



# Apex Police Department General Order



<b>Title</b> Computerized Voice Stress Analysis (CVSA) Program		<b>Order Number</b> 1111-20
<b>Effective Date:</b> December 1, 2020	<b>Amends:</b> 1111-15	
<b>CALEA Standard:</b> 42.2.5	<b>Rescinds:</b>	
<b>Reference:</b> GO 104 – Selection GO 302 – Personnel Complaint Investigation	<b>Pages:</b> 5	
<b>Forms:</b> F1111 -Truth Verification Release Form F1111a - CVSA Report		

## Computerized Voice Stress Analysis (CVSA) Program

### Purpose

The purpose of this directive is to establish guidelines for the use of agency computer voice stress analysis (CVSA) equipment for the purposes of investigations and/or pre-employment selection processes.

### Policy

It is the policy of the Apex Police Department that CVSA examinations will be conducted by certified CVSA examiners in a manner consistent with training and guidelines provided to them by an appropriate certifying agency.

### Definitions

*Business Day(s)* – Days in which the Town of Apex offices are open for normal operations. Usually Monday through Friday, excluding annual holidays as identified by the Town’s Human Resources Department.

*Cold Call* – An analysis by a CVSA examiner who does not have knowledge or involvement of a case, reviews the results and chart(s) of the examination, and makes a determination of truthfulness or deception.

*Computerized Voice Stress Analysis (CVSA)* – A mechanical or electronic instrument or device used to test individuals and determine their truthfulness.

*CVSA Examination* – The entire period of testing between the subject and the examiner.

*CVSA Examiner* – Any person who uses a device or instrument to test individuals and determine their truthfulness.

*Examinee or Subject* – The person who is the subject of a CVSA test.

## **Procedures**

### **CVSA Instrument Operation**

1. The following two types of CVSA testing may be used by the department:
  - Specific Testing – This form of testing is generally used during a criminal investigation when testing individuals regarding a specific issue
  - Administrative Testing – This form of testing is generally used during a pre-employment background investigation or administrative investigation
    - Administrative investigations will include both supervisory personnel complaint and/or internal affairs investigations
      - **NOTE:** Administrative testing may also be used for non-departmental personnel at the request of the Town Manager and Human Resources Director
    - Administrative CVSAs will be administered only at the direction of the Chief of Police

### **CVSA Examiner's Qualifications (42.2.5)**

1. Only examiners who have completed a training school accredited by the National Institute for Truth Verification, or an equivalent organization that provides training for this purpose, are authorized to conduct a CVSA examination.

### **Criminal Investigation CVSA Examination Guidelines (42.2.5)**

1. Officers requesting a CVSA examination be administered pursuant to a criminal investigation will contact the Criminal Investigations Division Commander or his/her designee for approval and scheduling.
2. The lead investigator/officer will meet with the CVSA Examiner prior to the CVSA examination to discuss the facts related to the case. This will assist the CVSA Examiner in developing and constructing the appropriate questions for the CVSA examination. The CVSA Examiner will be provided the following:
  - Offense/Incident report(s)
  - All related supplemental reports

- Any background information known about the subject to be examined, including arrest records
  - Any statement made by the subject
  - Any other relevant information
3. Prior to administering a CVSA examination, the CVSA Examiner will have the examinee read and sign form F1111 – *Truth Verification Release Form* voluntarily consenting to the examination.
  4. A CVSA examination will not be conducted if, in the opinion of the CVSA Examiner, the examinee is:
    - Under the influence of alcohol or drugs
    - Is mentally or physically unfit
  5. If a business has been the victim of a crime and an employee of such business has agreed to submit to a CVSA examination, the requesting officer will, prior to the CVSA examination, ensure that the employee is not agreeing to submit to the examination only out of fear of losing his/her job or not receiving wages until he/she consents to a CVSA examination.

#### **Administrative CVSA Examination Guidelines**

1. Administrative CVSA examinations may be authorized by the Chief of Police for the following purpose(s):
  - As part of the pre-employment selection process pursuant to General Order 104 – *Selection*
  - As part of the personnel complaint investigation process pursuant to General Order 302 – *Personnel Complaint Investigation*
2. The Administrative Division Commander will oversee pre-employment selection and is responsible for scheduling a CVSA examination with a certified CVSA Examiner. (**NOTE:** CVSA examination for pre-employment background investigations may be scheduled by the assigned background investigator.)
3. The Deputy Chief of Police or his/her designee will oversee the supervisory personnel complaint and/or internal affairs investigation processes and is responsible for scheduling a CVSA examination with a certified CVSA Examiner.
4. Prior to administering a CVSA examination, the examiner will have the examinee read and sign form F1111 - *Truth Verification Release Form* voluntarily consenting to the examination.

#### **Administering the Examination - Criminal Investigations**

1. Generally, only the CVSA Examiner and the examinee will be present during the CVSA examination. However, under special circumstances (i.e. language barrier) a translator may be allowed to be present.

2. The CVSA examination may be viewed, observed, and/or monitored by the investigator/officer requesting the CVSA, or other approved person (i.e. command staff, other agency staff, etc.) from the observation room/area.
3. Pursuant to General Order 1112 – *Interview Room Security*, another officer should monitor the CVSA examination from the observation room/area for the purposes of safety and security.

### **Administering the Examination - Administrative**

1. The CVSA Examiner and the examinee are the only persons who are permitted to be present during the CVSA examination.
2. At the direction of the Administrative Division Commander, Deputy Chief of Police, or Chief of Police, a command officer or other person assigned responsibility for conducting a pre-employment background may observe the CVSA examination from the observation room/area.
3. At the direction of the Deputy Chief of Police or Chief of Police, a command officer or other person assigned responsibility for conducting a personnel complaint investigation and/or internal affairs investigation may observe the CVSA examination from the observation room/area.

### **Results of the CVSA Examination**

1. The CVSA Examiner will interpret the physiological reactions recorded on the CVSA charts and render an opinion in form F1111a – *CVSA Report*.
  - With the approval of the Criminal Investigations Division Commander a different report format may be used.
    - If approved, the reasons for the approval will be noted in the alternative form/report.
2. A second qualified CVSA Examiner will conduct a “cold call” of the CVSA examination results/charts prior to any determination being made regarding the examinee’s truthfulness.
3. For Criminal Investigations:
  - CVSA examination results will be given orally to the investigating officer at the conclusion of the examination
  - A written report will be provided to the investigating officer no later than three business days following the examination
  - The examiner will incorporate all records, reports, and documents relating to the CVSA examination into the appropriate master case file

4. For Administrative Examinations:

- Supervisory Personnel Complaint/Internal Affairs Investigations – CVSA examination results will be given orally to the Deputy Chief of Police at the conclusion of the examination
  - A written report will be provided to the Deputy Chief of Police no later than three business days following the examination
  - The examiner will forward all records, reports, and documents relating to the examination to the Deputy Chief of Police, who will then incorporate the written material into the appropriate personnel complaint/IA investigation file(s)
- Pre-employment Background Investigations – CVSA examination results will be given orally to the assigned background investigator at the conclusion of the examination
  - A written report will be provided to the background investigator no later than three business days following the examination
  - The background investigator will then will incorporate all records, reports, and documents relating to the CVSA examination into the appropriate pre-employment background file(s)

5. Documents may include but are not limited to:

- Form F1111 – *Truth Verification Release Form*
- Pre-test Interview
- Test Questions
- Charts
- Post Test Interview/Interrogation
- Form F1111a – *CVSA Report*

Text in “Green” notes significant change to policy.

**BY ORDER OF:**



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John W. Letteney  
Chief of Police