
	GAITHERSBURG POLICE DEPARTMENT		
	Polygraph & Voice Stress Analyzer		
	GENERAL ORDER	801.2	
Effective Date	05/30/2014	42.2.6, 54.1.1	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. DEPARTMENT POLICY

The use of a polygraph or computer voice stress analyzer is an investigative tool for determining deception during the course of an investigation. The Department utilizes the computer voice stress analyzer (CVSA) and examiners who have graduated from institution(s) providing training for this purpose. Polygraph examinations are conducted by trained examiners from allied agencies.

II. USE OF THE COMPUTER VOICE STRESS ANALYZER

A. Used to Detect Stress

1. A Computer Voice Stress Analyzer (CVSA) examination is an investigative tool used in determining stress during the course of an investigation. CVSA examinations may be utilized in conjunction with investigative leads and interviews of available suspects, victims, witnesses, informants or complainants.
2. The CVSA can also be used to develop leads, verify truthfulness of an individual, or to develop case direction; however, the results of such examination will not be used as probable cause for arrest or as the sole determinate for any action or non-action in an investigation.
3. CVSA examinations may be utilized for pre-employment background investigations. Background investigators will coordinate with trained in-house CVSA examiners to schedule exams.

B. Eligibility Requirements For Subjects To Be Analyzed

1. Any individual who knows right from wrong is a candidate for a CVSA examination.
 - *Very young children will be tested at the CVSA examiner's discretion.*

2. Any person who has been formally charged with the crime for which the examination is being given is ineligible, unless there is an agreement signed by the person to be examined, their lawyer (if represented), and the State's Attorney's Office.
3. Any person who is so far under the influence of alcohol and/or drugs that it causes the analyst concern, children under the age of five, and anyone who is severely mentally challenged is ineligible.

C. Examinations Conducted In Accordance With Standards

1. Only persons who have satisfactorily completed CVSA training by a recognized instructor in both truth verifications and the use of the CVSA are authorized to use the CVSA to examine subjects.
2. CVSA examiners will be re-certified every 3 years by the National Institute for Truth Verification (NITV).
3. All CVSA exams will be conducted in accordance with established industry standards.
4. CVSA examiners will not conduct examinations on individuals who, in the examiner's opinion, are not suitable for the examination.
5. Except for police officers, no person shall be required to submit to a CVSA examination, unless otherwise required by law or Court Order.

D. Requesting an Examination

1. Officers who would like to have an individual examined will obtain and complete a GPD examiners– *Request for CVSA Examination* form.
2. The requesting officer will hand-carry or send the completed form to the GPD Investigation Section.
3. Except in emergency situations, at least one (1) day lead time is required for scheduling purposes. If the request is for an overt interview (i.e., live and the subject knows that certain answers will be analyzed), the CVSA examiner will arrange a date and time for the examination. If the requester wishes to make an audio or video tape of a statement for analysis, the requester must first contact a CVSA examiner to ensure that the interview is done in such a way that it can be properly analyzed.

4. CVSA examinations will be conducted at a location determined by the examiner. The requester must be present during the examination to provide assistance to the CVSA examiner, if necessary.
5. The subject of an overt examination must sign a *CVSA Consent Form* before the test will be conducted. The form will be completed by the CVSA examiner just prior to the examination indicating that it is being conducted with the subject's knowledge and consent.
6. All examinations will be either audio or video taped, according to NITV prescribed methods.
7. If the CVSA examination request is for an audio or videotape, the requester will ensure the tape was made in compliance with Federal and State Laws (Annotated Code of Maryland, Courts and Judicial Proceedings, Section 10-401). Audio and videotapes will be analyzed on a case-by-case basis by CVSA examiners after consultation with the requester.
8. Upon completion of the examination, the requester will be provided a copy of a Report of Findings, which will include the conclusions reached by the examiner.
9. A log book of all exams will be maintained by the Department's Investigative Section.
10. Any use of the interview room for the purposes of conducting a CVSA examination will be in accordance with General Order 801.1.

III. POLYGRAPH USAGE

A. Used to Detect Deception

1. The polygraph is a scientific instrument designed to simultaneously monitor and record physiological responses (pulse rate, relative blood pressure, respirations, and sweat gland activity) which take place as a result of a verbal stimulus (questioning).
2. The polygraph is utilized to determine the validity of a subject's statement by evaluating consistent physiological responses recorded during the respective examination. Furthermore, the polygraph is useful in obtaining a confession from a subject who

would otherwise remain silent.

B. Requesting Examinations

1. Officers requesting polygraph examinations must understand the polygraph's capabilities and limitations. It shall not be used as substitute for approved criminal investigative techniques. The examination is merely an aid in determining deception during the course of an investigation. Unwilling or uncooperative subjects should not be tested.
2. A polygraph examination may be considered applicable in the following circumstances:
 - *To determine the validity of a suspect's or defendant's statement;*
 - *To determine the validity of allegations made by a victim;*
 - *To determine the validity of an informant's or witness's statement; and*
 - *In certain situations prior to making significant commitments of staffing or resources when information is not readily verifiable by other means.*
3. The following categories of subjects should not be considered for polygraph examinations:
 - *Juveniles under the age of 14;*
 - *Juveniles between the age of 14 and 18 without parental consent;*
 - *Individuals that are incapable of following the testing procedure instructions, due to their being under the influence of illicit drugs, medication, or alcoholic beverages;*
 - *Individuals with a history of heart disease without written physician's consent;*
 - *Individuals that appears abnormally distressed and not capable of following the testing procedure instructions;*
 - *Pregnant women without written physician's consent,*

and;

- *Persons suffering from a viral condition.*

4. The polygraph will not be used for internal commercial theft investigations unless a criminal charge is going to be filed against the subject and the investigating officer has probable cause to believe the subject has committed the crime.

C. Scheduling Examinations

1. Polygraph exams will be scheduled Monday through Friday between 0830 hours and 1230 hours.
2. Short-notice examinations are available upon request and may be considered in all serious Part I offenses and serious misdemeanor cases, such as:
 - *Murder;*
 - *Rape;*
 - *Armed Robbery;*
 - *Serious assaults; and/or*
 - *Any other case where the validity of a statement or allegation is questioned and the investigating officer does not feel the suspect/witness will be available at a later date (conducted at the discretion of the polygraph examiner).*
3. A polygraph examination will not be given until the investigation has established sufficient facts to enable the examiner to adequately construct comprehensive and objective questions and all conventional methods of closing the case have been exhausted.
4. Before a polygraph examination is scheduled, the investigating officer will review with his/her supervisor the investigative efforts made thus far and a decision will be made by the respective supervisor whether to contact the MCPD Polygraph Coordinator.
5. Once approval has been given for the polygraph examination, the investigating officer will notify the Investigation Section Supervisor, who will then make contact with the MCPD Polygraph Coordinator, to make arrangements for an examination date and time.

6. Once the examination appointment is made, the investigating officer will immediately forward all appropriate documentation concerning the incident to the MCPD Polygraph Coordinator so that appropriate questions can be formulated.
7. The investigating officer will provide the subject to be examined with the date and time of the examination and will verify this appointment at least 48 hours prior to the examination date.
8. The investigating officer will ensure transportation for the subject to and from the polygraph office, and will remain available during the examination to assist with any requests for additional information that may be necessary during the course of the examination, and to receive any statement or confession.
9. Except for police officers pursuant to the Law Enforcement Officers' Bill of Rights, no person shall be required to submit to a polygraph examination, unless otherwise required by law or Court Order.
10. No indication shall be given to the person who refuses to submit to such an examination that such refusal is a tacit admission of guilt.

D. Polygraph Examination Reports

1. The investigating officer will ensure that the polygraph examiner provides a verbal report of his/her findings as soon as practical, and will also request from the examiner a written report as a permanent record for the officer's case file.
2. All copies of polygraph charts, waivers to take the test, and all questions asked during the examination will be retained by the examiner.

E. Releasing Exam Results to the Media

1. Because they could jeopardize an investigation, and/or a suspect's or defendant's right to a fair trial, polygraph examination results will not be released to the media.