

CVSA (COMPUTERIZED VOICE STRESS ANALYZER) PROCEDURES

STANDARD NO(S): NYSLEAP# 33.3,50.6

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I. OBJECTIVE:

To establish procedures and guidelines for administering CVSA (Computerized Voice Stress Analyzer) examinations in conjunction with investigations conducted by the Seneca County Sheriff's Office and other requesting Government Agencies.

II. POLICY:

CVSA examinations by qualified examiners are gaining national acceptance as an information aid and as a tool to be used in conjunction with an investigation. However, they should not be used as a final determinant factor in investigations. They should not be used to circumvent good investigative procedures. The CVSA is used for truth verification. Therefore, the CVSA should be viewed as a means to protect the integrity of an investigation and/or the interviewee.

III. DETAILS:

A. Definitions:

1. Computer Voice Stress Analyzer (CVSA) – CVSA detects, measures and charts the stress in a person's voice following a pre-formatted questionnaire.
2. 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 two years.
3. Overt Interview – A live interview by a CVSA examiner with a suspect, victim, witness, complainant, or other interviewee. 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.

4. Structured Interviews— A legally obtained audio tape interview of a suspect, victim, witness or complainant. The interviews are designed to capture a response to preformatted questions. This taped interview is then analyzed by the CVSA examiner.

B. Procedure:

1. Use of CVSA examination for investigative screening:
 - a. CVSA examinations should be utilized in conjunction with investigative leads and interviews of available suspect(s), victim(s), and/or witness(es). When practical, both the victim and the accused should be tested for comparison except in the case of a sexual assault crime. A victim of a sexual assault crime is any person alleged to have sustained an offense under article 130 or section 255.25 of the New York State Penal Law.
2. Persons who may be tested:
 - a. Any individual who knows right from wrong. Generally, children who recognize right from wrong may be tested. The standard for determining the testability of a child is:
 - i. There is a presumption of knowing right from wrong at age 9 and older.
 - ii. Children under the age of 9 must:
 - Appreciate the difference between truth and falsehood
 - Appreciate the necessity for telling the truth.
 - Appreciate that a person who makes a false statement may be punished.
 - b. Tests are conducted at the discretion of the examiner.
3. Person who may **not** be tested:
 - a. Children 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.
 - b. Any person who has been forced or coerced into taking the examination.
 - c. Any person who has been indicted by the Grand Jury or formally charged for the crime the CVSA is being requested for, unless

there is an agreement and stipulation signed by the person to be examined, his or her defense attorney, and the prosecutor.

- d. Any person who has been requested to take a CVSA or other lie detection exam by a private commercial employer in violation of the Employee Polygraph {Protection Act of 1988 (EPPA)}.

4. Responsibilities of CVSA Examiner:

- a. The CVSA Examiner will review the available information pertaining to the case in question prior to administering an examination.
- b. Any structured interview using the CVSA must be authorized by the Criminal Investigations Division Supervisor.
- c. The Criminal Investigations Division Supervisor or Patrol Supervisor must approve an examination request of another organization prior to conducting the CVSA examination.
- d. All CVSA examiners will maintain a record of all examinations they have conducted in the CVSA log.
- e. The CVSA examiner will receive a second opinion on examinations from another certified examiner. In the event that another certified examiner is not available the examiner may use the F.A.C.T. (Final Analysis Confirmation Tool) scoring system.
- f. 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.
- g. In the event the examiner declines to administer an examination and the decision is questioned, a second opinion from a CVSA is recommended.

5. Responsibilities of Officer/Investigator requesting a CVSA examination:

- a. The investigator/officer 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.
- b. The investigator/officer is responsible for notifying the subject of the date and time for the scheduled appointment.

- c. The investigator/officer will remain available to the CVSA examiner until the completion of an examination.
- d. The investigator/officer will notify the CVSA examiner immediately if the subject cancels an examination appointment.

6. CVSA Records:

- a. CVSA records may include a waiver of rights, voluntary submission form, subject information sheet, CVSA graph, and/or statement of results.
- b. CVSA records will be maintained in a secured area in the Criminal Investigation Division. The Criminal Investigations Division Supervisor or designee will be responsible for the storage and maintenance of the CVSA records.

7. Internal Affairs:

- a. CVSA examinations will be administered during criminal or administrative investigations focusing on a sworn officer or civilian member only if the member freely volunteers to participate in the examination.
- b. 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.
 - i. In the case of a structured interview (audio tape analysis), the examiner will receive authority from the Sheriff or Undersheriff.
- c. A CVSA examiner will not administer a test on a department member without written consent.
- d. A CVSA examination will not be the sole determinant of an investigation conclusion..