



Ithaca Police Department

120 East Clinton Street
Ithaca, New York 14850

General Order Number: 573

Computer Voice Stress Analyzer Procedures

Issuing Authority: Chief Pete Tyler

Effective Date: 04/06/2018

Rescinds/Supersedes: All previously issued directives

Review Date: 04/06/2020

Applicable NYSLEA Standards: 50.6

Number of Pages: 6

I. Purpose

The purpose of the directive is to establish the procedures and policies for utilizing the Computer Voice Stress Analyzer during on-going investigations.

II. Definitions

Computer Voice Stress Analyzer (CVSA): detects, measures, and charts the stress in a person's voice following a pre-formatted questionnaire.

Qualified Examiner: a person who has satisfactorily completed training by a recognized instructor in truth verification and the use of the CVSA. Must be re-certified every three years.

Overt Interview: a live interview by a CVSA examiner with a suspect, victim, witness, complainant, or prospective volunteer, conducted with prior knowledge and permission that certain questions will be recorded live and capture by the CVSA for analysis. At the examiner's discretion, all or portions of the interview may be recorded on audiotape, videotape, digital audio and or digital video.

Structured Interview: a legally obtained audiotape, videotape, digital audio or digital video-recorded interview of a suspect, victim, witness, or complainant designed to capture a response to preformatted questions to be analyzed by the interviewer.

III. Policy

- A. It is the policy of the Ithaca Police Department to utilize the CVSA as a supplemental tool during on-going investigations. Only those individuals who are certified as Examiners may utilize the CVSA to administer.
- B. All other CVSA examinations, including those requested by outside agencies, must be approved by a Criminal Investigations Unit Supervisor, the Chief of Police, or a Deputy Chief.

- C. CVSA examinations on juveniles will only be conducted after obtaining consent from either:
 - 1. The juvenile's legal, custodial parent(s), who must be present during the explanation and signing of the necessary waiver forms, or
 - 2. The Family Court Judge.
- D. Under no circumstances will personnel *request or require* any victim of a sexual offense to submit to a CVSA examination. See **NYS Criminal Procedures Law 160.45**
- E. The policies and procedures set forth in this General Order apply directly to the use of the CVSA. If another truth verification device or system (e.g. polygraph) is used during an investigation personnel will ensure that a qualified operator is administering the test, the general intent of the procedures set forth in this Order are adhered to.

IV. General Guidelines

- A. CVSA examinations supplement an investigation, but officers should not consider these examinations a substitute for field investigation. Officers should conduct investigations thoroughly and explore all possible aspects of the case.
- B. Officers may use CVSA examinations to identify or eliminate possible suspect and to verify information received from witnesses and victims.
- C. The CVSA examination cannot be used to develop probable cause. Any actions involving a case (e.g., arrest, application for arrest or search warrants, etc.) must be based on probable cause independent of the CVSA examination.
- D. Officers should not assume a person is unfit for a CVSA examination. If any doubt exists, contact the CVSA examiner.
- E. The following physical or psychological conditions may affect the results of a CVSA examination:
 - 1. Permanent Illness, such as a heart or respiratory diseases.
 - 2. Mental disability or suicidal tendencies.
 - 3. Pregnancy.

V. CVSA Interview Procedures

A. Scheduling a CVSA Test

Personnel will adhere to the following procedures when requesting a CVSA examination for individuals involved in a case they are investigating.

- 1. Discuss the case with their immediate supervisor and/or CIU Supervisor.
- 2. After obtaining supervisory approval, the officer will:
 - a. Contact the CVSA examiner to schedule a date and time for the CVSA examination.
- 3. Contact the examinee to schedule a date and time for the examination.
 - a. Explain clearly to the examinee the voluntary nature of the examination. Clearly state the examination will not be conducted unless the person is willing to take it.
 - b. Stress the idea the examination process allows the examiner to verify the truthfulness of the examinee. Indicate only that the examination is easy to administer and the examiner will explain its operation.

- c. Advise the examinee the amount of time for the examinations varies. The average CVSA requires approximately 60 to 90 minutes. This should serve only as a general guideline.
 - d. Advise the examinee to eat and obtain proper rest before the examination.
 4. Contact the CVSA examiner again and confirm the date and time for the CVSA examination.
 5. CVSA examiners will schedule and conduct examinations on short notice for emergencies or exceptional circumstances, unless extensive interrogation of the examinee has taken place immediately prior to the examination being conducted. All instances where an emergency CVSA will require the Examiner to perform the examination after normal duty hours must be approved by the Commanding Officer of the CIU, the Chief of Police, or a Deputy Chief.

B. Required Information for CVSA Examinations:

1. CVSA examination results will normally be in direct relation to the volume and accuracy of the information supplied by the officer.
2. Before the examination, forward copies of the following to the CVSA examiner:
 - a. A case Summary report of the case to date
 - b. Description of the evidence
 - c. Statements of complainants, witnesses, and others involved
 - d. Information and evidence linking the subject to the offense. This will include motive, opportunity, personal statements, alibi, counter information, etc.
 - e. Known criminal history of the subject. Also known or suspected mental or physical condition history that could bear upon the validity of the examination.
 - f. Information withheld from the examinee and known only to the perpetrator of the offense.

C. On the day of the Examination:

1. On the day the CVSA examination is scheduled, the assigned investigator/officer will:
 - a. Ensure the subject reports to the CIU, or other designated location, for the CVSA examination on the appointed date and time.
 - b. Avoid discussing the case with the examinee immediately before the examination.
 - c. Attempt to ensure the examinee is not under the influence of alcohol or drugs.
 - d. Bring all reports, records, and statements pertaining to the case to the examination.
 - e. Remain in the CIU or other location where the CVSA examination is being conducted until the exam is completed.

D. After the examination, the CVSA examiner will:

1. Discuss the results of the examination with the investigating officer.
2. Complete a Supplemental Report to the original Case Report in SPILLMAN detailing the findings of the CVSA examination.

VI. CVSA Examiner Procedures

- A. Obtain authorization from a CIU Supervisor before conducting a structured interview for other organizations requesting an interview.
- B. Review Case information prior to administering an examination.
- C. Maintain a record of all examinations conducted.
- D. Receive a confirmation of results from another certified examiner when possible.
- E. Declining Examinations:
Refrain from examinations that may compromise your integrity.
 1. Must have a neutral examiner conducting an examination, and if the decision is questioned, a second confirmation from a CVSA examiner is recommended.
 2. Should refrain from conducting an examination on your own investigations.
 3. If you decline to administer an examination, and the decision is questioned, a second confirmation from a CVSA examiner is recommended.
- F. Reporting Procedures
 1. The CVSA Examiner will maintain the appropriate test logs and other records for future reference.
 2. Ithaca P.D. Cases – The CVSA Examiner will complete a Supplemental Report to the original Case report for each examination conducted. Original Copies of all released forms will be forms for his records.
 3. Examinations for other Agencies/Cold Call Readings – At the beginning of each calendar year the CVSA Examiner will generate a Case Report under the “assist Other Agency” case type. A Supplemental Report to this Case Report for each CVSA Examination/Cold Call conducted for any outside agencies. The CVSA Examiner will keep copies of all reports or forms generated for his records.



CITY OF ITHACA POLICE DEPARTMENT

TRUTH VERIFICATION RELEASE FORM

I, _____, do hereby voluntarily, without duress, coercion, promise, reward or immunity, submit to examination by the voice stress analysis truth verification technique and release, absolve and forever hold harmless the Ithaca Police Department, it's servants, agents, and anyone acting in its behalf, from any and all claims, demands, or other damages from any matter, act or thing arising out of the aforesaid examination.

I understand that this examination may be recorded and I release into the possession of the Ithaca Police Department all materials, recording and all other documents for the purpose of testimony and/or training.

Signature of the Examinee

Date

Signature of Witness

Date

If Subject of the CVSA is a juvenile, the Examination must be authorized by a parent or legal guardian.

Signature of Parent/Guardian

Date

CVSA Examiner

List any medications the subject of the examination is currently using below:

