Statement to Judiciary Committee

4/12/2017

I would like to thank Rep. Hack for hosting the demonstration of the EyeDetect technology on March 29th, and her (and her staff's) continued efforts that made it possible for me to be speaking to you today. I also want to thank the House Judiciary committee members for allowing me this time.

My name is Robert Gross. I retired from my career as a Lane County Sheriff's Deputy in 2005 after 27 years of service. I have for the past 25 years volunteered as a co-facilitator for sex offender treatment groups (in Eugene, Oregon) under the supervision of Peter T. Shannon, a State licensed provider in the State of Oregon. There are three (10 to 12) men groups that I attend each week under Mr. Shannon's supervision. My wife of 40 years Mary, is a child trauma therapist who has worked at the Scar Jasper Mountain residential treatment center for over 20 years.

In 2013 I obtained the required training and was issued my Oregon Intern Polygraph Examiner's license. In 2016 I attended a training conference with the National Polygraph Association in Washington State. This is where I was introduced to the EyeDetect technology.

I'm here today in support of HB 2545 that would allow the EyeDetect technology to be used for deception detection in Oregon as it is already allowed in 33 other States.

EyeDetect technology is not polygraph. It does not use the same data to detect deception as a polygraph – they are stand-alone systems of deception detection, and are not combinable.

Polygraph measures blood-pressure, breathing, and skin conductance to gather data for determining deception. EyeDetect uses none of these measures, but instead looks at what is called cognitive load.

Cognitive load is simply the brain activity needed to answer a question: For example, it takes less effort (cognitive load) for the average person to answer the question "What is 2 time 9?" (18) than it does for the average person to answer the question "What is 9 times 17?" (153).

The additional effort required to answer the more complex math question is an example of cognitive load, and research scientists at the University of Utah, (Dr. David Raskin & Dr. John Kircher) have determined (from 15 years of research) that it requires more cognitive load to lie than it does to recall the truth. **(AND)**

That the additional cognitive load required when lying, can be dependably measured by looking at micro changes in eye dilation and constriction when a person is answering simple true false questions. The deception markers do not at this point appear age related.

An EyeDetect test is a quick (30) exam that closely resembles any exam that you would take in the computer lab at a Community College for a math or history mid-term.

The examinee sits in front of the computer, reads questions, and indicates their answer as true or false by clicking a mouse. During that 30 minutes, they will answer over 300 questions, and 90,000 measurements of will be obtained for analysis. The data is scored by a

computer algorithm and the test results and report are ready in approx. 10 minutes.

This is EyeDetect in a nutshell.

Dr, Raskin is the scientist who developed the computerized polygraph.

Number demo test:

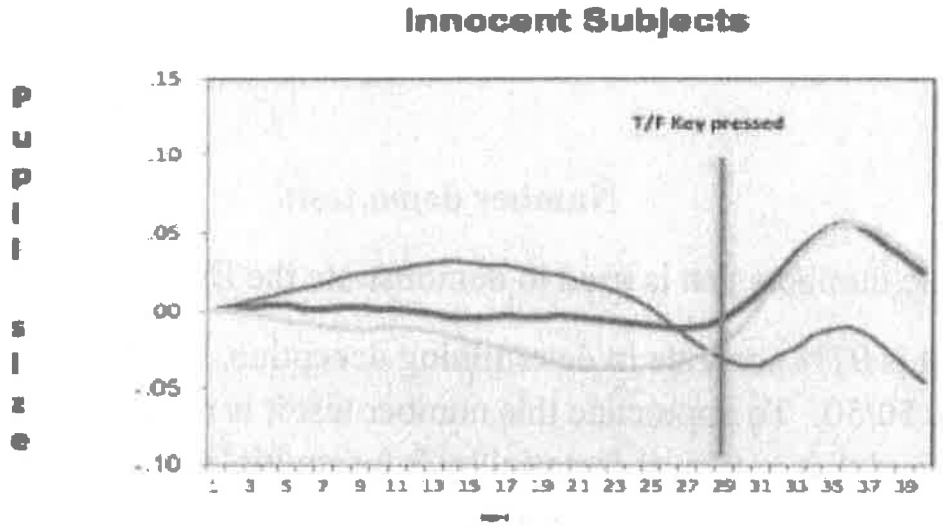
A simple numbers test is used to demonstrate the EyeDetect system.

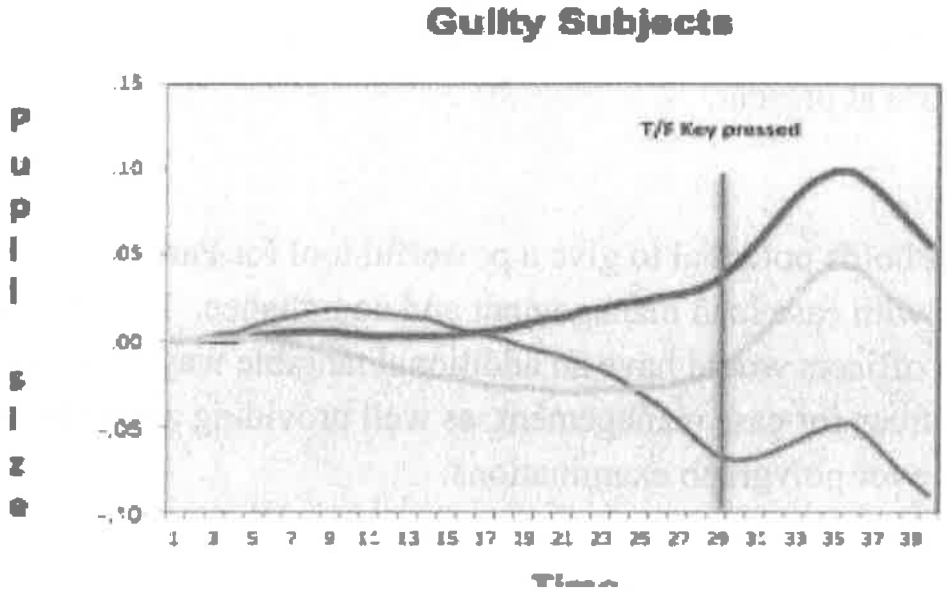
The test is 97% accurate in determining deception, but the exam is a 1 in 8, not a 50/50. To appreciate this number test it is necessary to understand that you must factorial by 8 for multiple successive tests.

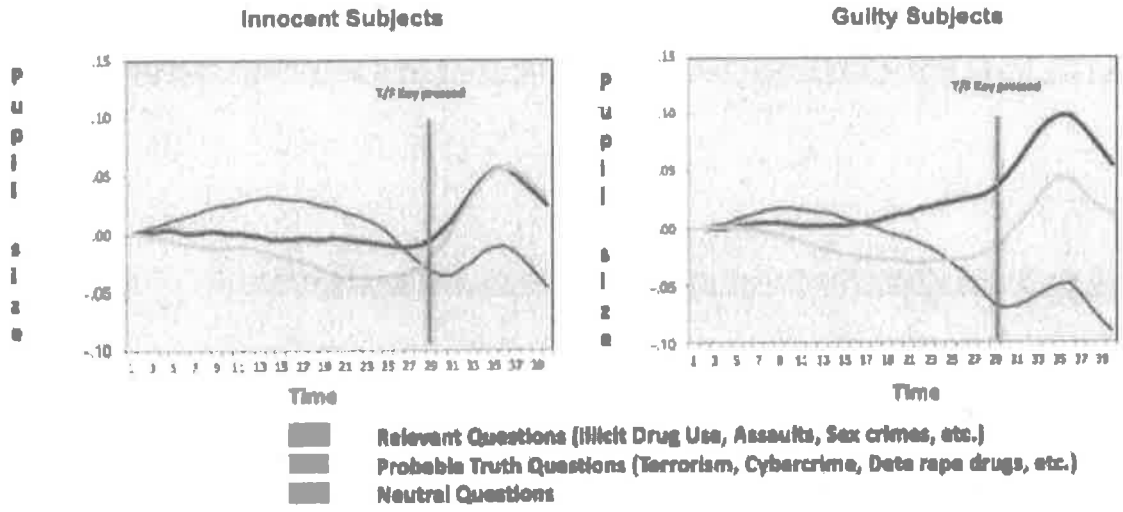
At this point, the EyeDetect technology is proving to be as good at deception detection as the most expertly administered polygraph – approx. 85% at present.

EyeDetect holds potential to give a powerful tool for Parole and Probation with case load management and compliance. Parole and Probation officers would have an additional tangible way of prioritizing their resources for case management, as well providing a significant cost reduction over polygraph examinations.

EyeDetect would afford treatment providers an additional powerful tool to determine treatment and program compliance and progress for mandated sex offender clients and others.







Neal Harris <nharris@converus.com> Feb 2

to Rep, Miller, me

Hi Mark:

Thanks for reaching out. Below is a breakdown of how EyeDetect is treated in all 50 states:

Group A: States where EyeDetect use is unrestricted. Anyone can administer an EyeDetect test (23 states)

AK, AZ, CA, CT, DE, FL, GA, HI, ID, KS, LA, MT, NB, NC, NM, OH, PA, RI, TX, UT, VA, WI, WY

Group B: States where EyeDetect may be used, but ONLY by a polygraph examiner (5 states)

CO, IN, NV, OK, WA

Group C: State where EyeDetect may be used, but NOT by a polygraph examiner (1 state)

TX

Group D: States where EyeDetect use has specific restrictions (4 states)

MA – Only used on sex offenders

MD – Only used on specific groups

MO – Only used outside St. Louis metro area

NY – Only used in certain counties

Group E: States where laws or statutes must be revised to use EyeDetect (17 states)

AL, AR, IA, IL, KY, ME, MI, MN, MS, ND, NJ, OR, SC, SD, TN, VT, WV

Rep. Hack could draft legislation to:

1- Exempt EyeDetect from professional licensure and regulation (it is a computer after all) which is Group A.

2- Restrict EyeDetect's use to certain examiner types or geographies (Groups B, C, and D).

3- Amend OR law to remove the ban on EyeDetect's use. This would move OR out of Group E.

Attached is the law that went into effect last year (from the UT state website). I will try to run down the actual bill that was submitted and forward it to you.

Also, attached is a whitepaper that might be helpful to give a layman's understanding of the

science and technology to garner support and co-sponsors.

Thanks,

Neal

Supporters of EyeDetect from the Polygraph world

Don Krapohl

Don Krapohl is the former deputy director of the National Center for Credibility Assessment (NCCA) and a longtime editor of the American Polygraph Association (APA) quarterly publication, "Polygraph." He's also the author of "Fundamentals of Polygraph Practice." Krapohl has an M.A. in psychology. He currently works for the Capital Center for Credibility Assessment in Virgina.

Dr. David Raskin

Raskin has served on the faculties of UCLA, Michigan State, and the University of Utah. He has authored more than 150 scientific articles, chapters, books, and reports, including Scientific Methods in Criminal Investigation and Evidence and Credibility Assessment: Scientific Research and Applications published in 2014. He has received research grants and contracts on the subject of deception detection from the National Institute of Justice, National Science Foundation, Department of Defense, Central Intelligence Agency, US Secret Service, and National Institute of Mental Health. He frequently consults and does training for many US federal agencies and foreign governments. The laboratories of Professor Raskin and his colleague, Dr. John Kircher at the University of Utah, are recognized worldwide as

leaders in research and development of polygraph methods and computer techniques for the conduct and analysis of polygraph examinations. He earned his Ph.D. in psychology from UCLA.

Dr. John Kircher

Kircher is a widely-recognized expert in government and industry about deception detection. He has published more than 90 scientific publications and technical reports in the field of psychophysiological detection of deception and has served as a consultant on deception detection to the US Department of Defense, US Secret Service, US Department of Homeland Security, National Science Foundation, National Research Council, Royal Canadian Mounted Police, and numerous state and local police departments. He and his colleague Dr. Raskin, also a member of the Converus Science Team, laid the scientific foundation for, and in 1991 developed the software and hardware for the first computerized field polygraph system, which is still in use today. Dr. Kircher earned his Ph.D. in psychology from the University of Utah.

Dr. Charles Honts – Converus Advisory Board

Honts has a 35-year-long research program that focuses on applying psychological science to real world problems. He received his Ph.D. in Experimental Psychology from the University of Utah in 1986, and joined the Boise State University Psychology faculty in 1995. He is internationally recognized as one of the world's top experts on credibility assessment. Professor Honts has published and/or presented more than 300 scientific papers on deception detection and was co-editor on a published book about Credibility Assessment. Professor Honts has also published and given expert testimony in the areas of interrogation and false confession, eyewitness identification, and the forensic interviewing of children. He has testified as an expert witness over 100 times. In addition to the U.S., he has given lectures and continuing education in Canada, China, Columbia, Israel, Italy, Mexico, Norway, Sweden, and The Netherlands. He frequently appears in court around the world as an expert witness. He was the President of the Rocky Mountain Psychological Association for the 2005-2006 term.

Mark Handler

Handler, a former police officer and polygraph examiner, currently serves as the American Association of Police Polygraphists' research and information chairman and sits on the board for the American Polygraph Association (APA). He's a polygraph instructor and researcher and has published dozens of articles.

Dr. Dan Woltz

While a graduate student at Stanford University, Dr. Woltz worked primarily with Dr. Richard Snow on the Aptitude Research Project funded by the Office of Naval Research. Following his graduate work and prior to coming to the University of Utah, Dan worked for five years conducting basic research on cognitive abilities and learning processes at the Air Force Human Resources Laboratory. He has received external funding for his research from the Air Force Office of Scientific Research and Draper Laboratories, and his work has been published in publications such as Journal of Experimental Psychology: General, Journal of Experimental Psychology: Learning Memory and Cognition, Journal of Memory and Language, and Memory & Cognition. He earned his bachelor's degree in psychology from University of Minnesota and his Ph.D. in educational psychology from Stanford University.

From: Todd Mickelsen
Sent: Saturday, January 28, 2017 12:44 PM
To: Russ Warner <rwarner@converus.com>
Cc: Mark Handler <mhandler@converus.com>; Fernando Ferreira <fferreira@converus.com>; Marcos Valencia <mvalencia@converus.com>; Jorge Oceguera <joceguera@converus.com>; Pablo Barrios <pbarrios@converus.com>; Jeremy Blau <jblau@converus.com>; Andrew Potts <apotts@converus.com>; Greg Parkinson <gparkinson@converus.com>; Ben Stout <bstout@converus.com>; Neal Harris <nharris@converus.com>; Jeff Pizzino <jeff@authenticityPR.com>
Subject: Re: Rep. Michael McCaul (TX) on CNN mentions new lie detectors

Not only did I meet with him but I gave him a Numbers test and we got his number. He then had his test three additional members of his staff and we got their numbers.

Next week he will be meeting with the new secretary of the department of homeland security

Robert Gross <gross5883@gmail.com> 9/1/16

to Neal, Russ

Neal, Just an update of my efforts to get EyeDetect legal in Oregon. After the August 18th meeting in Oregon, KEZI T.V. news ran a story on the Converus system. It created a "firestorm" with the polygraph licensing board when a polygraph examiner (Sally Jo Donahue) complained that I was violating State law by presenting (and possibly using EyeDetect) to perform "polygraph exams".

On August 26th I got a (90 minute) visit from Lindsay Hale (Professional Standards Division Director) over all law enforcement training for Oregon. We talked over the issues and she was satisfied that the (8/18/2016) meeting was intended for law enforcement (Parole & Probation etc.), and that the news report was unintended.

She ended up being impressed and fascinated by the EyeDetect equipment, and even took a numbers test - nailed it. Her advice to me was to continue (within present Oregon statute) my efforts to create a demand for the EyeDetect system in Oregon. She was careful to say that she could not lobby on my behalf, but that the statute that was written in 1975 (41 years ago) needs to be brought up to modern technological standards.

After my meeting with Ms. Hale, I did have a short (but cordial) phone conversation with Sally Jo Donahue and assured he that her complaint was resolved, and was without merit. She then suggested that she might be able to use EyeDetect because she had her permanent Oregon polygraph license - I suggested otherwise.

Find attached the letter to me from Ms. Hale, and my response to her.

Some encouraging news:
1). I have spoken with Pat Shriner (the Dist. Manager for Parole and Probation of Multnomah County) and he would like EyeDetect presented to the 17 P&P officers who manage sex offenders in the greater Portland area - we are arranging a meeting time.
2). I spoke a length with a local attorney Howard Hudson about the Converus equipment - his response was VERY enthusiastic, and he is contacting John Potter (Executive Director of the Oregon Criminal Defense Lawyers Association) in order to set up a presentation in front of that organization.
3). I've been requested to present EyeDetect to the meeting of treatment providers (300 or so) at their yearly conference in March. This will be on the Oregon Coast.

I'm finalizing my power-point presentation (which I think will be excellent), and putting together a website.

Just an update. This will get done.