


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date: September 7, 2021		APD.SOP.3120 Computer Voice Stress Analyzer
Applicable To: All sworn employees		Review Due: 2025
Approval Authority: Chief Rodney Bryant		
Signature: Signed by RB		Date Signed: 9/7/2021

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1. PURPOSE

To establish guidelines governing the use and administration of technical aids used for the detection of deception in criminal investigations, administrative investigations, and background investigations for employment applicants.

2. POLICY

2.1 The Atlanta Police Department (APD) considers the computer voice stress analyzer (CVSA) to be useful investigative tools combined with other evidence in establishing the innocence or guilt of an accused employee or suspect or uncovering background deficiencies of applicants.

2.2 CVSA examination results by themselves are not sufficient evidence to sustain or void a complaint against an employee or to refuse employment to an applicant.

3. RESPONSIBILITIES

3.1 The Criminal Investigations Division (CID) Commander will implement this directive with respect to criminal investigations.

3.2 The Office of Professional Standards (OPS) Commander will implement this directive as it pertains to administrative investigations.

3.3 The Recruitment Unit Commander will implement this directive as it pertains to applicants for employment.

3.4 Computer Voice Stress Analyzer (CVSA) examiners will be certified by qualified institutions providing training for the detection of deception.



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- 3.5 Supervisors will monitor their subordinates' compliance with this directive.
- 3.6 Investigators will get approval from their immediate supervisor prior to requesting a CVSA examination in all criminal investigations.
4. ACTION
- 4.1 Criminal Investigations
- 4.1.1 The Criminal Investigations Division's examiners or approved contract vendors for the CVSA may conduct a CVSA for investigative purposes.
- 4.1.2 The investigating officer may use CVSA examinations to identify or eliminate possible suspects and to verify information received from witnesses, victims, and suspects.
- 4.1.3 CVSA examinations should be utilized in conjunction with investigative leads and interviews of available suspects, victims, and witnesses. When practical, both the victim and the accused should be tested for comparison.
- 4.1.4 No person involved in a criminal investigation will be forced or coerced into taking the CVSA examination. All persons voluntarily taking an overt examination will sign the Form APD 338 "CVSA Truth Verification Release" prior to taking the examination.
- 4.1.5 Examination results cannot serve as a final determinant for arrest or legal action; rather they should be used to develop leads, verify, corroborate, or refute statements and allegations.
- 4.1.6 The investigating officer may conduct CVSA examinations on misdemeanor or felony offenses.
- 4.1.7 Only relevant questions specifically related to the criminal investigation and irrelevant questions necessary to the CVSA techniques will be used in the examination.
- 4.1.8 CVSA examinations will be conducted on juveniles only after obtaining consent from either:
1. The juvenile's legal guardian or custodial parent(s), who must be present during the explanation and must sign documentation related to the examination; or
 2. A judge of the juvenile court.
- 4.1.9 CVSA examination results that are part of a criminal investigation for APD employees are public records under the Georgia Open Records Act (O.C.G.A. 50-18-70 through 50-18-76) and may be made available for review by the Civil Service Board.
- 4.1.10 All covert CVSA examinations must have the approval of the CID Commander. CVSA Approval Form for Covert Examination Form APD 341 must be completed and signed by the CID Commander.
- 4.2 Administrative Investigations
- 4.2.1 The Office of Professional Standards' (OPS) examiners or approved contract vendors for the CVSA may conduct a CVSA exam for administrative investigations.



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- 4.2.2 Employees can be required to submit to a CVSA examination during an administrative investigation. An employee who refuses to take a CVSA examination will be subject to further disciplinary action.
- 4.2.3 Examinations may be used to test witnesses, suspects, victims, employees, and complainants with regard to the truthfulness of statements made or to their credibility as a material witness. When possible, both the complainant and the officer should be tested for comparison. Examination results cannot serve as the sole determinant in the disposition of an investigation or for the decision to close an investigative file.
- 4.2.4 Citizen complainants and witnesses may be tested with the CVSA to assist in determining the legitimacy of their complaint, allegation, or knowledge of a case. The complainant or witness will sign a Form APD 338, "CVSA Truth Verification Release" prior to being tested.
- 4.2.5 Employees will not be compelled to testify against themselves in criminal matters, except in cases of perjury. Examination results, which may incriminate or tend to incriminate the employee, will be kept separate from pending criminal matters (O.C.G.A. 24-5-505 and 24-5-506).
- 4.2.6 CVSA examiners may analyze audio taped interviews without the employee's consent or knowledge upon approval of the OPS commander.
- 4.2.7 An employee may request to be administered a CVSA examination when necessary, as part of an administrative or criminal investigation. The results will be included in the employee's investigative file and any statement or admissions made during the examination may not be used as evidence in a court of law unless both sides agree.
- 4.2.8 The question format will be composed of:
1. Relevant questions - very direct and to the point, pertains to the subject at hand, and contains only one issue.
 2. Irrelevant questions - have no connection with the issue at hand, cause no stress of themselves and are known truths; and
 3. Control questions - which are known truths or known lies and have no connection to the crime or administrative issue.
- 4.2.9 Examination results will be revealed to the accused, the investigating officer, his or her immediate supervisor, the disciplinary authority determining the level of discipline for a complaint, and the CVSA certified examiner asked to cold call (See section 5.5 – Definitions) a chart.
- 4.2.10 CVSA examination results are subject to the Georgia Open Records Act (O.C.G.A. 50-18-70 through 50-18-76) and may be made available for review by the Civil Service Board.
- 4.2.11 Disciplinary action will not be taken against an employee based solely on the results of a CVSA examination.
- 4.2.12 All OPS covert CVSA examinations must have the approval of the OPS Commander. Form APD 341, "CVSA Approval Form for Covert Examination must be completed and signed by the CID Commander."



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- 4.3 Background Investigations
 - 4.3.1 Employment applicants will be required to take a CVSA examination as part of the background investigation. Any applicant who refuses to take such an examination will not receive further consideration for employment.
 - 4.3.2 Each applicant must sign a Form APD 338, "CVSA Truth Verification Release") prior to submitting to a CVSA exam.
 - 4.3.3 The decision to suspend or discontinue a background investigation will not be made solely on the results of the CVSA examination. However, if disqualifying information is revealed during the testing process, the applicant will no longer be considered for employment.
 - 4.3.4 Candidates are provided with a list of areas from which CVSA questions will be drawn prior to such examination.
 - 4.3.5 The results of pre-employment CVSA examinations conducted on applicants for sworn or civilian positions will be released to the investigating officer, his or her chain of command, and the CVSA examiner asked to cold call (See section 5.5 – Definitions) the chart. CVSA examination results will be included in the applicant's selection packet; otherwise, the results are confidential and will not be released to or discussed with any other person.
 - 4.3.6 Any applicant who fails the CVSA examination will not be discharged solely on the basis of the examination results nor will he or she be re-tested. However, the file will be sent to the Background & Recruitment Unit Commander for review.
 - 4.3.7 Pre-employment passing results will be considered active for six months. After a six-month period, the results will be invalid, and the candidate must be re-tested.
 - 4.3.8 The results of all pre-employment examinations including chart tracings, CVSA reports and related examination results will be maintained in a secure storage location, separate from criminal CVSA. State law or the City of Atlanta's Records Management Program (1998) will govern the duration of storage and stipulations for release of this information.
- 4.4 Requests for CVSA Examination
 - 4.4.1 The investigating officer will submit a written request for a Form APD 337, "CVSA Request Form to the examiner in CID, Personnel, or OPS. All investigative leads should be thoroughly pursued prior to filing a request for either examination.
 - 4.4.2 The investigating officer will not assume a person is unfit for a CVSA examination. If any doubt exists, contact the CVSA examiner.
 - 4.4.3 The investigating officer will either complete an investigation prior to an examination being scheduled or consult with the examiner during the course of the investigation. Investigating officers are responsible for providing the examiner with all pertinent information concerning the case and for reviewing, clarifying, or elaborating on that information, as the examiner may deem necessary. This includes, but is not limited to:
 1. Information that supports the use of an examination.



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2. Background information on the subject to be examined.
 3. Any statements made by the subject, complainant, or witnesses, to include alibis.
- 4.4.4 The investigating officer will ensure the examinee is notified of the time and location of the exam and provide transportation, if necessary. He or she will also notify the examiner immediately if the subject cancels an examination appointment.
- 4.4.5 Investigating officers will not interrogate an individual within two hours of his or her scheduled examination. However, an interview for general information is acceptable.
- 4.4.6 Investigating officers will not attempt to explain the procedures that will be used in the examination but will advise the subject that the procedures will be explained by the examiner. The investigating officer may advise examinees that:
1. The exam is voluntary (except in the case of covert examinations or compelled employee examinations).
 2. Results of the examination are not admissible in a court of law unless all parties agree in advance.
 3. Results from a CVSA examination cannot be used in any affidavit portion of an arrest or search warrant and taken alone do not provide substantiation for a criminal charge or disciplinary action.
- 4.4.7 The investigating officer will be available to the examiner throughout the course of the exam, unless deemed unnecessary by the examiner.
- 4.4.8 Results of the examination will be made available to the investigating officer, who will then conduct appropriate follow-up investigations, interviews, and interrogations.
- 4.4.9 Employees involved in investigations utilizing CVSA exams will not discuss the results of that examination or in any manner convey information concerning the results of that examination to the examinee's employer (unless employer is the Atlanta Police Department).
- 4.4.10 Examination results will not be included in any reports, except for the examiner's report generated because of a criminal or administrative investigation being conducted. A police report may indicate that an examination was administered but details of the examination results must be omitted.
- 4.5 Examiner's Requirements
- 4.5.1 Examiners will keep their certifications current and maintain proficiency in the use of CVSA equipment and examination procedures.
- 4.5.2 Current certifications will be maintained and coordinated through the APD Training Academy. A copy of the employee's certification will be maintained in the employee's training file.
- 4.5.3 Examiners will keep their immediate supervisors informed of all scheduled exams. Each CVSA examiner will keep an accurate record on Form APD 339 "CVSA Examiner's Log" of all examinations performed. CID, OPS, and Recruitment will maintain a computerized database documenting all CVSA examinations conducted. This database will include:



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1. The name of the investigating officer,
 2. Complaint number,
 3. Date of exam,
 4. Examinee's name, and
 5. Test results.
- 4.5.5 Prior to an overt CVSA examination, the examinee will be asked to sign a Form APD 338, "CVSA Truth Verification Release Form," provided by the examiner, in addition to waiving Miranda rights as applicable, if these rights have not been previously waived for this investigation.
- 4.5.6 All covert CVSA exams will be exempt from the aforementioned waiver and warning requirements. CVSA examinations during covert interviews require the approval on a Form APD 341, "CVSA Approval Form for Covert Examination" of the commanding officer of the Criminal Investigations Division for criminal investigations and the commanding officer of OPS for administrative investigations.
- 4.5.7 Prior to administering the examination, the examiner will review the available information pertaining to the investigation and prepare all questions to be used in the examination. To prepare the examinee for the examination, the examiner will explain the examination procedures and review each test question with the examinee prior to the examination.
- 4.5.8 Tests and interviews will be conducted in a clean, neat environment free of audible and visual distractions.
- 4.5.9 Certificates, diplomas and the like will be displayed so as not to be in the sight of examinees during testing.
- 4.5.10 Examiners will be neat, well-groomed and will dress in a manner consistent with APD standards or the professional business community.
- 4.5.11 No individual, other than the examiner and examinee will be present inside the examination room during an examination. The only exception to this rule would be when an interpreter is used or when a juvenile is being examined.
- 4.5.12 All CVSA examination test results will be evaluated "cold call" (See section 5.5 – Definitions) by another CVSA examiner to help ensure accuracy prior to the completion of the examiner's report. The second examiner will interpret the CVSA examination chart and render an opinion independent of the first examiner's findings.
- 4.5.14 All charts, examination reports, consent forms, and audio or videotapes will be kept in a secured location, only accessible by the examiners and retained according to the current state and federal laws regulating records retention.
- 4.5.15 A mental disability or psychological conditions may affect the results of a CVSA examination:



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- 4.5.16 Examiners will not conduct an examination on an individual who is not suitable for testing. This includes, but is not limited to:
- For example: minors under the age of 17; unless parental or legal guardian consent is obtained prior to testing and the child is able to discern truth from falsehoods. The consent must be in writing and in the possession of the CVSA examiner prior to the examination. (Form APD 338, "CVSA Truth Verification Release Form" for CVSA)..
1. Any person who has been indicted by a Grand Jury or formally charged with a crime for which the exam is being requested, unless there is an agreement and stipulation signed by the examinee, their attorney and the prosecutor. The commander of CID and the District Attorney's Office must approve requests for such an examination.
 2. Any person who is extremely agitated or angry will be given some time to become relaxed.
 3. Any person who is severely mentally challenged or impaired by drugs or alcohol to a point as to cause the examiner concern.
- 4.5.17 Examiners will not conduct an exam that may compromise their integrity. For example, an examiner will not examine someone with whom he or she has a close relationship. These examination requests must be referred to a neutral examiner.
- 4.5.18 The commander of CID will authorize requests for CVSA examinations by outside agencies conducting criminal investigations. Examination requests from outside agencies on non-criminal investigations will be rejected unless otherwise approved by the Chief of Police.
- 4.6 Equipment and Record Keeping
- 4.6.1 The CVSA examiner is responsible for the maintenance, safekeeping and integrity of the CVSA equipment. Division commanders will determine the procedures necessary for the maintenance of the CVSA equipment.
- 4.6.2 The CVSA examiner will complete the CVSA Examiner's Log (Form APD 339) for each individual tested and the CVSA Monthly Statistical Log (Form APD 340) will be completed on a monthly basis.
- 4.6.3 The CVSA examiner will maintain copies of each CVSA report, together with CVSA charts and all allied papers, for a period of five years and indefinitely in capital offenses.
- 4.7 Calibration
- 4.7.1 Calibration charts and/or maintenance logs will be maintained at the instrument's location or with case files.
- 4.7.2 Calibration checks of instruments will be conducted at least twice per month and whenever the instrument is moved to a different location.
- 4.8 Professional Development
- CVSA examiners are encouraged to participate in career development opportunities and are required to participate in professionally recognized annual in-service training for the administration of the CVSA.



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5. DEFINITIONS

- 5.1 Administrative Investigation: The inquiry into allegations of misconduct by employees.
- 5.2 Applicant: Any person who has formally applied for employment with the Department.
- 5.3 Audiotape Analysis: The CVSA examiner's analysis of the recorded responses of the taped interview.
- 5.4 Background Investigation: The pre-employment investigation of the character, work history, etc., of an applicant for employment with the Atlanta Police Department.
- 5.5 Cold Call: An examination by a second CVSA operator (who is not familiar with the details of the case) who evaluates the results of an examination based strictly on the assessment of the charts that were generated from the initial examination.
- 5.6 Computer Voice Stress Analyzer (CVSA): A psychological stress evaluator that detects, measures and charts the stress in a person's voice by tape or live analysis following preformatted questions.
- 5.7 Covert CVSA Examination: A live interview by a CVSA examiner with a suspect, victim or witness. These interviews are recorded live and captured by the CVSA for analysis, without prior knowledge or consent.
- 5.8 Overt Interviews Audio: The CVSA examiner performs audiotape analysis on voluntary interviews from persons that were obtained by investigators. The interviews are designed to capture a yes or no response to preformatted questions. The CVSA examiner will then analyze this taped interview.
- 5.9 Overt Interviews Live: Interviews by the CVSA examiner with the examinee. These interviews are conducted with the examinee's prior knowledge and permission that certain questions will be recorded live and captured by videotape. An overt examination will cease immediately when requested by the examinee.
- 5.10 Qualified CVSA Examiner: A person who has satisfactorily completed training by the National Institute for Truth Verification (NITV) in the use of the CVSA. Only currently certified CVSA examiners will be authorized to use the CVSA.
- 5.11 Structured Interviews: Audiotape interviews designed to capture responses to preformatted questions that are analyzed by a CVSA examiner.

6. CANCELLATIONS

APD.SOP. 3120, "Polygraph and Computer Voice Stress Analyzer," June 12, 2019

7. REFERENCES

Commission on Accreditation for Law Enforcement Agencies, (CALEA) 6th edition, standards 31.5.3, 31.5.4, 31.5.5 26.3.6, and 42.2.5,



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Georgia Law Enforcement Handbook, Criminal Law and Procedure, 2013 edition
US v Scheffer, 96-1133, October 1997
CVSA Request Form, Form APD 337
CVSA Truth Verification Release Form, Form APD 338
CVSA Examiner's Log, Form APD 339
CVSA Monthly Statistical Logs, Form APD 340
CVSA Approval Form for Covert Examination, Form APD 341

8. SIGNIFICANT CHANGES

Deletion of all information pertaining to the polygraph. The Background and Recruitment Unit no longer uses the polygraph in the employment process. CID and OPS no longer use the polygraph in the investigative process.