

# How Connecticut State and Federal Probation Innovated Credibility Assessment Testing of Sex Offenders During COVID

By Erika Thiel, LPC\*

Originally founded in 1972, The Connection Inc. (TCI) is a nonprofit organization based in Middletown, CT that offers community-based treatment programs focused on behavioral health, family support, and community justice. Some of its funding sources include Connecticut's Court Support Services Division (CSSD) and the state Department of Correction (DOC).

One of TCI's community justice programs is the Center for Treatment of Problem Sexual Behavior (CTPSB). CTPSB provides outpatient services for adult men and women in coordination with state and federal Departments of Correction and Probation.

CTPSB works to prevent sexual abuse and to reduce sexual violence through assessment, treatment, and training. One aspect of client assessment involves the administration of credibility assessment exams, which historically had been conducted using psychophysiological detection of deception (otherwise known as a polygraph).

## Challenges with Polygraph

In 2017, Connecticut's Federal Probation was challenged with complaints from clients who failed their polygraph examinations. These clients insisted the results were inaccurate and the test flawed. Federal Probation had to investigate each failed exam—even if the results were not being contested by the client. However, because of the increase in workload, Federal Probation looked for an alternative to confirm a deceptive test

prior to investigating using a secondary testing method.

Additionally, CSSD and DOC were looking for ways to increase the number of credibility assessment exams administered. The number of polygraph exams administered per examiner while in the field was three per day. More tests were needed to fully meet funder expectations.

## Potential Solutions

The first solution considered was tactical polygraph. CTPSB and a federal judge recognized that tactical polygraph did not have sufficient research to support it as a valid technique for assessing credibility. It was also a technique that CTPSB was not able to accommodate for. CTPSB and Federal Probation realized it needed to find a credibility assessment solution involving a secondary, but independent test with a high degree of validity (accuracy).

Another option under consideration was voice stress analysis. It is a technique that attempts to infer deception from stress measured in vocal fluctuations. In this case, high stress is considered an indicator of deception. However, CTPSB's investigation of voice stress technology suggested that this method also lacked a strong evidence base research.

CTPSB then considered ocular-motor deception testing, commercially available as EyeDetect since 2014. This test measures deception based on the premise that lying is cognitively more demanding than is telling the truth, and such increases in cognitive load cause involuntary changes to the eyes and reading behaviors. This is a different method than polygraph, which measures psychophysiological changes—such as cardiac and respiratory activity and skin conductance—to a person's salience to a presenting question.

EyeDetect tests are automated and administered by computer. Clients answer true/false or yes/no questions onscreen using a mouse. Tests are scored by a computer algorithm, and results are available within a few minutes of test completion.

CTPSB first became familiar with EyeDetect in 2015 while attending the annual American Polygraph Association (APA) seminar in Chicago. Further investigation of the product and scientific research supported its claims of high accuracy.

Other solutions were considered and ultimately rejected—hiring more polygraph examiners, adding additional locations to administer polygraph exams that may have more accessibility to examiners, and offering exams on nights and weekends. Each of these considerations had cost and logistical limitations that rendered them unsuitable.

## Pilot Program Implemented

After weighing the various challenges and options, Connecticut State and Federal Probation approached TCI to start a pilot program using EyeDetect with polygraph. Federal Probation started their pilot program in 2017 and the state's CSSD and DOC started their pilot program at the beginning of 2020. The pilot programs were to assess the use of EyeDetect as a resource to solve the identified problems for which each department had concerns.

Client testing began with five CTPSB examiners. It was not long before CTPSB discovered EyeDetect offered some advantages over polygraph. For example, EyeDetect may be used to test clients unsuitable for polygraph examinations

*See ASSESSMENT, next page*

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*ASSESSMENT, from page 9*

due to medical or mental health restrictions. Also, the amount of time required to administer an EyeDetect test is less than that necessary to administer a polygraph and therefore more clients were able to be scheduled for each examiner per day using EyeDetect. This helped TCI meet its goal of increasing the number of tests conducted per examiner when in the field administering tests.

Clients who failed their polygraph exam, who contested the result, and then failed their follow-up EyeDetect test often ended up admitting their behavior after reviewing the data analysis of the confidence interval of both exams having a failed outcome. Such admissions meant Federal Probation did not have to undertake an investigation, which greatly reduced the workload, one of the primary goals.

### **Adapting Testing to COVID Guidelines**

With the pandemic outbreak of COVID-19 in March 2020, client testing had to be stopped. As the state managed through the evolving contagion and social distancing protocols, CDC and state guidelines required that any contact between two people needed to be 10 feet apart while occupying the same room. This meant that credibility assessment exams could be done only if the examiner and the client were more than 10 feet apart throughout the entire exam—not possible with a polygraph exam. EyeDetect, however, allowed examiners to continue assessments while complying with pandemic rules because its observational measurements and analysis were completely automated.

TCI and the state's CSSD had to evaluate each facility used for testing to determine if those guidelines could be met. Only two of its 18 locations were deemed unsuitable due to room size or the inability to have Wi-Fi or hotspot capabilities.

As a result, client testing resumed with EyeDetect in September 2020. Each examiner was scheduled for five tests on each day they were testing in the field. Examiners were never closer than 10 feet to the client at any time during the pretest or while the client was taking the test by computer.

### **Asking 4 Relevant Issues Per Test**

TCI uses three approved types of sex offender tests: (1) instant offense (when necessary) (2) sexual history and (3) maintenance. Instant offense tests are for those who have denied participation in a sexual offense for which they were convicted. Sexual history tests allow clinicians to verify the history (among other things) of a client in terms of the number and age of victims, sexual acts committed, and concerning or deviant sexual behaviors that have occurred throughout a client's lifetime. This information helps facilitate treatment. Sex history tests are usually administered once per client but can at times be administered more than once—if there are more questions of concern regarding a client's history of sexual behavior.

Maintenance tests are compliance exams that ask clients about whether they have followed the terms and conditions of treatment, parole or probation. These tests are administered every three to six months, or up to one year, depending on the risk level of the client.

With EyeDetect, TCI chose to use the Multi-Issue Comparison Test (MCT) protocol because of the similarities it had to a screening exam that examiners were familiar with running for sexual history and maintenance exams. The MCT allows examiners to question clients about three relevant issues or target behaviors. Each topic is scored independently of the other. With that information, treatment providers and supervisors can quickly determine the primal point of concern if a client fails the test for one or more issues.

Trained TCI examiners create a customized MCT for each client for each test. This allows specific issues to be asked as client behavior may change over time. Examiners write specific tests up to two weeks prior to the scheduled exam. This allows time for another examiner to review and edit the written test.

Around April of 2021, CDC guidelines relaxed the restrictions for social distancing. Examiners were permitted to conduct tests while wearing masks and gloves. With that, examiners could be within six

feet of a client for five minutes or less. During that time, examiners had hands-on access to adjust the EyeDetect testing equipment for each client.

At that time, TCI also reverted from virtual client groups back to some in-person groups and resumed administering polygraphs. Because it had been over a year since the examiners had run a polygraph exam, it was decided to start by administering sexual history polygraph exams. Conducting a polygraph for sexual history exams is easier and faster due to the large volume of admissions (confessions) made during an exam and the examiner's ability to exclude specific information in relevant questions at a quicker rate.

TCI continued to use EyeDetect for maintenance and instant offense exams—citing as primary benefits the automation of EyeDetect test scoring and the increase in number of tests administered daily. Maintenance tests comprise about half of all tests administered by TCI.

With the outbreak of the Omicron variant, TCI decided in December 2021 to again suspend the use of polygraph exams and in-person groups meetings. EyeDetect tests resumed for all three test types with the 10 feet social distancing requirement reinstated.

In summary, EyeDetect has allowed Connecticut State and Federal Probation to solve long identified problems and continue client testing during times of pandemic. More tests are administered daily than previously. Investigations to validate client complaints of inaccurate test results have been minimized.

Clients previously unsuitable for polygraph exams due to medical or mental health restrictions can now be tested. Also, EyeDetect's testing protocol makes it easier for the examiner to identify when a client is being purposefully noncompliant (trying to cheat the test).

Utilizing an additional credibility assessment technology like EyeDetect has clearly helped TCI's community-based treatment programs more effectively prevent sexual abuse and reduce sexual violence through assessment, treatment, and training—even during a pandemic. ■



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