

GENERAL ORDER



Title
Truth Verification Devices

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Distribution
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Rescinds/Replaces:
General Order 304.9 (Polygraph Examinations)

DISTRICT OF COLUMBIA

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I. BACKGROUND

Polygraph and Computer Voice Stress Analyzer (CVSA) examinations are used primarily for the detection of deception of an individual and if administered properly, they can result in a valuable investigative aid through which a more complete resolution of a criminal investigation or an internal administrative investigation may be achieved. Therefore, the Metropolitan Police Department has adopted policies and guidelines in their use.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to properly and legally administer polygraph and computer voice stress analyzer examinations, so as not to violate an individual's legal rights.

III. DEFINITIONS

For the purpose of this directive, the following terms shall have the designated meanings:

1. Polygraph Examiner – a member of the Department who has been trained and certified by an institution qualified to provide training for polygraph examiners. The examiner shall administer the examination, interpret test results, and render an opinion as to the participant's veracity. (CALEA 42.2.8)
2. Polygraph Examination - an examination using an apparatus designed for the detection of deception by measuring and recording changes in a person's respiration, galvanic skin response and heart activity.
3. Computer Voice Stress Analysis (CVSA) Examination – a truth verification that detects changes in the frequency modulations of the human voice.

4. Qualified Examiner – an individual who has satisfactorily completed a certified examiners course given by a recognized instructor in truth verification and the use of the CVSA instrument.
5. CVSA/Polygraph Coordinator – a member of the Department, the rank of Lieutenant or higher, who maintains the investigation files in which a Computer Voice Stress Analysis (CVSA) or polygraph examination is used.

IV. REGULATIONS

- A. Polygraph and CVSA examinations shall be conducted on a voluntary basis only.
- B. Prior to administering a polygraph or CVSA examination, members shall obtain written consent from the individual being tested.
- C. Polygraph and CVSA examinations usually shall not be administered until all conventional methods of closing the case have been exhausted.
- D. Polygraph and CVSA examinations must relate to a specific felony or serious misdemeanor case under investigation, or an internal administrative investigation for adverse action and criminal cases. (CALEA 42.2.8 and 52.1.7e)
- E. No person shall be compelled or coerced into taking a polygraph or CVSA examination.
- F. Declining to submit to an examination shall not be used as the basis for any determination or finding in an investigation.
- G. Polygraph Examiners Shall:
 1. Be a graduate of an institution certified to provide training for polygraph examiners; (CALEA Standard 44.2.8)
 2. Remain current in training and certification regardless of rank or subsequent assignment.
 3. Determine whether or not a person is suitable, according to this order, for a particular polygraph examination;
 4. Be available to conduct polygraph examinations;
 5. Determine the areas to be covered by the polygraph examination;
 6. Determine the test questions;

7. Independently interpret the chart tracings; and
8. Prepare written findings including an opinion as follows:
 - a. Deception Indicated - the subject was untruthful in responding to the relevant questions;
 - b. No Deception Indicated - the subject was truthful in responding to the relevant questions; and
 - c. No opinion - the examiner could not determine the truthfulness or untruthfulness of the subject and the examination should be rescheduled. The subject has the same status as if no examination had been administered.

H. CVSA Examiners Shall:

1. Be a graduate of an institution certified to provide training for CVSA examiners, and ensuring his/her certification current; (CALEA Standard 44.2.8)
2. Be available to conduct CVSA examinations;
3. Determine the areas to be covered by the CVSA examinations;
4. Determine the test questions; and
5. Prepare written findings including an opinion as follows:
 - a. Deception Indicated - the subject was untruthful in responding to the relevant questions; or
 - b. No Deception Indicated - the subject was truthful in responding to the relevant questions.

V. PROCEDURAL GUIDELINES

A. Requests for CVSA or Polygraph Examinations

1. Requests for a CVSA or a polygraph examination shall be submitted in writing as expeditiously as possible, after a thorough and complete conventional investigation indicates that a polygraph examination may be a useful supplemental tool in achieving resolution to a criminal or internal administrative investigation. (CALEA 42.2.8 and 52.1.7e)
2. Requests shall include:
 - a. The full name of the subject to be examined;

- b. The name of the member handling the case;
 - c. A brief synopsis of the investigation (criminal or internal); and
 - d. The reason the polygraph examination is being requested.
3. Requests shall be routed as follows:
- a. All members within the Special Investigation Branch (SIB) wanting to have a CVSA or polygraph examination administered in a criminal investigation under his/her supervision, shall submit a written request to the Commanding Officer of SIB. The examiner assigned to SIB shall conduct these examinations.
 - b. Requests for a CVSA or polygraph examination for internal administrative investigations and other investigations not under the supervision of the Commanding Officer, SIB shall be submitted in writing, to the Commanding Official of the Office of Professional Responsibility (OPR). The examiner assigned to OPR shall conduct these examinations.

B. Polygraph Examinations

1. Subjects to be Examined
 - a. Polygraph examinations may be administered to any individual who is a complainant, witness, defendant, suspect, informant, or member of the Department provided:
 - (1) A thorough and complete conventional investigation reveals that a polygraph examination of the individual in question will be a useful supplemental tool in resolving the investigation (criminal or internal); and
 - (2) The individual voluntarily consents to the polygraph examination.
2. The following individuals are considered questionable subjects for polygraph examinations and his/her participation shall be left to the final discretion of the polygraph examiner:
 - a. Individuals who:
 - (1) Are paralyzed;
 - (2) Have amputations that interfere with the placement of the polygraph instruments;
 - (3) Have high or low blood pressure or heart trouble;

- (4) Are suffering from a severe cold or respiratory disorder;
 - (5) Had insufficient food or sleep during the preceding 24 hours;
 - (6) Are addicted to narcotics or alcoholic, suffering from withdrawal symptoms, or are under the influence of drugs or alcohol;
 - (7) Are less than 14 years of age; and
 - (8) Are distraught, due to emotional trauma incurred as a result of the incident under investigation.
- b. Female subjects who have been pregnant for more than 100 days unless the female subject provides a doctor's consent.
3. The following individuals are not eligible for polygraph examinations:
- a. Severe learning disability; and/or
 - b. Psychotic.

C. CVSA Examinations

1. The CVSA Examiner may administer the CVSA Examination to any individual who is a complainant, witness, defendant, suspect or member of the Department.
2. The CVSA Exam requires no wires to be attached to the subject being tested. The CVSA uses only a microphone plugged into the computer to analyze the subject's responses.
3. Unlike the polygraph, drugs do not affect the results of the exam.
4. Only qualified examiners shall conduct CVSA examinations.
5. The CVSA examiner shall request his or her respective unit lieutenant to place his or her initials in the log acknowledging that he/she is aware of the request prior to examinations being conducted.
6. The relevant OIA case number shall be entered on all examination materials in which a CVSA has been employed. This includes the Truth Verification Release Form, and the Results Memorandum. These materials shall become an official part of the case file.

7. Whenever a person has been offered an opportunity to submit to a CVSA examination in the furtherance of an investigation, this fact shall be documented in the body of the investigative report, along with the response as to whether or not the person agreed or declined to submit to the test.
8. The CVSA coordinator shall be given a copy of all final reports after being reviewed and initialed by the Assistant Chief, OPR. Each CVSA examiner will keep a log of the tests he/she conducts. The log shall be reviewed and noted by the CVSA coordinator on a monthly basis.
9. The CVSA examiner shall refrain from conducting examinations that may compromise his/her integrity.

D. Polygraph and CVSA Preliminary Conferences

1. The requesting member shall be advised in writing of approval/disapproval.
2. The examiner shall, after approval, contact the requesting member to arrange a preliminary conference.
3. The requesting member shall bring all pertinent records to the preliminary conference. These records include, but are not limited to:
 - a. Crime reports;
 - b. Investigative reports;
 - c. Background information on the subject;
 - d. Statements of denial or admission made by the subject;
 - e. Tape recordings of interviews/interrogations; and
 - f. Newspaper articles, etc.
4. The requesting member shall inform the examiner of pertinent details concerning the investigation and the subject to be examined, so that the examiner is completely informed about all facets of the investigation.

E. Polygraph and CVSA Examination Appointments

1. The examiner shall set an appointment date for the examination. If for any reason, the appointment cannot be kept, the examiner shall be notified immediately and the examination rescheduled.

The subject to be examined shall be advised that:

- (1) All examinations are voluntary;
 - (2) The results are not accepted in Court as evidence, unless all parties enter a stipulation agreement;
 - (3) The test does not constitute a criminal record; and
 - (4) The examiner shall explain the entire procedure.
2. The requesting member shall avoid disclosing, to the subject, any details or facts established during the investigation, or any facts that could only be known to the perpetrator of the crime or incident under investigation.
 3. The subject shall not be interrogated on the day of the examination.
 4. When the subject does not speak English, the requesting member shall arrange for an interpreter.
 5. The requesting member shall accompany the subject to the examination.
 6. The requesting member shall witness the subject signing the Consent Form (UN Form 642).
 7. In cases involving a juvenile, a parent or legal guardian must countersign the Consent Form.
 8. A parent or legal guardian shall accompany juvenile subjects. The parent or legal guardian must remain in the office, during the entire examination, but not in the same room in which the test is being conducted.
 9. The requesting member shall remain at the examination site until the examination is completed.

F. Polygraph and CVSA Examiners shall:

1. Make the results of the examination available to:
 - a. The subject examined or the subject's attorney;

- b. The requesting member or the member's Commanding Officer;
 - c. A judge; or
 - d. As directed by a subpoena.
 2. Conduct posttest follow-ups;
 3. Be responsible for the proper care, maintenance, and storage of the examination instrument and all accompanying attachments;
 4. Return the assigned instrument to the OPR at the end of each 60-day period for cleaning and maintenance; and
 5. Safeguard the instrument and all accompanying attachments (i.e., unauthorized persons shall not be allowed to touch, handle, or operate the instrument).
- G. The CVSA/Polygraph Coordinator shall:
 1. Submit a monthly report on all CVSA and polygraph examinations to the Assistant Chief, OPR, by the 10TH of each month.
 - a. The report shall list:
 - (1) Each qualified CVSA examiner and each qualified polygraph examiner;
 - (2) The number of examinations conducted by each examiner;
 - (3) The unit requesting the examination; and
 - (4) The OIA or SIB case number.
 - b. Each report shall summarize the total number of certified examiners by:
 - (1) Rank;
 - (2) Number of tests by examiner; and
 - (3) Total number of tests by OIA or SIB.
 2. Maintain the CVSA file.
 3. Maintain the Polygraph examination file.

- H. Officials shall:
 - 1. Discuss the investigation with the requesting member prior to the submission of a written request for a CVSA or polygraph examination; and
 - 2. Route requests for CVSA or polygraph examinations as required by this directive.

- I. Commanding Officer, SIB shall:
 - 1. Review requests from SIB members and determine if justification exists to approve the CVSA or polygraph examination request.
 - 2. Ensure that one member the rank of Lieutenant is selected and serves as the CVSA coordinator for SIB.

- J. Assistant Chief, OPR shall:
 - 1. Review all non-SIB requests and determine if justification exists to approve the CVSA or polygraph examination request.
 - 2. Ensure that one member the rank of Lieutenant is selected and serves as the CVSA coordinator for OPR.

// SIGNED //
Charles H. Ramsey
Chief of Police

CHR:NMJ:MAR:edg