

State of Iowa Department of Corrections

Policy and Procedures

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Chapter 5: OFFENDER PROGRAMS

Sub Chapter: SEX OFFENSE MANAGEMENT & PROGRAMS

Related DOC Policies: CBC-02, OP-SOP-02

Administrative Code Reference: N/A

Subject: CVSA/POLYGRAPH EXAMINATIONS

PREA Standards: N/A

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1. PURPOSE

To provide Iowa Department of Corrections (IDOC) and Community Corrections District Departments of Corrections Services staff with guidelines for checking the accuracy and completeness of an individual's statements using Computer Voice Stress Analysis (CVSA) or polygraph examination.

2. POLICY

It is the policy of the IDOC that CVSA and polygraph examinations may be conducted on all sex offenders as a component of a comprehensive program for sex offenders. This policy shall establish the guidelines for IDOC and Community Corrections District Departments of Correctional Services for the use of CVSA or polygraphs for these purposes.

Sex offenders entering or being assessed for a specialized sex offense program will be examined to establish accountability for their crime and to promote compliance with supervision and treatment requirements.

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3. DEFINITIONS – See IDOC Policy AD-GA-16 for Definitions.

4. PROCEDURES

The following general procedures establish the minimum standards for using investigative CVSA or polygraph examinations and clinical CVSA or polygraph examinations for those incarcerated individuals/clients entering or being assessed for a specialized sex offense program during incarceration and/or aftercare.

A. Type of Examination Administered

The staff supervising the sex offense program requiring an individual to be examined shall determine whether a CVSA or polygraph examination shall be used for the examination. Such determination will be based on the availability of examiners, the type of examination needed, and other appropriate factors. The individual being examined shall have no right to determine which type of examination will be used or to decline the use of one test instead of the other.

B. Only trained staff shall conduct an examination

1. CVSA examiner qualifications include:
 - a. Training requires successful completion of an accredited Certified Examiners Course (CEC) as offered by NITV Federal Services.

- b. IDOC recommends all polygraph examiners be members in good standing of a recognized national and state CVSA association, such as the National Association of Computer Voice Stress Analysts (NACVSA).
 - c. CVSA examiners that administer tests to sex offenders shall successfully complete a minimum of 40 hours of certification training. IDOC recommends that CVSA Examiners that are current members of a recognized association comply with the continuing education requirements established by the association.
2. Polygraph examiner qualifications include:
- a. Training requires successful completion of an accredited American Polygraph Association (APA.) school that results in a certified Post-Conviction Sex Offender Testing (PCSOT) polygraph examiner.
 - b. IDOC recommends all polygraph examiners be members in good standing of a recognized national and state polygraph association that certifies/requires PCSOT.
 - c. Polygraph examiners that administer tests to sex offenders shall successfully complete a minimum of 40 hours of PCSOT recognized and approved by the APA. as outlined in the DOC Sex Offender Polygraph Manual. IDOC recommends that polygraph examiners that are current members of recognized associations comply with the continuing education requirements established by those associations.

C. A CVSA or polygraph examiner's duties include:

- 1. Review the incarcerated individual/client's file prior to the incarcerated individual/client's first visit;
- 2. Read and explain any relevant CVSA or polygraph examination waiver forms as per IDOC, institution, and/or district policies;
- 3. Read and explain any relevant release of information form;
- 4. Ensure the testing site and equipment are in compliance with protocol as established by standard CVSA or polygraph standards;
- 5. Conduct the test in accordance with CVSA or polygraph standards;
- 6. Prepare a written report of the examination and examination results.

D. Specific Sex Offender CVSA/Polygraph Examinations (Purposes and Time Frames)

1. Specific Issue or Maintenance Examinations

- a. Specific issue examinations determine if the incarcerated individual/client appears deceptive or non-deceptive in his/her denial of guilt (all or part) to the offense(s) for which he/she has been convicted or is under correctional supervision. Specific information about the instant offense(s) must be known to the examiner to develop specific questions prior to conducting the test.
 - b. Specific issue allegations under indictment or pending court action are not clinical polygraph examination subject matter and should not be examined as a clinical test. Maintenance test procedures are designed for the purpose of assisting therapists and/or supervision officials in evaluating denial about an offense for which the incarcerated individual/client is already under correctional supervision in order to enhance the effectiveness of treatment and supervision programs only.
 - c. Specific Issue Examinations Include:
 - 1) Instant Offense Examination (IO) – To investigate statements between incarcerated individuals/clients and victims when sexual behaviors with victims are alleged to have occurred.
 - 2) Instant Offense Investigative Examination (IOI) – To investigate additional possible sexual contact with IO victims any time sexual behaviors could have occurred with reporting victims.
 - 3) Prior Offense Specific Examination (POSE) – To explore known and identified prior sexual crimes with reporting victims different from the IO.
2. Sexual History Examinations (SHE) – To explore all aspects of the sexual background of incarcerated individuals/clients, excluding IO and POSE victims any period of time from birth until the date the current conviction/supervision began.
 3. Sex Offense Monitoring Examination (SOME) – To evaluate sexual re-offending and/or the commission of new sex crimes while in treatment and/or under court

supervision only during the time incarcerated individual/clients are under supervision or treatment.

4. Maintenance Examination (ME) – To investigate violations or any designated condition of probation, parole, or treatment during the time incarcerated individuals/clients have been under a current sex offense treatment program (typically within one year but no longer than the previous two years).

E. Examination Procedures

1. Sex Offender Clinical Examination Referrals

Sex offenders entering a community based sex offense treatment program are referred by the probation/parole officer or designee to schedule an initial appointment with the CVSA or polygraph examiner unless determined otherwise:

- a. History exams should occur within 6 months of the onset of community supervision unless otherwise authorized by the program supervisor;
- b. Maintenance exams should occur approximately 180 days following the history exam;
- c. Specific issue exams occur as the need arises.

2. Investigative CVSA/Polygraph Referrals

If during an act of investigation a need is determined for a CVSA or polygraph examination, a referral may be made to a certified examiner.

F. Examination Administrative Requirements

The CVSA/polygraph examiner must ensure that the examination includes the following:

1. Verify that the individual has signed a polygraph consent form or a *Consent for Computer Voice Stress Analysis* form (**OP-SOP-05 F-1**);
2. Verify the identity of the incarcerated individual/client;
3. Obtain information from the incarcerated individuals/clients about existing medical and physical conditions in order to assess fitness for testing (polygraph only);

4. Due to concerns regarding the consequences of additional disclosures on CVSA/polygraph examinations, the incarcerated individual/client shall be informed that disclosures of identified additional victims or criminal acts shall result in notification to the appropriate authorities. Incarcerated individuals/clients shall be given an opportunity to disclose additional victims or criminal acts without identifying specific information.

G. CVSA/Polygraph Testing Techniques and Procedures

1. All sex offender CVSA/polygraph examinations shall be conducted using certified standards. Exceptions may be considered after consulting with a member in good standing with the appropriate certifying or supervising association. Documentation of the decision must be maintained in the examiner's file.
2. The examination room must be occupied by only the incarcerated individual/client and one or more certified examiner during the examination unless the presence of an interpreter is mutually requested.

3. Pre-test Interview

The minimum pre-test interview specifications are:

- a. Incarcerated individuals/clients must be advised of the purpose of the examination;
- b. The examiner must go over the provisions of the polygraph consent form or the *Consent for Computer Voice Stress Analysis* form to ensure that the individual understands the consent form and has any questions about the consent form addressed by the examiner;
- c. Incarcerated individuals/clients must be advised that the examination can be terminated upon request (polygraph only).

4. Acquaintance Test (Polygraph Only)

An acquaintance test shall be employed during each polygraph examination session. The acquaintance test is used to demonstrate that the incarcerated individual/client and the incarcerated individual/client's reaction capabilities are established for diagnostic purposes. This test is a recognized test process utilized as part of a professional examination procedure and should be made a part of every polygraph examination.

5. Post -Test Interview

A post-test interview must be conducted based on the interpretation of the test questions, test charts, case facts, type of offense, and examiner's technique.

6. Statement and Admissions

Should an individual being examined make oral admissions to the CVSA/polygraph examiner, the appropriate members of the sex offender management team shall be briefed by the examiner on the nature of the oral admissions and may review the audio/video of the examination.

7. Restrictions

The following restrictions shall be observed:

- a. Do not give a CVSA/polygraph examination without a signed waiver of rights, consent to submit to the CVSA/polygraph examination, and in the case of a juvenile between the ages of 12 and 17 who has been waived to adult court, written consent of the parent or guardian. The CVSA/polygraph examination waiver may be used when the examiner deems appropriate that an incarcerated individual/client be advised of Miranda rights;
 - b. When a language barrier exists between the CVSA/polygraph examiner and the incarcerated individual/client, an interpreter may be used at the request of the examiner or incarcerated individual/client but only when consent is given by the incarcerated individual/client;
 - c. To a person who is suffering a serious medical condition, (i.e. heart problem), without written permission from his physician (polygraph only);
 - d. When the subject to be examined is under the age of 12 years old; or
 - e. To a pregnant woman (polygraph only).
8. When it appears that a person has a medical, mental or physical condition which could affect the suitability for testing, the examiner will determine if a medical release is needed before conducting an examination.

9. Quality Control

All sex offender CVSA/polygraph examinations shall be videotaped or, at a minimum, audio recorded. If any examination is submitted for quality control

then the entire audio and/or video files shall be provided to the reviewer. Though video recording is the preferred medium, audio recording is sufficient to meet this standard.

10. File Maintenance

The examiner's file shall contain the paper and/or **electronic files that document the** CVSA/polygraph procedures and relevant information for each individual tested. These files may be kept separate from any ICON files and shall be stored in accordance with the appropriate IDOC or district information retention policy.

11. File information shall be available to all institution and community based corrections treatment/supervision staff.
12. Copies of the CVSA/polygraph report should be provided to the agency of jurisdiction.
13. Written, audio and audiovisual documentation developed during and while reporting on an administered examination should be maintained for three years or such longer period as required by law or IDOC record retention policies.