



DEPARTMENTAL
GENERAL
ORDER

16 Feb 01

I-12

Index as:

Voice Stress Analysis
Lie Detection Screening Devices
Polygraph

Ref: CALEA
Standard 32.2.4-6;
42.2.8

LIE DETECTION SCREENING DEVICES

The purpose of this order is to establish Departmental policy and procedures regarding the implementation and use of Lie Detection Screening Devices by the Oakland Police Department.

I. DEFINITIONS

A. Lie Detection Screening Devices (LDSD) shall include:

1. ***Voice Stress Analyzer.*** A device that detects discrete changes in the fundamental frequency of the human voice. The voice stress analyzer captures the response and displays the change in the frequency in the voice of a subject under stress as a graphical representation on a computer monitor.
2. ***Polygraph.*** A mechanical device designed to detect and record physiological functions of the body, such as the pulse rate and respiration rate. Changes in physiological functions may occur involuntarily as a response to mental activity during questioning. Under controlled conditions, a trained examiner can evaluate such changes and determine if they are consistent with truthfulness, guilty knowledge, attempted deception, or innocence.

B. ***Voice Stress Analysis (VSA) Examiner.*** Individuals authorized by the Oakland Police Department to conduct VSA examinations. Such personnel shall successfully complete training in the use of the VSA at a recognized voice stress analysis course.

II. **POLICY**

- A. It shall be the policy of the Oakland Police Department to utilize an LDS as an investigative tool when appropriate, as a means of screening candidates for potential employment with the Oakland Police Department, as well as criminal and internal investigations. Use of an LDS by the Police Department shall be conducted in the manner set forth in this order.
- B. The Oakland Police Department's use of an LDS shall be governed by the standards established under the Federal Polygraph Act of 1988. The Department also conforms to the standards and guidelines established by the National Institute for Truth Verification (NITV), a private company, as outlined in their Certified Examiners Course Manual.
- C. Polygraph examinations shall be conducted by independent certified examiners.
- D. The administration of LDS examinations and the evaluation of the results of such examinations shall be conducted only by personnel trained in LDS procedures.
- E. The format and content of the LDS examination shall be at the discretion of the examiner.
- F. Prior to any administration of the LDS, the subject of the examination shall be given and asked to sign the appropriate consent form:
 - 1. "Miranda" consent form (custodial interrogation)
 - 2. Standard consent (any other person)

III. **LDS ADMINISTRATOR**

- A. The administrator of the LDS program shall be the supervisor of the Recruiting and Background Investigations Unit or his/her designee.

- B. The LDS Administrator shall ensure:
1. VSA examiners receive update training as necessary.
 2. Examiners are re-certified every three-years.
 3. Examination techniques are reviewed and developed.
 4. Security of the Department's VSA equipment.
 5. Department's VSA laptop computers, associated programs, and ancillary equipment are maintained in operable condition.
 6. Examiners maintain proper examination records.
 7. Examiners perform examinations on a regular basis to enhance their skills and proficiency.
 8. Examiners comply with the guidelines specified in Part IV, E, 1-6 of this directive.
 9. Custody of records of required training for initial certification and re-certification.
 10. Coordination of the purchase of equipment as needed.
 11. Reporting of any deficiencies regarding examiners, or equipment to the Personnel Section Commander.
 12. Preparation and maintenance of a list of all certified examiners and equipment in the unit and the inspection of the equipment for accountability and serviceability every six months.

Note: The Administrator may designate another to assume the duties of Administrator in his/her absence.

- C. Coordinate and supervise the VSA program as it relates to pre-employment screening of candidates for employment with the Oakland Police Department.
- D. Review all reports to ensure compliance with all applicable laws and orders.
- E. Establish procedures to ensure the retention of the VSA examination reports, the Truth Verification Release, the VSA questions, and the audio tape of the pre-examination interview.

IV. LDS D EXAMINERS

A. Selection

Submit an Inter-Office Memorandum through channels to the LDS D Administrator requesting consideration for the position of VSA examiner. The Administrator shall maintain submitted requests for use in the selection process.

1. The following criteria are minimum qualifications for all prospective examiners:
 - a. Full time Oakland Police Officer (non-probationary).
 - b. Investigative experience is preferred but not required.
 - c. An overall above standard performance evaluation.
 - d. Exhibit the ability to work independently and with minimal supervision.
 - e. Exhibit the ability to maintain a calm, professional demeanor during stressful situations.
 - f. Exhibit the ability to communicate professionally with the public.

- g. Exhibit the ability to render effective testimony in court.
 - h. Exhibit proficiency in report writing and record keeping skills.
 - i. No record of excessive or abusive use of sick time.
 - j. No pattern of sustained excessive force or Internal Affairs Division complaints.
 - k. No pattern of discipline.
2. The selection process for examiners shall include:
- a. A work history matrix.
 - b. An oral interview.
3. Candidates shall be ranked in order of their overall score. A list of qualified candidates shall be submitted through channels to the Chief of Police who shall select which candidates shall be assigned as VSA examiners.

B. VSA Certification

The NITV certifies VSA examiners upon successful completion of a 48-hour examiner course, which must have the minimum curriculum as follows:

- 1. History of lie detection
- 2. Producing charts
- 3. Physiology
- 4. Interviewing and interrogation
- 5. Psychology
- 6. Chart interpretation
- 7. Test construction and question formulation
- 8. Covert interviewing and analysis
- 9. Final exam and review

C. LDS Recertification

1. The Western Association of Certified Voice Stress Analysts (WACVSA), in association with NITV, governs recertification training for the VSA examiner. Recertification of VSA examiners is required every three years and shall be satisfied by attending six approved WACVSA Continuing Education Seminars, in addition to passing a recertification examination administered through correspondence.
2. WACVSA offers three one-day Continuing Education Seminars per year for the purpose of recertification.

D. LDS Decertification and Removal

1. The Chief of Police may remove members from the position as necessary. The LDS Administrator or unit commander may request that a member be removed by submitting a recommendation in writing, through channels, to the Chief of Police.
2. An examiner may also be considered for decertification and removal from the program under any of the following circumstances:
 - a. Failure to comply with requirements listed in Part IV, E, 1-6 of this order.
 - b. A substandard performance evaluation.
 - c. Failure to recertify.
 - d. Failure to perform examinations on a regular basis or progress in training as documented by the LDS Administrator.
 - e. Any documented willful and deliberate misuse or neglect of examination equipment.

3. The LDS Administrator shall notify the Personnel Section of any decertification or removal.

E. The VSA examiner shall be responsible for the following:

1. Consulting with the investigator requesting the examination to determine if an LDS is warranted.
2. Proper administration of the VSA examination process, in strict compliance with all applicable laws, policies, and procedures.
 - a. The VSA examiner shall ascertain from the investigator what investigative goal he/she is attempting to establish.
 - b. Once the goal is established, the VSA examiner shall determine the method in which the VSA examination shall be administered to attain the investigative goal.
 - c. The VSA examiner shall determine if a third party's presence is required at the examination.
3. Completion of a VSA examination report no later than 48 hours following each VSA examination unless an extension is granted with the approval of the LDS Administrator.
4. Maintaining a written file and backup of all administrations of the VSA examination, to include the truth verification release, the VSA examination charts, question formulations, VSA examination report, and audio tape of the examination.
5. Submission of the VSA examination report and truth verification release to the Background and Recruiting Unit Supervisor for inclusion into the candidate's background investigation file or to the Internal Affairs Division or the investigative unit's primary investigator for inclusion into the investigation case file.

6. Maintaining a backup of exam and records

V. USE OF LDS D FOR EMPLOYMENT

Use of an LDS D may be used as an investigative tool during the screening of candidates for employment.

- A. Job classifications subject to examinations

1. Mandatory examinations

- a. Police Officer Trainee

LDS D examinations to be given immediately following the oral interview and physical agility test.

- b. Police Communications Dispatcher

- c. Correctional Officer

2. All other positions within the Department are subject to examination.

- B. An LDS D examination shall be personalized for each candidate based on the following:

1. Personal History Questionnaire.

2. Pre-employment interview.

3. Discrepancies that cannot be resolved by normal investigative means.

- C. The use of the results of the LDS D examination shall not be utilized as the single determinant of employment status.

1. LDSD examinations shall be utilized as an investigative tool only. An investigation shall be conducted for responses considered deceptive. Deceptive responses shall be considered together with the entire background investigation when considering an employee's suitability for employment with the Oakland Police Department.
 2. Candidates will be eliminated based on their admissions during the LDSD examination and not on indications of deception.
 3. A candidate's subsequent admission and/or confession to a deceptive response detected by an LDSD examination shall sufficiently validate the deceptive response without the need for further investigation. The admission and/or confession, in and of itself, may then be considered in determining the candidate's suitability for employment with the Oakland Police Department.
- D. Additional follow up LDSD examinations may be administered to resolve specific issues that may arise during the course of the screening process of a candidate for the Oakland Police Department.

VI. USE OF LDSD FOR CRIMINAL INVESTIGATIONS

- A. An LDSD examination may be used in criminal or missing person investigations as a tool to assist investigators. The LDSD may be used:
1. Upon the request of any primary investigator assigned in a criminal or missing person investigation. The investigator shall advise his/her supervisor of the request as soon as practical.
 2. Upon the request of an outside law enforcement agency seeking LDSD assistance with prior approval of the Personnel Section Commander.

3. Upon the request by any unit/section supervisor or command officer for the purpose of assisting in a criminal or missing person investigation.
- B. An LDSD examination may not be used as probable cause to obtain a search or arrest warrant.
- C. The LDSD examination may be administered to any person connected with a criminal investigation (witness, suspect, victim) as deemed appropriate by the primary investigator after a consultation with the LDSD examiner.

AN LDSD exam shall not be given to any victim of a sexual attack without prior approval of a division commander. An examination indicating deception shall not be used as a reason not to submit a sexual assault case to the District Attorney.

- D. Use of the results of the LDSD examination shall not be utilized as the single determinant factor in the inclusion or exclusion of a person as a suspect in a crime. A deceptive response to the LDSD exam shall not be used as the basis for arrest or submission of a case to the District Attorney.

VII. USE OF LDSD FOR INTERNAL INVESTIGATIONS

- A. An LDSD examination may be used in internal investigations as a tool to assist investigators. The LDSD may be used:
 1. Upon the request of the primary Internal Affairs investigator with prior approval of the Internal Affairs Division Commander; and
 2. Upon the voluntary written consent of the person (member, employee, or citizen) subject to the examination.
- B. An LDSD examination shall strictly adhere to the following procedures:

1. The results of the LDSO examination shall not be utilized as the single determinant factor in reaching Departmental findings.
 2. Any LDSO examination of a member or employee shall be conducted under the conditions enumerated in Government Code Section 3303 (Public Safety Officers Procedural Bill of Rights Act).
- C. A written file of all administrations of the VSA examination, to include the truth verification release, the VSA examination charts, question formulations, VSA examination report, and audio tape of the examination shall be included in the investigative case file.

VIII. RELEASE OF INFORMATION

Release of examination charts and reports shall be in accordance with the provisions of Departmental General Order M-9, RELEASE OF RECORDS.

IX. REFERENCES

- A. Federal Polygraph Act of 1988
- B. National Institute for Truth Verification Certified Examiners Course Manual

By order of

Richard L. Word
Chief of Police