

PALM BEACH GARDENS POLICE DEPARTMENT		
POLYGRAPH AND CVSA EXAMINATIONS		
POLICY AND PROCEDURE 4.2.2.12		
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PURPOSE: To establish guidelines and procedures for administering examinations using Polygraph or Computer Voice Stress Analyzer (CVSA).

SCOPE: This policy and procedure applies to all officers.

REVIEW RESPONSIBILITY: Administrative Support and Investigations Bureau Majors

POLICY: The Department establishes guidelines for administering Polygraph and CVSA examinations as an investigatory aid and a tool to be used in conjunction with an investigation. However, they should not be used as a single determinant for offering employment or a final determinant factor in investigations, and should not be used as a means of circumventing good investigative procedures. The Department will use only trained and qualified examiners to conduct these examinations.

PROCEDURES

1. USE FOR PRE-EMPLOYMENT SCREENING

- a. Polygraph or CVSA examinations will be used in the selection process for employment, and may also be used for screening of volunteer applicants and persons having access to restricted areas of the Police Department. The purposes of this screening include:
 - i. Verifying accuracy and completeness of information provided by the applicant.
 - ii. Resolving questions or conflicts arising during the background investigation.
 - iii. Discovering previous criminal or other disqualifying behavior.
 - iv. Deterring those seeking to penetrate law enforcement for improper purposes.
- b. Prior to any examination, the applicant will be provided with a list of areas from which the questions will be drawn. The questions to be asked during the examination will be provided to the applicant just prior to and at the location of the examination so the applicant can have sufficient time to review them and ask the examiner any questions.
- c. The examination will not be the single determinant of employment status. However, admissions made before, during, or after the examination may be used in that determination.

- d. Police Department examiners may also conduct pre-employment examinations of applicants for other City of Palm Beach Gardens departments, subject to availability and workload as well as City guidelines and directives and any applicable state laws.
- e. Due to workload, Police Department examiners will not conduct pre-employment examinations for outside organizations or agencies unless authorized by the Administrative/Investigations Assistant Chief.

2. USE FOR INVESTIGATIVE SCREENING

- a. Examinations may be used in conjunction with investigative leads and interviews of available suspect(s), victim(s), and/or witness(es). When practical, both the victim and accused may be tested for comparison. The results of the examination are not to be used for arrest or legal action, but are designed for developing leads and/or obtaining case direction.
- b. The use of polygraph or CVSA examinations in an investigation must be authorized by the Investigations Bureau Major.
- c. The analysis of a legally obtained taped interview, not conducted as part of an examination, must be specifically authorized by the Investigations Bureau Major.
- d. Police Department examiners will not conduct investigative examinations for outside organizations or agencies unless authorized by the Administrative/Investigations Assistant Chief.

3. PERSONS WHO MAY BE TESTED

- a. Any individual who knows right from wrong may be tested. This includes children who recognize right from wrong.
- b. All tests are conducted at the discretion of the examiner.

4. PERSONS WHO MAY NOT BE TESTED

- a. Children under the age of eighteen, unless parental or legal guardian consent is given prior to testing. The consent must be in writing and in the possession of the examiner prior to the beginning of the examination.
- b. Any person who has been forced or coerced into taking an examination.
- c. Any person who has been indicted by a Grand Jury or formally charged with a crime for which the examination is being conducted, unless there is an agreement and stipulation signed by the person to be examined, his/her attorney, and the prosecutor, prior to testing.

5. RESPONSIBILITIES OF EXAMINER

- a. The examiner will review the available information pertaining to the case prior to administering an examination.
- b. Examinations may be videotaped if there is a compelling reason to record the examination. The reason must be documented in the examiner's notes.
- c. CVSA examiners will obtain a second opinion from another qualified examiner on all examinations they conduct.
- d. All examiners shall refrain from conducting examinations that create a conflict of interest, such as the testing of friends, relatives, or other persons the examiner has a personal relationship with.
- e. The examiner has discretion as to whether or not to conduct an examination. If the examiner's decision is questioned, a second opinion may be obtained from another qualified examiner.
- f. The examiner will provide the investigator with a summary of the examination, to include a conclusion as to the truthfulness of the subject and any areas of concern.

6. RESPONSIBILITIES OF PERSON REQUESTING EXAMINATION

- a. The investigator requesting an examination will complete a preliminary investigation and consult with the examiner prior to an examination being scheduled. Polygraph and CVSA examinations are a supplement to, not a replacement for, a thorough investigation.

- b. The investigator is responsible for scheduling the examination and notifying the subject of the date, time and location of the examination.
- c. When requested by the examiner, the investigator shall remain available for consultation until the completion of the examination.
- d. The investigator will notify the examiner immediately if the subject cancels an examination appointment.

7. EXAMINATION RECORDS

- a. Polygraph and CVSA examination records will be maintained for at least two years from the date of examination, or until any litigation or court action is concluded in the case or issue.
- b. These records may include waiver of rights forms, voluntary submission forms, subject information sheet, pre-examination records and questionnaires, graphs, conclusions and statements of results.
- c. The Detective Sergeant is responsible for the storage of polygraph and CVSA records.
- d. Polygraph and CVSA records will be retained in accordance to Florida's General Records Retention Schedule.

8. INTERNAL AFFAIRS

- a. Polygraph or CVSA examinations may be administered to members of the Department during criminal or administrative investigations only if the member freely volunteers to participate in the examination. No member may be forced to participate and no examination may be administered without the written consent of the member.
- b. Civilian complainants or witnesses may be tested in order to determine if their complaint, allegation, or knowledge of a case is legitimate, provided they agree to the examination and sign a written consent form.
- c. An examination, or refusal to submit to an examination, will not be the sole determinant of an investigative conclusion.

9. GLOSSARY

Qualified Examiner: A person who has satisfactorily completed training by a recognized instructor or organization in truth verification and the use of the polygraph or CVSA. CVSA examiners must be re-qualified every three years.

INDEX AS:

- POLYGRAPH EXAMINATION
- COMPUTER VOICE STRESS ANALYZER

RESPONSIBILITY INDEX:

- ADMINISTRATIVE/INVESTIGATIONS ASSISTANT CHIEF
- INVESTIGATIONS BUREAU MAJOR
- DETECTIVE SERGEANT
- CERTIFIED EXAMINERS

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APPROVED:



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