Examination - An examination using an apparatus designed for the detection of deception by measuring and recording changes in a person's voice characteristics.

Deception - An act intended to mislead, deceive, or trick with false assertions or behavior.

III. POLYGRAPH.

The department will utilize the services of the St. Louis County Police Department to administer polygraph examinations. Such an examination may be sought during a routine criminal investigation, as part of an applicant's background investigation, or during an internal affairs investigation where a reasonable suspicion exists that one or more of the principals in the investigation may have been deceptive.

Should a polygraph be sought in any of the above circumstances, it shall be necessary to schedule an appointment with a St. Louis County PD Polygraph Examiner.

At the conclusion of the test, the polygraph examiner will routinely advise the case officer or other pertinent official of the results of the polygraph. The examiner may also suggest further avenues of questioning. A written report covering the examination will follow at a later time and shall be incorporated into the case and/or administrative file.

IV. COMPUTER VOICE STRESS ANALYZER.

The apparatus designed to conduct this type of test for deception may be used as part of the following investigative processes:

A. Pre-Employment Background Investigation

- 1). During the course of a pre-employment background investigation where the investigator determines or suspects deception on the part of the applicant, the investigator may request a CVSA be administered. Such request must be approved by the Commander of the Investigation and Support Bureau.
- 2). The CVSA examiner should review all available information, to include an interview with the background investigator, in an effort to determine areas of interest for testing purposes.
- 3). The CVSA operator will provide the applicant with a waiver form for their signature prior to testing.
- 4). Following the examination, the CVSA examiner and a second impartial examiner will interpret the test charts and consult in regard to their individual findings. The CVSA examiner shall then submit a written report to the Commander of the Investigation and Support Bureau with their findings (Deceptive or Non-Deceptive Responses).
- 5). A copy of the completed report will be placed in the individual's employment package.

It should be noted that the CVSA shall not be used as the single determinant of employment status. Fraudulent entries on an employment application and/or deceptive answers to relevant employment questions, which are initially detected by a CVSA and subsequently confirmed by other investigative means, shall immediately eliminate the applicant from further consideration in the recruitment process.

B. Criminal Investigation

- 1). The investigating officer may request a CVSA if he/she believes a suspect, victim, informant, or witness is being deceptive in their statements. Should a test be desired, same must be approved by a supervisor or commander prior to its initiation.
- 2). Upon approval, the request shall generally be forwarded to the supervisor or Commander of the Criminal Investigations Division who will review same and assign the test to an examiner. However, should circumstances arise where a test may be desired during those periods of time when the above officers are not available, and time is a critical factor, then qualified patrol personnel may administer the test without prior CID review. In such instances, the test administrator shall notify the CID supervisor or commander in a timely manner.
- 3). The CVSA examiner shall review all available information and confer with the investigating officer prior to conducting the test.
- 4). Unless exigent circumstances dictate otherwise, the investigating officer shall not conduct a CVSA examination.
- 5). Prior to testing, the examiner will provide the subject of the test with a waiver form, to include the Miranda Decision warnings, which must be acknowledged and waived in order for the test to proceed.
- 6). Following the CVSA examination, the examiner and a second impartial examiner will interpret the test charts and consult in regard to their individual findings. The CVSA examiner shall then provide a written report covering the test results to the investigating officer, and additionally, make recommendations in regard to the focus and/or direction of the investigation.
- 7). The investigating officer shall document the CVSA findings in a Supplemental Report and attach a copy of the test to the report for inclusion into the case file .

C. Internal Affairs Investigation

A CVSA examination may be utilized as an investigative tool as part of an internal affairs investigation. However, the utilization of such a test in these circumstances shall be in accordance with the procedures outlined in General Order 99-33, "Internal Affairs."

- 1). The Chief of Police shall be required to approve of CVSA

examinations in all internal affairs investigations.

- 2). The examiner shall review all available information and confer with the investigating officer prior to the test being administered.
- 3). The department employee who is the object of the investigation shall be required to acknowledge and sign a CVSA waiver form in order for the test to proceed.
- 4). Following the examination, the CVSA examiner and a second impartial examiner will interpret the test charts and consult on their individual findings. The CVSA examiner shall then document their findings in a written report and submit same to the investigating officer. This shall also include the examiner's recommendations in regard to the focus and/or direction of the investigation.
- 5). The investigating officer shall document the CVSA examination in a Supplemental Report and attach the test results to the report for inclusion into the internal affairs case file.

D. CVSA Examination for Outside Agency

Any request for CVSA testing by another law enforcement agency, wherein said request involves an internal investigation of officer conduct, shall only be conducted with the prior approval of the Chief of Police or his designate. Tests involving routine criminal investigations will require the approval of the Commander of the Criminal Investigations Division.

E. Documentation

Permanent documentation of all testing shall be retained by the data analyst, except in those instances involving internal affairs investigations. In such instances, CVSA test results and all other investigative documentation and reports shall be submitted to, and retained by the Chief of Police in an internal affairs file.

V. LEGAL RESTRICTIONS.

The results of a polygraph examination are inadmissible in court. As such, same should be considered and/or employed as an investigative tool only.

The results of CVSA examinations are also generally inadmissible in court and should only be utilized as an investigative tool.

VI. TRAINING.

The CVSA shall be administered in accordance with the training and standards established by the National Institute for Truth Verification. Only those officers who have successfully completed the NITV Certified Examiner's Course shall utilize the Computer Voice Stress Analyzer. Similarly, in the event this agency deems a Polygraph Examination to be necessary, only those operators who have been certified by a formal training program shall perform the test.

BY ORDER OF:

RICHARD T. MORRIS
Chief of Police

RTM:dld

CALEA Reference: 42.2.8