



## NATIONAL ASSOCIATION OF COMPUTER VOICE STRESS ANALYSTS

To: Representative Barker

February 16, 2017

From: Lt. Kenneth Merchant (Ret.), Legislative Director, NACVSA

### **Subject: Pending Legislation Restricting Oregon Law Enforcement Choice**

Recently, OR H 2545 was introduced into the Oregon House Judiciary Committee, and if passed would allow a new and unproven form of truth verification – namely ocular-motor movement detection technology to be used in Oregon. Also, **this bill effectively bans all other forms of truth verification**, with the exception of the old polygraph. As currently worded this bill specifically excludes other proven truth verification technologies that have been used for decades by US federal, military, state and local law enforcement agencies. This bill, appears to be written as a polygraph examiner licensing act, however it is **cleverly worded** to specifically restrict law enforcement in Oregon from acquiring the most widely used truth verification technology in the USA. That technology is Voice Stress Analysis (VSA), which has been validated worldwide by multiple studies and is used by nearly 2,000 US law enforcement agencies (200 in California alone), as well as by the US Federal Courts and various Federal Task Force units.

The National Association of Computer Voice Stress Analysts (NACVSA) represents thousands of US law enforcement Computer Voice Stress Analysts. Many major US metropolitan agencies utilize the Computer Voice Stress Analyzer (CVSA®) such as the **Atlanta P.D.** (11 CVSA's), **Nashville P.D.** (17 CVSA's), **California Highway Patrol** (32 CVSA's), **California Department of Corrections** (33 CVSA's), **New Orleans P.D.** (21 CVSA's), **San Diego County Sheriff's Department** (11 CVSA's) and the **Salt Lake City P.D.** and all have discontinued the old polygraph. Recently the Seattle area Federal **Internet Crimes Against Children (ICAC)** Task Force incorporated the CVSA as its truth verification device of choice, joining the many other ICAC Task Force units that have found the CVSA to be the most effective truth verification tool when investigating those who prey on the most vulnerable sector of society – our children.

The membership and board of the NACVSA are alarmed that a small group of anti-VSA/pro-polygraph lobbyists have the ability to restrict Oregon law enforcement from selecting a proven and valid truth verification option – namely the CVSA. The NACVSA's position is that no law enforcement officer or technician, whether they collect evidence, serve as ballistics experts, photograph crime scenes or utilize truth verification technology, should be required to apply to the state for a license to perform his or her job – as is the case with private investigators. Such a law effectively treats sworn law enforcement officers the same as private investigators. Oregon law enforcement should have the ability to choose which technologies they use, and not be controlled by a small, industry-specific lobbyist group that is financially motivated to protect and maintain a state-sanctioned **MONOPOLY**. In fact, if this legislation is enacted,

Oregon will become one of only several states in the entire US which have such outdated and restrictive laws pertaining to truth verification use by law enforcement.

With the publication of a peer reviewed, 18-year study of VSA in the 2012 annual edition of the scientific journal "*Criminalistics and Court Expertise*" there is no valid reason to restrict VSA technology in Oregon. The study's results report an accuracy rate for VSA of greater than 95%, with an extremely low error rate; far surpassing the performance of the polygraph and all other forms of truth verification. This includes ocular-motor movement detection technology, which published reports and studies indicate is dependent on the reading ability of the test-taker, since the test-taker must read the questions that will be evaluated. These studies indicate individuals with marginal-to-poor reading skills have difficulty completing, or in some cases cannot complete, this test. Further, since approximately 15% of US adults and as many 50% of the refugees who are given sanction in the US are illiterate such a test is wholly unsuitable.

As a career law enforcement professional of 30 years, I urge you to oppose OR H 2545 as it is currently written. I am available to discuss this important issue and can be contacted at 1-888-358-5025. The NACVSA is also prepared to provide the Oregon House Judiciary Committee with experts to testify should that become necessary.

Sincerely,

A handwritten signature in black ink, reading "Kenneth R. Merchant". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lt. Kenneth Merchant (Ret.),  
Legislative Director, NACVSA