



National Offender Management Service

Polygraph Examinations: Instructions for Imposing Licence Conditions for the Polygraph on Sexual Offenders

This instruction applies to:-		Reference:-
Prisons Providers of Probation Services		PSI 36/2014 PI 53/2014
Issue Date	Effective Date	Expiry Date
05 October 2015 (Revised)	8 August 2014	For Review by 31 July 2015
Issued on the authority of	NOMS Agency Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> NOMS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input checked="" type="checkbox"/> National Probation Service (NPS)</p> <p><input checked="" type="checkbox"/> Community Rehabilitation Companies (CRCs)</p> <p><input checked="" type="checkbox"/> NOMS Rehabilitation Contract Services Team</p> <p><input checked="" type="checkbox"/> Other providers of Probation and Community Services</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	Service Improvement/ Legal Compliance	
For information	Offender Managers Victim Liaison Officers and Victim Unit Managers	
Provide a summary of the policy aim and the reason for its development/ revision	<p>This Instruction introduces the arrangements for seeking the additional licence condition of Polygraph Testing for certain sexual offenders which became available for inclusion in licences for these offenders who served sentences of 12 months or more from 6 January 2014.</p> <p>Update October 2015 – Amendments to the contact details on the front page and page 5 foot notes.</p>	
Contact	Heather Sutton, Head of the Sex Offender Team, OMPPG E mail: Heather.Sutton@noms.gsi.gov.uk Tel: 020 3334 0537	
Associated documents	<p>PI 48/2014 - Victim Contact Scheme Guidance Manual.</p> <p>PI 27/2014 - PSI 30/2014 - AI 22/2014 - Recall Review Re-release of Recall Offenders</p> <p>PI 11/2014 - Licence Conditions, Polygraph Examinations and Temporary Travel Abroad.</p> <p>PI 09/2013 - PSI 19/2013 - Generic Parole Process for Determinate Sentence Prisoners (GPP-D)</p> <p>PI 18/2012 - PSI 36/2012 - Generic Parole Process (GPP) amended to incorporate Electronic Working</p> <p>Target Operating Model for the Rehabilitation Programme (version 3)</p>	
Replaces the following documents which are hereby cancelled: PSI 42/2011 - End of		

Polygraph Pilot.

“Interim Guidance to Trusts in relation to securing additional licence conditions for polygraph testing of sexual offenders due for release from 6 January 2014”, issued August 2013.

All hard copies of these Instructions must be destroyed.

Audit/monitoring: The Director of NPS in England, Director of NOMS in Wales and NOMS Director of Rehabilitation Services for CRCs will monitor compliance with the mandatory requirements in this instruction.

NOMS Deputy Directors of Custody and Controllers, will monitor compliance with the mandatory actions set out in this Instruction.

NOMS contract management will hold providers to account for delivery of mandated instructions as required in the contract.

Introduces amendments to the following documents: None

Notes: *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

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1. Executive Summary

- 1.1 This Instruction introduces the arrangements for imposing a licence condition requiring certain sexual offenders who have been sentenced to a term of imprisonment of 12 months or more to undergo Polygraph Examinations.

Background

- 1.2 The National Offender Management Service (NOMS) piloted and commissioned research into the effectiveness of polygraph testing on sexual offenders on licence in response to the government's Review of the Protection of Children from Sexual Offenders, published in 2007, following several high profile cases where known sexual offenders had offended against (and killed) children.
- 1.3 The legal mandate for the pilot was contained in the Offender Management Act 2007 ("the Act"). Sections 28 – 30 of the Act enable a 'polygraph condition' to be inserted in the release licence of certain sexual offenders, as specified in the Act. Section 30 of the Act makes it clear that the results of a (failed) polygraph examination cannot be used in Criminal Courts or be the basis of recall. The original Commencement Order for the above sections of the Act, made in January 2009¹, restricted polygraph testing to the geographical area of East and West Probation Regions for the purpose of a pilot (January 2009 to March 2012). The pilot was accompanied by independent research, which showed that mandatory polygraph testing was a useful additional risk management tool for Offender Managers. Therefore, Parliament subsequently approved a Statutory Instrument², to allow a national roll-out of mandatory polygraph testing. This enables a polygraph testing condition to be inserted into the licences of certain sexual offenders across the whole of England and Wales from 6 January 2014. National testing will target the most serious sexual offenders.
- 1.4 The polygraph is a device that measures certain physiological responses such as heart rate, breathing rate, blood pressure and skin resistance, changes in which are thought to indicate whether the subject is lying. A 'polygraph condition' requires the offender, on release, to take part in regular 'polygraph sessions', as instructed by their Offender Manager. The imposition of the condition allows compliance with other licence conditions to be monitored and gives information about an offender's behaviour that will improve the effectiveness of how an offender is managed during the licence period.
- 1.5 Polygraph examinations will be centrally funded by NOMS. A centrally-run team of Divisionally-based polygraph examiners will conduct polygraph examinations from August 2014. *Examiners must train and pass examinations in both polygraph testing and post conviction sex offender testing (PCSOT) to standards accredited by the American Polygraph Association (APA).* (Appendix 1, 2.5.3) Details of how NOMS will ensure the standards are fully applied are contained in Appendix 1, paragraph 2.5.4.
- 1.6 NPS Divisions will refer suitable cases directly to the NOMS Sex Offender Team, via arrangements that will be agreed between NOMS and the Divisional Public Protection leads (SPOCs, see 2.2, below). Offenders subject to the condition will normally be tested within 8 – 16 weeks of release and thereafter every 6 months when the test result is that the offender is being truthful. Where the result is "deception indicated" the next examination will be 3 months after the last examination.
- 1.7 This Instruction details how Divisions should identify the most serious sexual offenders to be subject to the polygraph testing condition, according to the criteria set by NOMS, and requires that tests be arranged for all relevant offenders. It includes instructions on

¹ The Offender Management Act 2007 (Commencement No. 3) Order 2009. No 32 (C.1) 13 January 2009

² The Offender Management Act 2007 (Commencement No. 6) Order 2013. No 1963 (C.82) 6 August 2013, coming into force 6 January 2014

identifying all those meeting the “required”/“must be examined” criteria and advice on the process Divisions will need to put in place whereby a limited number of “elective”/“may be examined”/“discretionary” cases, on whom Offender Managers have discretion to propose the condition, should be identified and approved. The numbers of examinations available at the Offender Manager’s discretion will be determined centrally, based on available funding and allocated on a pro-rata basis to the number of sexual offenders managed by each NPS Division.

- 1.8 The instruction includes “Offender Manager Guidance” as an Appendix which covers:
- a) Implementation of the Polygraph Condition, including a summary of delivery arrangements, the legal and NOMS criteria for testing, information on offenders not suitable for testing and description of the polygraph examination itself;
 - b) Practice Guidance about seeking and managing the Polygraph Condition, including:
 - the preparation of reports for the Parole Board (PAROM 1s), in the case of indeterminate sentenced prisoners and those serving extended determinate sentences (EDS), and pre discharge forms (PD1s) for Governors, in the case of determinate sentenced prisoners, where the Offender Manager considers the additional condition is appropriate to the circumstances of the case;
 - arrangements for the provision of polygraph examinations, including referral and liaison with the polygraph examiner team and NOMS;
 - preparation of the offender who will be subject to polygraph examinations, both before and after release, and maximising the information from the polygraph examination to the effective management of the case;
 - enforcement of the condition and discontinuing the condition;
 - data access issues, data storage arrangements and complaints procedures.
 - c) Two Annexes detailing the sections of the Offender Management Act 2007 relating to polygraph examinations and the list of “specified sexual offences” to which the condition can be applied.
 - d) A third Annex containing background information about polygraph examinations for sexual offenders, the history of the use of the polygraph with sexual offenders in England and Wales leading up to the introduction of mandatory polygraph testing as now required.
 - e) [Annex 4](#), a list of abbreviations used in documents relating to polygraph examinations and [Annex 5](#) a copy of the referral/notification form.

Offender Manager

- 1.9 Throughout this instruction the term ‘Offender Manager’ has been used for the person in the NPS responsible for the end-to-end process of statutory supervision of sexual offenders eligible for the polygraph condition, including while the offender is in custody, setting licence conditions and post sentence supervision.

Desired outcomes

- 1.10 This instruction has been issued to provide mandatory actions together with advice that will enable Offender Managers to require appropriate offenders to undergo polygraph examinations as a licence condition in compliance with the legislation, and to ensure that the polygraph examination process is arranged to the correct timescales after release.
- 1.11 The instruction aims to ensure correctly-given and well-argued advice is provided to the Parole Board in PAROMs and to Governors in PD1 forms.

- 1.12 It also aims to ensure the timely referral to the Polygraph Examiners and effective liaison to secure best outcomes from polygraph examinations.
- 1.13 Further, the instruction aims to ensure that the polygraph condition is properly managed and enforced.
- 1.14 Finally, the aim is that offenders taking a polygraph examination are well informed, as are Offender Managers who use the information from examinations to improve management of cases with a polygraph condition.

Application

- 1.15 *Chapter 2 contains mandatory and non-mandatory instructions concerned with seeking, imposing and managing the polygraph condition, all staff involved in management of offenders eligible for such a condition, or who manage staff directly involved, in both the National Probation Service and Public and Contracted out prisons must be aware of these. Since all the offenders who will be subject to a polygraph condition will be supervised by the NPS, (all sexual offenders are subject to MAPPA arrangements) this instruction is not directly relevant to the day-to-day practice of CRC staff.*
- 1.16 The Act stipulates that polygraph examinations may only be used for qualifying sexual offenders who are on licence after receiving sentences of 12 months or more. NOMS have given assurances to Ministers, and Ministers to Parliament, that the polygraph will only be used in these circumstances. *Therefore, the polygraph must only be used for sexual offenders who have a licence condition to take the polygraph examination and must not be used for any other offender, including those on release on temporary licence or subject to community orders. It must not be used on a voluntary basis for any offender under any circumstances.*
- 1.17 Appendix 1 is the operational guide for Offender Managers managing offenders who are, or may be, subject to a polygraph condition. It contains mandatory and non-mandatory instructions and practice guidance. They and their managers should follow the mandatory processes contained therein. It may serve as a reference guide to prison staff.

Mandatory Actions

- 1.18 *Designated senior managers in NPS Public Protection Teams (the equivalent of the Assistant Chief Officer Grade), must ensure Offender Managers managing sexual offenders who are eligible for the polygraph condition:*
- *have attended a centrally-arranged, or locally delivered, training session about seeking the polygraph condition and managing offenders subject to it before they supervise offenders released with such a condition;*
 - *identify relevant offenders at least 6 months before release and prepare reports for the Parole Board or Governor of the releasing prison which make the case for the inclusion of the polygraph condition where relevant;*
 - *follow referral procedures pre and post release to ensure that offenders with the polygraph licence condition are tested according to agreed timescales;*
 - *incorporate verifiable information arising directly or indirectly from polygraph examinations into the management of the offenders subject to polygraph condition, including taking appropriate enforcement action where required, and that such information is recorded according to agency and inter-agency requirements.*
- 1.19 *Governors of public and contracted out prisons from which relevant sexual offenders will be released with a polygraph condition must ensure when such a condition is requested by a Offender Manager, that:*

- *The offender meets the legal criteria for the condition;*
- *The appropriately worded condition is inserted into the licence.*

Resource Impact

- 1.20 Requesting and managing polygraph conditions and undertaking polygraph examinations are a new responsibility for the National Probation Service (NPS), NOMS and the Prison Service (PS). .
- 1.21 Seven polygraph examiners have been appointed who will be Divisional NPS employees. No extra resources have been allocated to Divisions for the offender management of cases with the polygraph condition. However, an estimate of 5% of Offender Manager time per caseload held has been made to cover the extra tasks associated with managing these cases including attending training, liaison with the examiner, liaising with and updating MAPPA and reviewing sentence plans where needed. No extra contact time with offenders will be required. Preparation of the sex offender to take the polygraph examination and using the information from the polygraph reports in the management of the offender will form part of the core tasks within the specification for "Manage the custodial and post-release periods".
- 1.22 NPS Divisions are required to provide a Single Point of Contact (SPOC) at senior manager level (the equivalent of the Assistant Chief Officer (ACO) or Area/Divisional Manager grade) via the Public Protection lead manager, or equivalent. Arrangements will be agreed between NOMS and the SPOC of how supervisory oversight of the examiners will be jointly managed.
- 1.23 The resources identified for these new processes are included in the Polygraph Testing Full Business Case.
- 1.24 Management of the implementation phase and subsequent operation of polygraph examinations is integrated into the core business of the Sex Offender Team in OMPPG.
- 1.25 There will be only a minimal impact on resources required in prisons. Prisons will be required to insert the correct wording into licences and confirm that the additional condition is necessary and proportionate, as with all additional licence conditions. The licence template will be amended to reflect this.

(signed)

Digby Griffith
Director of National Operational Services, NOMS

2. Operational Instructions

- 2.1 The operational instructions which follow are also contained, with greater detail, in Appendix 1, "Polygraph Examinations: Guidance for Offender Managers for imposing licence conditions for the polygraph on specified sexual offenders". It contains detailed instructions and best practice guidance as well as contextual information that relates to the basic mandatory and non-mandatory actions listed below. The paragraph/s in the Appendix relevant to each action, below, is/are referenced under each of the actions. Use of the polygraph condition supports the service specification: "Manage the Custodial & Post Release Periods".
- 2.2 NPS Divisions should identify a senior manager (former ACO or Area Manager grade) as the single point of contact (SPOC) between the Division and NOMS (currently the Sex Offender Team in OMPPG) through whom communication about matters relating to polygraph examinations can be routed. *The SPOC must:*
- *Ensure communications about polygraph examinations from OMPPG to Divisions is disseminated to relevant staff in Divisions.*
 - *Ensure that information about licence release and recall in N Delius is completed by appropriate staff: The Ministry of Justice Research Unit will draw data from N Delius (including from a polygraph field which will "draw through" information from the examiners' polygraph reports about examination attendance and results) for ongoing research into implementation and effectiveness of the polygraph.*

Decision to seek the polygraph condition

- 2.3 *Offender Managers of offenders who meet the criteria below must seek the polygraph licence condition. The offender:*
- *Is aged 18 years and over*
 - *Will be subject to a period on licence having received a custodial sentence of 12 months or more for a specified sexual offence. This includes both determinate sentenced prisoners and prisoners subject to release after Parole Board consideration*
 - *Is assessed as High/Very High Risk of Serious Harm and High/Very High risk of sexual reoffending using OASys and Risk Matrix 2000 (RM2000) respectively*

Offender Managers and relevant partners must consider, using pre-release MAPPA arrangements (see 2.5), those sexual offenders due for release on licence who must have a polygraph condition inserted into their licence: "required" cases (Appendix 1, 1.3.5)

- 2.4 There is also budgetary provision for offenders who meet the legal criteria, (first 2 bullet points in 2.3 above), but not the NOMS criterion (third bullet point), to subject some additional offenders across England and Wales to the polygraph condition where it can be shown that testing is necessary and proportionate to manage the risk: "elective" cases. Examples of this are female offenders, where RM2000 (current nationally approved risk of sexual reoffending assessment tool for adult males) is not used; for males whose only sexual offence pre-dates their 16th birthday for whom RM2000 is not relevant, or for offenders who have a history of non compliance with previous licence conditions such as entering exclusion zones or having contact with victims. *Authorisation must be sought from NOMS HQ for all "elective"/"may be tested"/"discretionary" cases.* However, it is not permitted to require any offenders subject to community orders to take the polygraph examination either as an additional requirement or on a voluntary basis. Nor is it permissible to request that any offender take the polygraph on a voluntary basis for any purpose what-so-ever. This includes the following:

- Sexual offenders in any treatment programmes
 - Sexual offenders in custody
 - Sexual offenders on ROTL
- (Appendix 1, 1.3.8)

MAPPA interface arrangements

- 2.5 *MAPPA has a role to play in the oversight of Category 1 offenders and Offender Managers and relevant partners must refer sexual offenders in custody, who are potentially eligible for the polygraph condition, into MAPPA at least 6 months prior to release. Given the high RoSH and re-conviction profile of the “must be tested” polygraph cohort, and that the “elected” cases will be high RoSH, it is expected that the majority of eligible offenders will be managed at MAPPA Level 2 and 3. In relation to MAPPA Level 1 cases, Offender Managers and local managers need to be satisfied that single agency management is sufficient to manage both the likely risk of harm and the multi agency coordination. For offenders managed at MAPPA Level 2 and 3 the Offender Manager must alert the relevant MAPPA meeting of the requirement for a polygraph condition and agree with MAPPA partners the role it will have in the risk management plan .*

Referral/Notification to NOMS

- 2.6 *Offender Managers must complete the “Polygraph Examination Combined Referral and Notification Form” for all cases, pre-release, when considering licence conditions (see Appendix 1, 2.3), and return it to the appropriate person in NOMS sex offender team, as per the form. The form will be available in N Delius and is attached at [Annex 5](#) of Appendix 1 for information.*

Special cases

- 2.7 The guidance at Appendix 1 details (1.3.8) when the test may be appropriately requested for women sexual offenders and for offenders who are now adults but whose only sexual offence was committed before their 16th birthday.
- 2.8 Polygraph examinations will not be appropriate for a small number of offenders, for example, those with certain underlying physical or psychological conditions. Section 1.3.10 to 1.3.16 in Appendix 1 provides guidance on how this is determined.

Requesting the polygraph condition

- 2.9 *Offender Managers must request the additional condition via the PAROM 1 or PD1, as appropriate to the case.*
(Appendix 1, 2.3)

The wording of the condition must be:

To comply with any instruction given by your Offender Manager requiring you to attend polygraph testing. To participate in polygraph sessions and examinations as instructed by or under the authority of your Offender Manager and to comply with any instruction given to you during a polygraph session by the person conducting the polygraph.

(Appendix 1, 1.3.2)

- 2.10 *All Governors of public and contracted out prisons, where the Offender Manager has requested the polygraph licence condition, and the licence period will extend beyond 30 October 2014, must ensure the offender meets the legal criteria for such a condition and, if so, the above wording should be inserted into the licence if the NOMS criteria are also met.*

Arranging for polygraph examinations to take place

- 2.11 *Offender Managers must make arrangements for offenders released with a polygraph condition to be examined, normally, within 8 – 16 weeks of release, following the process outlined in Appendix 1, 2.5.6. The polygraph examination should take place early in the licence period but after sufficient time has elapsed for aspects of an offender's behaviour to be tested.*
- 2.12 *The Offender Manager must arrange for subsequent tests to occur according the test result (after a further 6 months if test result is No Deception Indicated, 3 months if Deception Indicated, 4 weeks if "Inconclusive" or "Countermeasures Indicated").*
(Appendix 1, 2.5.6)

Responding to the outcome of the polygraph examination

- 2.13 Paragraph intentionally blank
- 2.14 *Offender Managers must make arrangements either to attend the post polygraph examination 3 way meeting at the end of the polygraph session, or, where this is not possible, make themselves or another named individual available to receive information by telephone from the polygraph examiner of any immediate issues relating to the management of an offender's risk that emerges directly from the polygraph session.*
(Appendix 1, 2.7)
- 2.15 *Any information that indicates individual victim/s/members of the public are at risk must be communicated immediately to the person/agency best equipped to secure the person's safety, as per the risk management plan eg Children's Services or the Police. Offender Managers should share any information gained from the polygraph examination with others involved in the management of the offender as appropriate to the case and other agencies involvement. Actions must be recorded on N Delius and ViSOR. The risk of serious harm must be reviewed.*
(Appendix 1, 2.8)
- 2.16 *The information obtained through the polygraph examination must be used by the Offender Manager to manage the offender. For example: if information emerges that indicates the offender has breached his/her licence conditions, enforcement action may be taken, including immediate or standard recall, if in the Offender Manager's judgement this is required to protect the public. The risk of serious harm assessment must be reviewed in the light of information from the polygraph examination and management of the case should be adjusted accordingly. The Offender Manager must inform the Victim Liaison Officer if recall is instigated and when the offender has been arrested if there is VLO involvement with the case (PI 48/2014, "Victim Contact Scheme Guidance Manual", section 35).*
(Appendix 1, 2.9)
- 2.17 *Offender Managers must record any issues relating to the polygraph examination and/or an offender's response to it that have an impact on the risk assessment and/or management of the case on N Delius and ViSOR and communicate directly with partners involved in the direct management of the offender.*
(Appendix 1, 2.8.4)
- 2.18 A "failed" examination result (deception indicated) alone cannot be used to justify enforcement action. Failure to attend the examination, deliberately sabotaging it, or failing to co-operate with the examiner, may do.
(Appendix 1, 2.9)

Requesting a condition for a “qualifying offender” currently on licence without the polygraph condition

- 2.19 A polygraph condition may be requested to be inserted into the licences of any relevant sexual offender already released on licence without a condition, but whose risk of serious harm has escalated, providing s/he meets the criteria & for whom it is considered necessary to impose a condition to manage their risk. *Such cases will be considered as “elective”/“may be tested”/“discretionary” and as such authorisation must be sought from the Sex Offender Team in OMPPG as outlined at 2.3.* Once authorised, application to have the licence varied is via the usual process for applying to vary licence conditions contained in PI 11/2014, Licence Conditions, Polygraph Examinations & Temporary Travel Abroad i.e. through the Parole Board or Governor of releasing prison, via Public Protection Casework Section (PPCS) (Pre Release cases should be sent to James.Hough@noms.gsi.gov.uk and Post Release case to sajida.zafar@noms.gsi.gov.uk).
(Appendix 1, 2.4)

Release after recall

- 2.20 *Where a sexual offender who had a polygraph condition has been recalled and is being considered for release and for any qualifying sexual offender who is being considered for re-release who may not have had a polygraph condition when first released, Offender Managers must consider whether the polygraph condition is appropriate and request its addition on the relevant section of the Risk Management Report of the recall paperwork. The VLO should be informed by the Offender Manager if the Victim Contact Unit is involved.*
(Appendix 1, 2.10)

Discontinuing testing

- 2.21 As with other licence conditions, the Offender Manager may decide to suspend the polygraph condition on a short-term basis if s/he considers it is not necessary because, on review of the risk of harm assessment, RoSH has reduced from H or VH or RM2000 has decreased, for example, due to the offender getting older and thus being in a different age “band” on the scoring grid. *Application to vary the licence and remove the condition must be made as per paragraph 2.56 of PI 11/2014, via Public Protection Casework Section (PPCS) (send to sajida.zafar@noms.gsi.gov.uk who deals with all post- release cases) if it is no longer necessary and proportionate to require the condition because of a lowered assessment of risk of serious harm. If a licence variation is agreed the VLO must be informed by the Offender Manager.*
(Appendix 1, 2.11)

**Appendix 1 - Polygraph Examinations: Guidance
for Offender Managers to ensure appropriate
sexual offenders on licence are made subject to
the additional licence condition to undergo
polygraph examinations**

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1. Implementation of Polygraph Condition in England and Wales.

1.1 Summary of plans for delivery

- 1.1.1 Processes are being put in place for polygraph examinations to be provided in specific (to be defined) locations in each NPS Division by a centrally-run team of trained polygraph examiners. The examiners are NPS staff experienced in working with sexual offenders and high risk cases. The Polygraph Team will be trained, and their subsequent practice quality assured, to standards set by the American Polygraph Association (APA), through a Polygraph Training School provider, Behavioural Measures, experienced in post conviction sex offender testing (PCSOT) working under contract with NOMS. *Examiners must train and pass examinations in both polygraph testing and PCSOT to standards accredited by the APA, see paragraphs 2.5.3 & 2.6.5.*
- 1.1.2 A network of NPS senior managers has been established, and will be maintained, through whom staff in NOMS Sex Offender team will work to ensure that staff managing sex offenders with a polygraph condition are kept up-to-date with, for example, training for Offender Managers, referral arrangements for examinations etc etc.
- 1.1.3 *All Offender Managers supervising sexual offender cases with a polygraph condition must have attended Offender Manager Training, either provided by NOMS or cascaded locally by staff trained by the NOMS team.*

1.2 "Polygraph test" or "polygraph examination": wording used in this document

The term polygraph 'examination' rather than 'test' is preferred when discussing the polygraph. However, historically the word 'test' has been used. Indeed, it is used in the wording of the licence condition itself. 'Examination' should be used where-ever possible, but it is acknowledged that this will not always be consistent.

1.3 Criteria for imposition of Polygraph licence condition

It will be necessary for offenders to fulfil 2 criteria before a polygraph condition can be imposed. *They must meet both the legal criteria and the NOMS eligibility criteria.*

Legal criteria

- 1.3.1 The legal criteria for the polygraph condition is the same as it was in the NOMS pilot and as laid out in section 28 of The Offender Management Act 2007 (recorded in full in [Annex 1](#)), that is, it can be applied to:
- Offenders age 18 or over
 - Released on licence from a sentence of 12 months or more for a relevant offence to an address in England or Wales
 - A relevant offence includes all offences listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 (**specified sexual offences**) and its Scottish and Northern Irish equivalent (see [Annex 2](#), for the full list)
- 1.3.2 The agreed wording for the licence condition that the Offender Manager should request of the Parole Board or the Governing Governor, dependant on offender's sentence (see below, paragraph 2.3.3 & 2.3.4), is:

To comply with any instruction given by your Offender Manager requiring you to attend polygraph testing. To participate in polygraph sessions and examinations as instructed by or under the authority of your Offender Manager and to comply with any instruction given to you during a polygraph session by the person conducting the polygraph.

1.3.3 Please note polygraph testing is only available as a licence condition. *The legislation stipulates that the polygraph examination must only be used for sexual offenders who are on licence after serving a sentence of 12 months or more. NOMS has given firm assurances to Ministers that the polygraph will only be used in these particular circumstances. Therefore, the polygraph must only be used for sexual offenders who have a licence condition to take the polygraph examination and must not be used for any other offender, including those on release on temporary licence (ROTL) or subject to community orders or suspended sentences. Nor can it be imposed under the new licence and supervision arrangements for offenders serving under 12 months as the Act specifies sentences of 12 months or more. It must not be used on a voluntary basis for any offender under any circumstances.*

1.3.4 A polygraph condition can be applied to males or females.

NOMS criteria

1.3.5 In addition to fulfilling the above legal criteria, the approach outlined below, reserving the polygraph condition to serious sexual offenders, was agreed between ministers and NOMS. Requesting a polygraph condition should be informed by the normal risk management processes of the case. Decisions about the appropriate MAPPA management level and consideration of release arrangements, including licence conditions, should be made at least six months prior to release (see 1.3.10 and MAPPA guidance, version 4, paragraph 7.12 pg 44 & PI 11/2014, Licence Conditions, Polygraph Testing and Temporary Travel Abroad, paragraph 1.8). *The polygraph licence condition must be necessary and proportionate to manage the individual's risk: any case assessed as High/Very High Risk of Serious Harm using OASys and High/Very High risk of sexual reoffending using Risk Matrix 2000 (RM2000) would meet this criteria and so must be tested.* There will be cases falling outside of these criteria for whom there are serious risk concerns, so in addition to those offenders who are required to be examined, a limited number of sexual offenders who fall outside of these criteria may be examined on an elective basis each year but only after liaison with, and approval by, the NOMS Sex Offender Team³.

1.3.6 Paragraph Intentionally Blank

1.3.7 NOMS "Required"/"Must be examined" Cases

- a) Offender meets legal criteria above, paragraph 1.3.1
And
- b) An up-to-date OASys risk of serious harm assessment is that the offender will pose a high (H) or very high (VH) risk of serious harm (RoSH) on release;
And
- c) For male sex offenders, the RM2000S score is H or VH.

Offender Managers should seek a polygraph condition for all such offenders. This should be discussed in pre-release MAPPA meetings (see 1.3.10) and sought via PAROM 1 or PD1 reports, see section 2.3, below. *Authorisation from NOMS is not required for these cases but the Offender Manager must make a timely referral to*

³ For further information and for all referrals for cases that do not meet the criteria for the polygraph examination please contact

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the NOMS sex offender team in the Offender Management and Public Protection Group, using the “Polygraph Examination Combined Referral and Notification Form” available on Epic, and included for information in [Annex 5](#)). Information about how to do this will follow, after the polygraph examiner team is trained and established in post.

1.3.8 NOMS “Elective”/“May be examined”/“Discretionary” Cases.

NPS Divisions will be given a limited capacity to examine offenders who satisfy condition (a) but fall outside of (b) and (c) above, to account for offenders whose static risk assessment (RM2000S) is not H or VH but for whom there is evidence of dynamic risk factors which point to an imminent risk of sexual reoffending on release. The Offender Manager should consider such cases, as advised below, and as part of the pre-release MAPPA process (see 1.3.5), then seek authorisation from the NOMS Sex Offender team.¹⁶

1.3.8.i **Female Sexual Offenders**

- RM 2000 cannot be used to assess sexual reoffending for female sexual offenders so all female offenders will fall outside of the “must be tested” criteria. Generally, the condition should be considered where the OASys ROSH is high/very high and other information indicates they are also a high/very high risk of reoffending.
- The OASys RoSH assessment should be completed after the NOMS Framework for Assessment and Work with Women Sexual Offenders (WSOs) has been worked through with the woman. Where this has not been done pre-release, it may on occasion be necessary for the Offender Manager to approach the prison/Parole Board after the offender has been released, and after assessment using the WSO Framework, if a polygraph condition is considered a necessary and proportionate way of managing the risk.

1.3.8.ii **Offenders whose only sexual offence predates their 16th Birthday**

- All male offenders whose only sexual offences were committed prior to their 16th birthday (and for whom RM2000 cannot be used to predict reoffending) will fall outside of the “must be examined” criteria. Generally the condition should be considered where the OASys RoSH is high/very high and other information indicates they are also a high/very high risk of reoffending.

1.3.8.iii **Other cases where the Polygraph condition may be sought**

In addition to the cases above, there will be limited capacity, managed from NOMS HQ, to test some offenders who do not meet the high risk of reoffending and high risk of harm criteria. This will enable Offender Managers to account for offenders whose static risk assessment (RM2000S) is not H or VH but for whom there is evidence of dynamic risk factors which point to an imminent risk of serious harm through sexual reoffending on release. For example, an offender who is about to be released after one serious sexual offence will not score highly on RM2000. If such an offender, irrespective of completing a treatment programme in prison, was displaying or expressing offence-supportive beliefs, for example that they intended to pursue their victim on release, or intended still to seek out vulnerable women with children whom they might groom, then it would be appropriate to argue for a polygraph condition to help manage this offender.

There may also be cases for offenders who have a history of non-compliance with previous licence conditions such as entering exclusion zones or having contact with

victims, where an argument can be made for a polygraph condition to be necessary and proportionate to manage their risk.

- 1.3.9 *As stated at the beginning of this section, authorisation must be sought from NOMS HQ for all elective/"may be tested"/"discretionary" cases.*

MAPPA interface arrangements

- 1.3.10 *MAPPA has a role to play in the oversight of Category 1 offenders and Offender Managers and relevant partners must refer sexual offenders in custody, who are potentially eligible for the polygraph condition, into MAPPA at least 6 months prior to release. Given the high RoSH and re-conviction profile of the "must be tested" polygraph cohort, and that the "elected" cases will be high RoSH, it is expected that the majority of eligible offenders will be managed at MAPPA Level 2 and 3. In relation to MAPPA Level 1 cases, Offender Managers and local managers need to be satisfied that single agency management is sufficient to manage both the likely risk of harm and the multi agency coordination. For offenders managed at MAPPA Level 2 and 3 the Offender Manager must alert the relevant MAPPA meeting of the requirement for a polygraph condition and agree with MAPPA partners the role it will have in the risk management plan.*

Offenders for whom a polygraph condition is NOT appropriate

- 1.3.11 The vast majority of offenders, if eligible, will be suitable for polygraph examinations.

Some conditions that will mean it is inappropriate to undertake a polygraph examination may only manifest themselves on the day of the appointment, for example, being under the influence of drink or drugs, or running a fever or temperature such that this may interfere with the test itself. The polygraph examiner will make an assessment before each and every examination about every offender's fitness for the examination. A health questionnaire is completed before every polygraph examination. If the offender is ill, a new appointment will be made in due course. If drunk or under the influence of drugs, this information will be given to the Offender Manager who will decide on the appropriate enforcement action and a new examination will be arranged as soon as possible. If a serious condition has developed since the offender's referral or the previous test, the polygraph examiner will seek advice and/or confirmation from the offender's medical practitioner before an examination is commenced.

1.3.12 The Polygraph Examination.

A polygraph examination requires that the offender:

- Is able to sit still for the duration of the actual testing phase of each test (3 or 4 spells of 3 – 6 minutes per test)
- Is able to understand the difference between telling the truth and lying
- If the offender has any physical or psychological problems which may suggest the polygraph examination is not possible or suitable, the Offender Manager should notify the examiner and an assessment will be made regarding suitability. However, in most cases, providing the offender is able to understand the difference between the truth and telling a lie there are very few situations where the examination should not be carried out.

- 1.3.13 Accommodation can be made even for some serious medical conditions, for example, some heart conditions, when the electronic traces related to breathing rather than heart or pulse rate will be used to determine the result of the examination.

- 1.3.14 Offenders with deficits in some cognitive functioning may not be suitable for polygraph testing. Someone with memory impairment, including but not limited to, people with dementia, would not be appropriate for testing. Offenders with learning disability can be tested, but with some caution. If the Offender Manager is unsure they can discuss it with the examiner (who has access to expert advice from the Polygraph School provider) and/or advice can be sought on a case by case basis from the NOMS sex offender team
- 1.3.15 Offenders with some serious mental illness conditions would not be appropriate for polygraph examinations, for example, if an offender was acutely psychotic, hypomanic, or had more than mild depression. As in the case of cognitive impairment the Offender Manager should seek the advice of the examiner or the NOMS sex offender team.
- 1.3.16 If in doubt, the Offender Manager will be advised to seek the condition and an assessment about whether to go ahead will be made after release. The condition can be deleted if the offender is never going to be suitable for a polygraph examination.
- 1.3.17 Experience from the NOMS pilot was that some offenders tried to avoid the polygraph, citing various health grounds: only a small proportion of these cases were subsequently found to be unsuitable for testing.

2. **Practice Guidance: seeking and managing polygraph conditions**

2.1 As mentioned at paragraphs 1.3.5 & 1.3.10, the process for seeking a polygraph condition should begin with pre-release planning (setting the level of MAPPA management will be the first task if this has not already been decided) either at least 6 months before release (for determinate sentenced prisoners) or prior to the preparation of a PAROM for Parole Board consideration of the release decision for other cases. *Offender Managers must ensure that the condition is necessary and proportionate in order to manage and/or reduce the risk of further offending of any nature. This will be determined by the offender's identified risk factors, which in turn will be based upon his/her previous offending (paragraph 1.8, PI 11/2014, Licence Conditions, Polygraph Testing and Temporary Travel Abroad).* Prisoners meeting the NOMS criteria (see above, paragraphs 1.3.5 – 1.3.9) will satisfy the necessary and proportionate tests. *In cases where a victim is in contact with the Victim Contact Scheme (VCS), the Offender Manager must liaise with the VLO to enable the victim's views about licence conditions to be represented at MAPPA meetings and for them to make representations to the Parole Board if they choose to do so.* (see part IV, PI 48/2014, Victim Contact Scheme Guidance Manual). The process of securing the additional condition in the licence involves a decision by the Parole Board in the case of indeterminate sentenced prisoners and by the governing governor of the releasing prison for determinate sentenced prisoners.

2.2 **Correct wording of Polygraph Condition**

The wording of the condition is the same whichever type of licence is issued to an offender. The PAROM or PD1 should request that an additional condition for polygraph testing be included in the licence, detailing the agreed wording:

To comply with any instruction given by your Offender Manager requiring you to attend polygraph testing. To participate in polygraph sessions and examinations as instructed by or under the authority of your Offender Manager and to comply with any instruction given to you during a polygraph session by the person conducting the polygraph.

2.3 **Guidance for preparation of reports seeking a Polygraph Condition**

2.3.1 **Parole Board cases: PAROM reports**

Consideration of the imposition of appropriate licence conditions forms part of the PAROM 1 report that Offender Managers should provide to the Parole Board 18 weeks (as per Generic Parole Process requirements: see PI 18/2012 - [PSI 36/2012](#) in relation to Parole Board cases for ISPs: see PI 09/2013 – [PSI 19/2013](#) for Parole Board DCRs, Extended Public Protection (EPPs) and Extended Determinate Sentences (EDS) cases) before the beginning of the month in which an offender's release is due to be considered by the Board. *Management of the offender's risk must be addressed whether or not release is recommended by the Offender Manager as release may be directed by the Parole Board, irrespective of the Offender Manager's view. Therefore, the Offender Managers must address consideration of the polygraph condition for all "required to be examined" cases and make the case, if appropriate, for "elective" cases.*

2.3.2 Offender Managers may find the example below useful in formulating appropriate wording for this section of the PAROM1.

'The Secretary of State for Justice secured legislation in July 2013 to make a new licence condition available which requires certain sexual offenders to be subject to polygraph examinations. Those sexual offenders who are assessed as High Risk of Harm and High Risk of Sexual Reoffending, who are aged 18 years and over and due for release on licence from 6 January 2014 should be considered for the

polygraph testing condition to be included in his/her licence. Mr/Ms (name of offender) meets the criteria for polygraph testing and I consider that the inclusion of this condition would be necessary to manage the risks posed by this offender. Such a condition would enable Mr/Ms (name of offender) to be questioned about compliance in relation to other licence conditions and risk-related behaviours and, depending on the polygraph findings, would enable appropriate actions to reduce/manage the risk to be taken accordingly. The Parole Board may therefore wish to consider this licence condition for Mr/Ms (name of offender) if release is directed at this hearing.'

- 2.3.3 The following wording for Parole reports is suggested for those sexual offenders who may be low or medium risk of sexual reoffending for whom Offender Managers consider "elective"/"discretionary" examinations appropriate after seeking authority to do so by NOMS HQ (see paragraph 1.3.8).

'The Secretary of State for Justice secured legislation in July 2013 to make a new licence condition available which requires certain sexual offenders to be subject to polygraph examinations. Those sexual offenders who are assessed as High Risk of Harm and High Risk of Reoffending, who are aged 18 years and over and who are due for release on licence from 6 January 2014 should be considered for the polygraph licence condition. As already outlined in the risk section of this report, Mr/Ms (name of offender) does not meet[insert relevant information] However, I consider that polygraph testing is necessary to manage the risk posed because[insert your reason] and that it is proportionate because[insert your reason]

Examples of reasons

Example 1: L/M risk of sexual reoffending, previous history of non-compliance linked to negative attitude towards victim

Whilst in custody Mr/Ms (name of offender) has expressed feeling anger towards his/her victim and continues to assert that s/he has been the victim of a miscarriage of justice regarding his/her guilt. In addition, during a previous period on licence, s/he failed to comply with the conditions of his/her exclusion zone and made attempts to contact the family of his/her victim. If release from custody is directed, polygraph examinations would, in my view, assist in monitoring whether or not Mr/Ms (name of offender) is complying with his/her licence conditions and enable the appropriate actions to take place in order protect others if s/he is not.

Example 2: M risk of sexual reoffending, VH RoSH

Mr (name of offender) is at medium risk of sexual re-offending using RM2000. This is because, despite the seriousness of the offence, this is his first conviction. As stated earlier, some of the dynamic risk factors that were present at the time of the offence have been reduced, and though expressing determination to comply with a condition not to contact his victim, with whom he is still infatuated, and to abstain from alcohol, a very long-term problem until his incarceration, this resolve is as yet untested in the community and so his risk of serious harm is assessed as very high. I believe that a polygraph testing condition that will question his compliance with the licence conditions and the aims of supervision will assist in the management of this case and is necessary and proportionate to manage the risks.

2.3.4 **Determinate sentenced prisoners (non-Parole Board): PD1 forms.**

For most determinate sentenced prisoners (except those that come under the Parole Board's consideration, see above) licence conditions should be requested

via the Pre-discharge form – the PD1. Additional licence conditions are approved by the Governing Governor of the prison in which the offender is detained prior to release. Offender Managers should receive the PD1 form from the prison at least 13 weeks before the expected release date. *Offender Managers must complete section B of the PD1 form and must provide a full explanation as to why additional conditions are deemed necessary and proportionate. Wherever possible, **this must be completed by the required deadline of no later than 28 days before the offender's release.*** (PI 11/2014: Licence Conditions, Polygraph Testing and Temporary Travel Abroad, paragraph 2.11)

Examples of wording for section B of PD1.

Example 1.

Mr (insert name) is assessed as presenting both a high risk of sexual reoffending using Risk Matrix 2000 and a very high risk of serious harm using OASys. Management of his risk would be improved by the addition of a polygraph condition and the polygraph examination will be used to monitor his compliance with the “no contact condition”, also requested, as well as with other objectives of supervision such as his use of alcohol. Mr (insert name) meets the legal criteria for the polygraph condition and it is both necessary and proportionate to manage the risks he will present on release.

Example 2.

An assessment has been made of the risks that Ms (insert name) will present on release using the NOMS Framework for the Assessing and Working with Women Sexual Offenders. The conclusion is that she presents a significant risk to young children and that a polygraph condition is both necessary and proportionate to manage the risks by, for example, monitoring her adherence to another licence condition relating to the disclosure of all new adult relationships to her Offender Manager.

2.4 Inserting a polygraph condition into a licence without a condition included.

- 2.4.1 There will be offenders on licences which began before polygraph examinations were available through an additional licence condition, or who did not meet the criteria for testing when first released. The condition can be inserted post-release if, as is true with the insertion of any extra licence conditions, the case can be made through application to the Parole Board or the releasing governor, according to the case (see 2.3 above), that the condition is necessary and proportionate to the management of the case, ie the condition can not be requested for these cases just because it is now available. The advice contained in the paragraphs above in relation to making the case and suggested wording applies.
- 2.4.2 For those released since 6 January 2014, without a condition, who meet the NOMS criteria for testing (see paragraph 1.3.5 – 1.3.9) and who have been successfully managed for a period of time, it will be necessary to demonstrate a change of circumstances that require the polygraph condition.
- 2.4.3 *Such cases will be treated as “elective”/“may be tested”/“discretionary” and as such authorisation must be sought from the NOMS sex offender team.*

2.5 Arrangements for the provision of polygraph examinations.

Polygraph team.

- 2.5.1 A team of trained and qualified polygraph examiners, recruited from experienced NPS Offender Managers from across the England and Wales, will provide polygraph

examinations for offenders released on licences with the additional condition. Divisions will have named examiners assigned to them. Arrangements will be agreed between NOMS and the Divisional SPOC (see main Probation Instruction, Paragraph 1.22) of how supervisory oversight of the examiners will be jointly managed.

- 2.5.2 Where possible the examiners will provide testing in the Division to which they will be assigned, but where leave or sickness cover, or demand spikes dictate, there will be some cross over in the examination sites each examiner covers.

Training and Quality Assurance of testing and examiner's practice.

- 2.5.3 The Polygraph Team will be trained through a Polygraph Training School provider experienced in post conviction sex offender testing (PCSOT) working under contract with NOMS. *Examiners must train and pass examinations in both polygraph testing and PCSOT to standards accredited by the American Polygraph Association (APA). At least 20 post conviction examinations must be undertaken under the supervision of an APA examiner before a "new" examiner is qualified to practice.* There is a requirement to undertake a minimum of 15 hours per year of "continuing development training" to ensure examiners keep up-to-date with current developments which will also be provided by the Polygraph Training School provider.
- 2.5.4 In order to ensure that the rules of the APA are fully applied regarding the implementation and subsequent provision of polygraph examinations the following will take place:

- NOMS will have full oversight of all documentation used in the polygraph including referral forms, polygraph reports, offender leaflets and agreements;
- NOMS will monitor the outcomes of polygraph examinations regarding actions taken by offender managers, for example recalls and other enforcement actions;
- NOMS will quality assure the work of the polygraph examiners on an ongoing basis. This will be done in collaboration with Behavioural Measures, the polygraph school that has been awarded the contract to deliver polygraph training and quality assurance measures. This will include oversight of the quality and content of final reports and entries on N Delius;
- NOMS has a nominated Assistant Chief Probation Officer, Project Lead, for the implementation of the polygraph who will have a national role in ensuring that polygraph examinations are carried out to APA standards in collaboration with Behavioural Measures;
- The NPS has a Deputy Director who is the national lead for the strategic and operational delivery of polygraph examinations.

Testing Sites.

- 2.5.5 In order to maximise the number of polygraph examinations each examiner can undertake each day, testing locations will be limited. Actual locations will be determined locally and through agreement between the examiners/NOMS and Divisions, taking into account both the whereabouts of the offenders referred for polygraph examinations and the practicalities of the examiners' schedules

Referral and polygraph examination arrangements.

- 2.5.6 Arrangements will be put in place and cascaded into Divisions via NPS Public Protection leads or other designated senior management leads and the local polygraph examiner once they are confirmed. A notification and referral form has

been developed and will be available through Epic and Divisional SPOCs (see [Annex 5](#) for a copy of the form)

A brief indication of what will be required at key stages pre and post release is outlined below.

Pre-release:

- Offender Manager completes “Polygraph Examination Combined Referral and Notification Form” (available on Epic, copy at [Annex 5](#)) and sends to NOMS sex offender team with details of the offender for whom polygraph condition will be requested, including:
- Probation system identifying data, date of birth, prison number etc
- expected release date

Immediately Post-release:

- Offender Manager confirms to the local examiner that an offender has been released, within 5 working days of release
- Examiner will liaise with Offender Manager to arrange first examination, normally within 8 – 16 weeks of date of release. The polygraph examination should take place early in the licence period but after sufficient time has elapsed for aspects of an offender’s behaviour to be tested.

Post-release, first test

- Examination details are confirmed
- Offender informed of arrangements by Offender Manager who prepares offender for the examination (see 2.6, below) and offender provided with travel costs (if appropriate), to attend examination.
- Offender Manager and Polygraph Examiner agree how immediate post-test feedback will be provided if the OM is not able to attend the post-test phase of the examination
- Examiner prepares polygraph report within 5 working days of the examination and places it on N-Delius, informing the Offender Manager via e mail when the report is “posted”
- Examiner informs the Offender Manager of time frame of the next test (within 4 weeks if result is “inconclusive” or “suspected countermeasures used”; in approximately 3 months if “deception indicated”; in approximately 6 months if “no deception indicated”).

Post-release, subsequent tests

- Examiner will liaise with Offender Manager about date of next test not later than 3 weeks before the test date.
- Subsequent action as per first test arrangements”

Cancelling tests and/or informing about recall to custody.

- *Offender Manager must inform the examiner immediately if a test needs to be cancelled/rearranged and provide reason why*
- If the offender will still be appropriate for the Polygraph Condition on re-release a new referral will be required
- *Offender Managers must inform the polygraph examiner if the polygraph condition has been removed from an offender’s licence (see 2.11)*

Providing information to the ongoing evaluation of the Polygraph Condition.

- arrangements have been made for key information needed for the research team at the Ministry of Justice to be drawn from fields in N-Delius. Information from the referral form, licence release dates, polygraph reports etc to “draw through” into N-Delius to make data collection as simple as possible

- Offender Managers may be required to provide qualitative information to Ministry of Justice researchers regarding implementation of the Polygraph Condition.

2.6 Informing and preparing offenders for a polygraph examination.

- 2.6.1 The Offender Manager should include discussion about the polygraph condition with the offender as part of normal offender management practice from the time when release is being discussed and planned. The implications and practicalities of regular polygraph examinations should be discussed with the offender and every opportunity taken to secure potential compliance and “buy in” from the offender. As well as ensuring the offender understands the restrictive and controlling purpose of the condition, if the offender does comply with his/her licence, the condition can become protective to the offender and a possible route to having licence restrictions lessened if, through managing his/her own behaviour, the assessment of the offender’s risk of serious harm is lowered (see 2.11 –removing condition).
- 2.6.2 Imposition of a polygraph condition should NOT come as a surprise to an offender when he or she is handed their licence the morning of their release. If the Offender Manager is not able to discuss it directly, then the offender can be prepared by the Offender Supervisor in the prison, or – definitely third best – by letter.
- 2.6.3 It is a requirement on Offender Managers to explain licence conditions at the initial induction meeting (see paragraph 1.51 in Probation Instruction 11/2014: Licence Conditions, Polygraph Testing and Temporary Travel Abroad) Though the date of the first polygraph examination is unlikely to be available during the first few supervision sessions, it will normally be scheduled for between 8 and 16 weeks after release, so an offender can be prepared for, and motivated to, comply with his/her polygraph condition.
- 2.6.4 The Offender Manager should provide the offender with the leaflet: “Information about Polygraph Licence Condition” and make sure the offender understands it, at the beginning of the offender’s licence period and remind him/her of it when the date of the polygraph examination draws near. The leaflets will be available from Epic. The more experienced Offender Managers become in the supervision of offenders with the condition, perhaps having observed examinations directly, the better they will be able to explain the process and the mechanics of the process to offenders.
- 2.6.5 Description and requirements of a Polygraph Examination/Session.

The polygraph examination is experienced by most people as a significant and serious event; it feels important. Though the style of an individual examiner will vary, many aspects of the polygraph session (comprising pre-examination, examination/test and post-examination phases) will be standard and are requirements for PCSOT set by the APA. Each examination will include:

- Recording of the entire session using audiovisual equipment
- *Before the pre-test phase commences, the examiner must explain to the offender the requirements and arrangements of the examination and must ensure the offender understands, including that anything disclosed during the session may be communicated to the Offender Manager*
- *The offender must confirm in writing that s/he understands the above, this must be attached to the polygraph report the Offender Manager subsequently receives*
- A pre-test interview which will cover settling the offender into the session, discussing background details of the offender’s history, current situation, the

actual questions that will be asked during the examination etc. An offender may make disclosures at this point.

- One or more polygraph examinations (usual practice will be for the examination to be repeated 3 times). Each examination will comprise one or more comparison questions (a question asked for the purpose of establishing a baseline response, to which the offender's responses to the relevant questions will be compared) and at least one but not more than four, relevant questions (a question asked for the purpose of monitoring compliance with the offender's licence conditions or improving the management of the offender – see also 2.7.2)
- A post-test interview in which the offender's response to the polygraph examinations are discussed and which the Offender Manager may attend. The offender may make disclosures during this phase which explain his/her polygraph examination result
- A polygraph report will be produced and sent to the Offender Manager within 5 working days of the examination which includes details of all questions and answers during the examination and the examiner's conclusions and details of any disclosures made.

The length of the polygraph examination appointment surprises many offenders: at between 1 1/2 to 2 1/2 hours it will be longer than most regular supervision appointments and the offender may have to travel further than usual. Nothing will hurt the offender but it is quite difficult and it may be uncomfortable for some to sit very still, as required for the polygraph testing equipment to function properly, for the examination questions. Being prepared for the test will make it easier to cope with.

2.6.6 *The Offender Manager must inform the offender of the date, time and venue of the test at the next appointment following the receipt of details of the test from the polygraph examiner, or, immediately, by letter if the polygraph test falls between supervision appointments.* The Offender Manager should confirm that the offender knows how to get to the testing venue and provide him/her with whatever financial/travel warrant assistance they may be due to.

2.6.7 If the Offender Manager is going to be present at the post-test phase of the examination (highly recommended as best practice, see below, 2.7.3), the offender should be informed.

2.7 Offender Manager's role prior, during and post polygraph examinations.

2.7.1 *Offender Managers must make themselves available for a telephone conversation with the polygraph examiner (the examiner will initiate contact) during the working week preceding a polygraph examination to discuss and agree the questions that will be put to the offender during the test.* The actual construction of the questions will be the responsibility of the polygraph examiner, who will have received specialist training in this area. The role of the Offender Manager will be to flag up the areas that concern them with regard to risk management, the offender's current attitude, health, compliance etc and the examiner will devise suitable questions to give the Offender Manager the information they need to assist in the management of the case.

2.7.2 Test questions

The following hints might be helpful with regard to the formulation of questions:

- Questions can be aimed at enforcing licence conditions but don't have to be e.g. 'have you had any contact with (name of victim) in the past 6 months?'

- Questions can be about 'dynamic risk factors' (that is, factors that can change and might point to heightened risk). Some useful areas to look at might be:
 - Contact with known victims
 - Contact with potential victims (e.g. children)
 - Hobbies etc that might lead to contact with children
 - Employment – paid or unpaid
 - Getting into fights
 - Sexual pre-occupation
 - Use of pornography
 - Contact with prostitutes
 - Sexual thoughts they cannot control
 - Collapse of social supports
 - Substance abuse
 - Developing relationships
- Questions should focus on objective not subjective matters - e.g. it would be better to ask 'have you touched a child in the past three months' than 'have you sexually abused a child in the past three months'. This is because the offender might have touched a child but might not believe that this constitutes sexual abuse.
- Avoid 'cognitive distortions', ie questions that depend on the offender's interpretation of the world. For example, if an offender believed children are able to consent to and enjoy sex, s/he might answer questions according to this belief and consequently pass the test. Questions should be about actions rather than beliefs.
- Direct questions about licence conditions are fine.
- Questions should be 'closed', i.e. they should have a 'yes' or 'no' answer. 'Open' questions are not suitable for polygraph examinations.

2.7.3 Post-test phase of examination.

In the pilot, Offender Managers were encouraged to attend the post-test phase of the examination and those who did found doing so very valuable. The practicalities of national roll out and polygraph examination sites being limited to a few locations per Division will mean Offender Managers may not be able to prioritise such attendance, but where it is possible, it is advisable. Irrespective of the test result, the examiner will be able to report to the Offender Manager, in the offender's presence, any information that was gained in the pre-test phase of the tests. This can be particularly important where an offender has disclosed relevant information before being tested, knowing that he would fail the test if he didn't. The offender can be given "due credit" for "coming clean" at an early stage and then going on to tell the truth, irrespective of the action that might follow the disclosure.

- 2.7.4 An offender who has failed the test (result "deception indicated/DI"), will be given the opportunity to explain the test result in the post-test phase of the examination. This is another opportunity to disclose information, and though the Offender Manager will receive information from the examiner in a report, and possibly verbally, the manner of the offender's disclosure may provide the Offender Manager with useful information.
- 2.7.5 Similarly, direct observation of an offender's reaction to being told s/he has failed the test is generally more helpful than gaining the knowledge second hand.
- 2.7.6 A Offender Manager's presence at the post test phase when the result is that the offender "passed" the test can be very affirming and a potential source of positive reinforcement for those offenders making good progress on their licences.

2.7.7 *Where it is not possible to attend, Offender Managers must provide the examiner with details of how they can be contacted immediately after the test if there are any urgent risk-related actions requiring immediate follow up. Where they know they will not be available after the test, information must be given to the examiner of who to contact in their absence and how to make contact.*

2.8 Integrating polygraph test results into the management of the offender.

2.8.1 *If, immediately following a polygraph examination, the Offender Manager receives information from the examiner (during 3 way meeting or by phone) that indicates an imminent risk to the public or named victim/s, the Offender Manager must consult with a manager and initiate appropriate action, for example, inform the police and victim liaison officer if a previous victim is at risk, instigate emergency recall, seek to verify the information.*

2.8.2 A polygraph report will be placed on the offender's electronic N-Delius record within 5 working days of the polygraph test by the examiner and the Offender Manager will be notified by e mail that the report has been put on the system. At a minimum, the report will contain a brief note of what was discussed in the pre-test phase of the examination, the questions asked in the testing phase, the test results and the offender's response in the post-test phase of the polygraph examination.

2.8.3 In addition, there may be explicit, offence-related information gathered in the pre-test phase of the examination in the report that the Offender Manager may be learning of for the first time. In the same way that post-session programme reports can enhance supervision, so might information from the polygraph report be useful to management of sex offenders with polygraph conditions. Direct use of the report in supervision will be particularly important if the Offender Manager has not been able to attend the 3 way meeting in the post-test phase of the examination.

2.8.4 *Offender Managers must consider the information gained from the test results/report, alongside the offender's response to the whole process and review the assessment of risk of serious harm and/or the management of the case accordingly. Actions must be recorded on N-Delius. An entry must be made on ViSOR if information emerges about risk issues, the test result per se, or in isolation, should not be recorded. The Offender Manager must communicate salient information directly to partners in other agencies involved in the direct management of the offender.*

2.8.5 Experience gained during the NOMS Polygraph Pilot suggested that Offender Managers¹ sometimes struggled to decide on what to do if the test result was "deception indicated" if the offender was not forthcoming in offering any explanation. A sound guiding principle is: treat the information as any other piece of 3rd party information received about which the offender is aware. Address the issue "head on" with the offender and try to verify it. If, for example, the test questions probed compliance with a "no contact" condition or entering an exclusion zone, Offender Managers could share this information with Police colleagues, the offender's family (in his/her presence since the offender will be aware of the test result), and it can be made clear that s/he may be subject to extra checks, close circuit TVs may be checked etc. (see 2.9.7)

2.8.6 A re-test will be organised within 3 months of the failed test, unless, in the meantime, information emerges which would result in recall.

2.8.7 Where the test result is NDI, this will provide information to the Offender Manager to give encouragement and positive feedback to the offender. It is unlikely that the risk

assessment will be altered after a first polygraph examination, but several NDIs in a row may, alongside the offender's general response to supervision and progress against supervision objectives, allow an adjustment downwards of the offender's risk of serious harm and consideration about applying to delete the polygraph condition (see below 2.11).

- 2.8.8 If the polygraph examinations establish that the offender is complying with his/her licence conditions and whatever supervision objectives the polygraph has been used to probe, and risk is still high enough to continue testing, it may be possible to use testing to make progress on other supervision or treatment objectives. A discussion between the Offender Manager and the polygraph examiner would be needed to design appropriate test questions.

2.9 Enforcing the Polygraph Condition

- 2.9.1 As previously stated, Sections 28 – 30 of the 2007 Offender Management Act provide the Secretary of State with the authority to include polygraph testing as a condition of a prisoner's release from prison on licence. The polygraph condition requires the released person to participate in the polygraph sessions as instructed and comply with the instructions given to him by the person conducting the session.
- 2.9.2 If the polygraph examination indicated that the released person was potentially failing to tell the truth this would not, in itself, be a breach of the licence condition. Therefore, any statement made or physiological reaction of, the released person, during the polygraph session, would not be evidence that the released person had breached his/her licence condition and should not lead to enforcement proceedings being undertaken.
- 2.9.3 However, if the offender admits to, or discloses about, behaviour that would constitute a breach either before taking the polygraph test, or afterwards when "explaining" a failed test result, enforcement proceedings may follow.
- 2.9.4 Failure to attend or comply with the polygraph session as instructed would constitute a breach of the licence condition. At this point the Offender Manager should respond in the most appropriate and proportionate manner.
- 2.9.5 In either of the above scenarios, actions to a failure to comply with the polygraph condition, or to admitting breaching other conditions, could include:-
- Immediate recall
 - Warning letter from Assistant Chief Officer grade
 - Breach warning letter from the Offender Manager
- 2.9.6 When deciding the most appropriate and proportionate response to a breach of the polygraph licence condition issues such as past compliance, current behaviour and risk of serious harm should be considered.
- 2.9.7 As already stated, information from the polygraph examination may raise concerns about the released person's current behaviour and potential level of risk of serious harm. In these circumstances the Offender Manager could liaise with the local police public protection team to raise levels of surveillance, and/or to inform investigation and monitoring under the released persons sex offender registration status. This could result in a discussion with the local MAPPA manager and possibly a referral to MAPPA for a Level 2/3 discussion.
- 2.9.8 It is possible that, following investigations undertaken as a result of indications obtained through the polygraph session, the released person then becomes subject

to appropriate and proportionate enforcement procedures, but not for failing the test itself.

2.9.9 Recall to custody will be appropriate where the behaviour indicates the offender presents an increased risk of harm and/or an increased risk of further offending. *Offender Managers must follow the instructions and guidance in PI 27/2014 - [PSI 30/2014 – AI 22/2014](#) - Recall, Review and Re-release of Recalled Offenders.* The details of whether the polygraph condition itself has been breached, or whether the use of the polygraph has indicated different condition/s, including the standard conditions of good behaviour, has been breached. *As with all recalls, evidence must be given in Part A, The Recall Report, of the recall documentation that the deterioration in behaviour/compliance leads to an assessment of increased risk.* The date of any relevant polygraph examination should be detailed and information from the polygraph report and/or discussion with the polygraph examiner included as this will be part of the information used by the Public Protection and Casework Section to decide on the appropriateness of recall.

2.9.10 *The VLO, if involved, must be informed by the Offender Manager when recall has been instigated and again when the offender has been arrested (PI 48/2014, “Victim Contact Scheme Guidance Manual”, section 35)*

2.10 Re-release.

2.10.1 The vast majority of recalls on sexual offenders subject to the polygraph condition will be subject to standard recall and so a 28 day Risk Management Report (Part B of the recall paperwork) should be prepared within the required timescales once the offender is returned to custody. It is likely that a polygraph condition will be appropriate on re-release and so this should be made clear in section 12.3 of the form (see PI 27/2014).

2.10.2 Where the offender requests it, or the case demands it, an oral hearing to consider the recall decision and possible re-release will be scheduled. PPCS caseworkers may ask for a copy of the Polygraph Report, and/or the polygraph chart printouts, and/or the recording of the polygraph session for the dossier and the attendance of the polygraph examiner as well as the Offender Manager at the oral hearing. *If the DVD recording or chart printouts are requested, the Offender Manager must liaise immediately with the polygraph examiner to arrange for extraction of the recordings from the archive which will be held by the NOMS sex offender team. The Offender Manager must also inform the examiner immediately if their attendance at the hearing is required.*

2.10.3 There may be offenders coming up to re-release who were not subject to a polygraph testing condition because it was not available at the first time of release, these offenders should be considered for the additional condition and if they meet the criteria, and the condition is necessary to help manage the risk, the condition should be requested on the form. The wording suggestions at section 2.3, adapted for re-release may be helpful.

2.11 Discontinuing testing for those with the condition in their licence.

2.11.1 It will be the case, particularly with offenders on long licences, that an offender who presented a high or very high RoSH on release, will make changes and demonstrate consistent compliance such that his/her RoSH will fall to medium or low. An offender's RM2000 risk level might also reduce due to change in age category by virtue of him getting older. In the short term, the Offender Manager may decide not to apply the condition. If risk remains lowered and it is felt the condition is no longer necessary and proportionate to manage the offender, the

Offender Manager should apply to vary the licence by removal of the condition as per paragraph 2.55 – 2.56 of P111/2014: Licence Conditions, Polygraph Testing and Temporary Travel Abroad. Application to remove the condition should be made to the Governor in the case of determinate sentenced prisoners or to the Parole Board, via Public Protection Casework Section (PPCS) (Pre Release cases should be sent to James.Hough@noms.gsi.gov.uk and Post Release cases to sajida.zafar@noms.gsi.gov.uk) for ISPs. *If the condition is deleted then the Offender Manager must contact the Victim Liaison Officer.*

2.12 Storage of polygraph records/data access requests.

2.12.1 Once produced, the polygraph report written by the polygraph examiner, will be uploaded on to the Probation recording system, N-Delius, for use with the offender and storage on the probation file. Copies of the report will be retained by the Polygraph Team for a period of time for audit purposes (see 2.5.3). Any requests for data access by an offender to see his or her polygraph report should be dealt with in the same way as any other request for agency data, according to agency policy. It is crucial to ensure that any information within the report which might identify a victim, if the report were to go beyond the offender, is redacted from the report.

2.12.2 The electronic recordings of the offender's physiological responses to the test (heart rate, galvanic skin response etc), displayed as charts, will be printed out from the polygraph examiner's lap top, within a few days of the examination (after which they will be deleted from the hard drive) by the examiner and stored in a securely by the NOMS sex offender team. All such print outs will be kept for 6 years after the expiry of an individual's licence. If an offender requests access to this information, the request should be directed to the NOMS Sex Offender Team via the local polygraph examiner.

2.12.3 All digital recordings of polygraph sessions will be downloaded onto a DVD by the examiners after which the recording will be erased from the hard drive of the polygraph examiner's equipment. The DVDs will be stored by the examiner in a secure cabinet on NPS premises, probably in the examiner's office, pending long term storage by the NOMS sex offender team. As with the print outs, all such DVDs will be kept for 6 years after the expiry of an individual's licence. If an offender requests access to this information, the request should be directed to the NOMS Sex Offender Team via the local polygraph examiner.

2.13 Complaints.

2.13.1 From Offenders

- i) Any complaint from an offender should be made, via the Offender Manager, according to the NPS Division's complaints policy and procedures. This information is included on the information leaflet that the offender should be given at the beginning of the licence period. The appropriate person in the Division should then arrange to answer the offender's complaint.
- ii) Some complaints will require information/input from the NOMS Sex Offender team, for example, if the complaint is about the conduct of a polygraph examiner. Many will be answerable at Divisional level, for example, responding to an offender who does not want to be tested.
- iii) The NOMS Sex Offender team accumulated experience of answering complaints during the pilot and Divisions are invited to seek advice directly from the team.

2.13.2 From Offender Managers & other NPS staff

Any complaint about the processes and/or practices relating to polygraph examinations should be made to the examiner's local line manager who will liaise with the Head of the Sex Offender Team to decide how the complaint should most properly be investigated.

Sections of Offender Management Act 2007 relating to polygraph condition.

The Sections of the Offender Management Act 2007 that enable polygraph testing as an additional licence condition are reproduced below:

28 Application of polygraph condition

(1) The Secretary of State may include a polygraph condition in the licence of a person to whom this section applies.

(2) This section applies to a person serving a relevant custodial sentence in respect of a relevant sexual offence who—

(a) is released on licence by the Secretary of State under any enactment; and

(b) is not aged under 18 on the day on which he is released.

(3) In this section “relevant custodial sentence” means—

(a) a sentence of imprisonment for a term of twelve months or more (including such a sentence imposed under section 227 of the Criminal Justice Act [2003 \(c. 44\)](#));

(b) a sentence of detention in a young offender institution for a term of twelve months or more;

(c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act [2000 \(c. 6\)](#);

(d) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 for a period of twelve months or more;

(e) a sentence of custody for life under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000; or

(f) a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003.

(4) In this section “relevant sexual offence” means—

(a) an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003 (specified sexual offences);

(b) an offence specified in paragraphs 1 to 21 of Schedule 16 to that Act (offences under the law of Scotland); or

(c) an offence specified in Part 2 of Schedule 17 to that Act (offences under the law of Northern Ireland).

(5) In section 250(4) of the Criminal Justice Act 2003 (licence conditions for prisoners serving sentences of imprisonment of twelve months or more etc), in paragraph (b)(i) after “Criminal

Justice and Court Services Act 2000” there is inserted “or section 28 of the Offender Management Act 2007”.

29 Effect of polygraph condition

(1) For the purposes of section 28, a polygraph condition is a condition which requires the released person—

(a) to participate in polygraph sessions conducted with a view to—

(i) monitoring his compliance with the other conditions of his licence; or

(ii) improving the way in which he is managed during his release on licence;

(b) to participate in those polygraph sessions at such times as may be specified in instructions given by an appropriate officer; and

(c) while participating in a polygraph session, to comply with instructions given to him by the person conducting the session (“the polygraph operator”).

(2) A polygraph session is a session during which the polygraph operator—

(a) conducts one or more polygraph examinations of the released person; and

(b) interviews the released person in preparation for, or otherwise in connection with, any such examination.

(3) For the purposes of subsection (2), a polygraph examination is a procedure in which—

(a) the polygraph operator questions the released person;

(b) the questions and the released person’s answers are recorded; and

(c) physiological reactions of the released person while being questioned are measured and recorded by means of equipment of a type approved by the Secretary of State.

(4) In subsection (1)(b) “appropriate officer” means an officer of a provider of probation services or an officer of a local probation board.

(5) An appropriate officer giving instructions as mentioned in subsection (1)(b) must have regard to any guidance issued by the Secretary of State.

(6) The Secretary of State may make rules relating to the conduct of polygraph sessions.

(7) The rules may, in particular—

(a) require polygraph operators to be persons who satisfy such requirements as to qualifications, experience and other matters as are specified in the rules;

(b) make provision about the keeping of records of polygraph sessions; and

(c) make provision about the preparation of reports on the results of polygraph sessions.

(8) The power to make rules under subsection (6) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

30 Use in criminal proceedings of evidence from polygraph sessions

(1) Evidence of any matter mentioned in subsection (2) may not be used in any proceedings against a released person for an offence.

(2) The matters so excluded are—

(a) any statement made by the released person while participating in a polygraph session; and

(b) any physiological reactions of the released person while being questioned in the course of a polygraph examination.

(3) In this section “polygraph examination” and “polygraph session” have the same meaning as in section 29.

Specified Sexual Offences

A Polygraph Condition can be made in the case of offenders sentenced to any of the following offences, as defined in Part 2 of Schedule 15 to the Criminal Justice Act 2003 (specified sexual offences);

PART 2 SPECIFIED SEXUAL OFFENCES

66 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) (rape).

67 An offence under section 2 of that Act (procurement of woman by threats).

68 An offence under section 3 of that Act (procurement of woman by false pretences).

69 An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse).

70 An offence under section 5 of that Act (intercourse with girl under thirteen).

71 An offence under section 6 of that Act (intercourse with girl under 16).

72 An offence under section 7 of that Act (intercourse with a defective).

73 An offence under section 9 of that Act (procurement of a defective).

74 An offence under section 10 of that Act (incest by a man).

75 An offence under section 11 of that Act (incest by a woman).

76 An offence under section 14 of that Act (indecent assault on a woman).

77 An offence under section 15 of that Act (indecent assault on a man).

78 An offence under section 16 of that Act (assault with intent to commit buggery).

79 An offence under section 17 of that Act (abduction of woman by force or for the sake of her property).

80 An offence under section 19 of that Act (abduction of unmarried girl under eighteen from parent or guardian).

81 An offence under section 20 of that Act (abduction of unmarried girl under sixteen from parent or guardian).

82 An offence under section 21 of that Act (abduction of defective from parent or guardian).

83 An offence under section 22 of that Act (causing prostitution of women).

84 An offence under section 23 of that Act (procuration of girl under twenty-one).

85 An offence under section 24 of that Act (detention of woman in brothel).

86 An offence under section 25 of that Act (permitting girl under thirteen to use premises for intercourse).

- 87 An offence under section 26 of that Act (permitting girl under sixteen to use premises for intercourse).
- 88 An offence under section 27 of that Act (permitting defective to use premises for intercourse).
- 89 An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under sixteen).
- 90 An offence under section 29 of that Act (causing or encouraging prostitution of defective).
- 91 An offence under section 32 of that Act (soliciting by men).
- 92 An offence under section 33 of that Act (keeping a brothel).
- 93 An offence under section 128 of the Mental Health Act 1959 (c. 72) (sexual intercourse with patients).
- 94 An offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent conduct towards young child).
- 95 An offence under section 4 of the Sexual Offences Act 1967 (c. 60) (procuring others to commit homosexual acts).
- 96 An offence under section 5 of that Act (living on earnings of male prostitution).
- 97 An offence under section 9 of the Theft Act 1968 (c. 60) of burglary with intent to commit rape.
- 98 An offence under section 54 of the Criminal Law Act 1977 (c. 45) (inciting girl under sixteen to have incestuous sexual intercourse).
- 99 An offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children).
- 100 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).
- 101 An offence under section 160 of the Criminal Justice Act [1988 \(c. 33\)](#) (possession of indecent photograph of a child).
- 102 An offence under section 1 of the Sexual Offences Act [2003 \(c. 42\)](#) (rape).
- 103 An offence under section 2 of that Act (assault by penetration).
- 104 An offence under section 3 of that Act (sexual assault).
- 105 An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).
- 106 An offence under section 5 of that Act (rape of a child under 13).
- 107 An offence under section 6 of that Act (assault of a child under 13 by penetration).

- 108 An offence under section 7 of that Act (sexual assault of a child under 13).
- 109 An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
- 110 An offence under section 9 of that Act (sexual activity with a child).
- 111 An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
- 112 An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).
- 113 An offence under section 12 of that Act (causing a child to watch a sexual act).
- 114 An offence under section 13 of that Act (child sex offences committed by children or young persons).
- 115 An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
- 116 An offence under section 15 of that Act (meeting a child following sexual grooming etc.).
- 117 An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child).
- 118 An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity).
- 119 An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child).
- 120 An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act).
- 121 An offence under section 25 of that Act (sexual activity with a child family member).
- 122 An offence under section 26 of that Act (inciting a child family member to engage in sexual activity).
- 123 An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).
- 124 An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity).
- 125 An offence under section 32 of that Act (engaging in sexual activity in the presence of a person with a mental disorder impeding choice).
- 126 An offence under section 33 of that Act (causing a person with a mental disorder impeding choice to watch a sexual act).

- 127 An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder).
- 128 An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception).
- 129 An offence under section 36 of that Act (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder).
- 130 An offence under section 37 of that Act (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception).
- 131 An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder).
- 132 An offence under section 39 of that Act (care workers: causing or inciting sexual activity).
- 133 An offence under section 40 of that Act (care workers: sexual activity in the presence of a person with a mental disorder).
- 134 An offence under section 41 of that Act (care workers: causing a person with a mental disorder to watch a sexual act).
- 135 An offence under section 47 of that Act (paying for sexual services of a child).
- 136 An offence under section 48 of that Act (causing or inciting child prostitution or pornography).
- 137 An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).
- 138 An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
- 139 An offence under section 52 of that Act (causing or inciting prostitution for gain).
- 140 An offence under section 53 of that Act (controlling prostitution for gain).
- 141 An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).
- 142 An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).
- 143 An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).
- 144 An offence under section 61 of that Act (administering a substance with intent).
- 145 An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).
- 146 An offence under section 63 of that Act (trespass with intent to commit a sexual offence).
- 147 An offence under section 64 of that Act (sex with an adult relative: penetration).
- 148 An offence under section 65 of that Act (sex with an adult relative: consenting to penetration).

149 An offence under section 66 of that Act (exposure).

150 An offence under section 67 of that Act (voyeurism).

151 An offence under section 69 of that Act (intercourse with an animal).

152 An offence under section 70 of that Act (sexual penetration of a corpse).

153 An offence of—

(a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,

(b) conspiring to commit an offence so specified, or

(c) attempting to commit an offence so specified.

3. **Background information: Information about polygraph examinations for sexual offenders, the history of the use of the polygraph with sexual offenders in England and Wales leading up to the introduction of mandatory polygraph testing as now required.**

3.1 In an increasingly risk averse society, particularly with regard to crime, the question as to whether technology can assist in the management of risky individuals is a pertinent one. It raises issues not just about the effectiveness of the technology, but also about the rights of offenders, and indeed, those of potential victims. This part of the guide describes the history leading up to the introduction of polygraph testing for certain sexual offenders on licence in England and Wales. It describes polygraph testing and its application with sex offenders, with reference to the evidence base for polygraphy and how lessons learned from the successful NOMS pilot of the use of mandatory polygraph testing (Gannon et al 2012⁴) informed national roll out.

3.2 The Legislative and Policy Context

In 2005, the Labour Party made a manifesto pledge to test the use of compulsory “lie-detector tests” in the management of convicted sex offenders. This was followed in 2007 by the Government’s Review of the Protection of Children from Sex Offenders⁵, which contained an action to pilot mandatory polygraph tests as a management tool for child sex offenders, and the Offender Management Act 2007 which contained the legislative provision for this. Thus, a pilot was run in which all sexual offenders released on licence to the geographical area covering the East and West Probation Regions underwent mandatory polygraph examinations between January 2009 and March 2012. The pilot was successful (see reference at footnote 1) and after debate in both Houses of Parliament, in July 2013, a new Statutory Instrument⁶ was placed on the statute books. This enabled a polygraph testing condition, as an ‘additional condition’, to be inserted into the licences of certain sexual offenders across the whole of England and Wales from 6 January 2014. A centrally-run, Divisionally-based team of Polygraph examiners, recruited from NPS Probation staff will provide polygraph examinations from September 2014.

3.3 Polygraphy

3.3.1 Polygraph examinations, and their use with offenders, has a lengthy history, particularly in the United States (Grubin, 2006⁷), where post-conviction sex offender testing (PCSOT) has been used with sex offenders since the 1990s, and where many states require polygraph examinations as a mandatory part of a sex offender’s probation or parole. Indeed, polygraphy has had a wide range of applications in the US, including criminal investigations and employment screening.

3.3.2 While there are various types of ‘polygraph test’, most essentially comprise of an interview, delivered by a trained examiner, while various physiological measures of the examinee are recorded using specialised equipment. Modern polygraph equipment consists of a laptop computer linked to devices which simultaneously measure breathing rate, heart rate, blood pressure and galvanic skin response (related to sweating). Changes in these measures are charted over the course of the interview. These physiological reactions are assumed to be associated with

⁴ Gannon, T. A., Wood, J., Pina, A., Vasquez, E. & Frazer, I (2012), Evaluation of the mandatory polygraph pilot. Ministry of Justice Research Series 14/12, July 2012.

⁵ Review of protection of children from sex offenders, Home Office, June 2007 (ref: 280124.CSOR)

⁶ The Offender Management Act 2007 (Commencement No 6) Order 2013

⁷ Grubin, D. (2006), Polygraph Pilot Study: Final Report, National Probation Directorate (available at <http://www.probation.homeoffice.gov.uk/files/pdf/Polygraph%20Pilot%20Report%20-%20July%202006.pdf>)

deception, and it is anticipated that changes or differences in these, charted over the course of the interview, can indicate whether the examinee is being truthful or not. The examiner interprets the chart and indicates whether he or she believes that the interviewee is being truthful or deceptive. If the examinee is considered to be truthful, then they are deemed to have 'passed' the examination. If they are considered to be deceptive, then they are deemed to have 'failed' it. Examinations can also be deemed to be 'inconclusive' – where the examiner cannot judge whether the examinee appears to be being truthful or deceptive.

- 3.3.3 It is important to note that an examinee can only respond to a question (verbally or physiologically) to the best of his or her knowledge. This is an important issue with using polygraphy or any other tool designed to detect deception or facilitate truth telling. The technology is based on the interviewee's reaction to the question posed. Therefore, it does not assess the objective truth; it only interrogates the participant's subjective perceptions of what s/he thinks the question is asking. Consequently, it is important that questions are carefully constructed to focus on behaviours which are unambiguous and are unlikely to be misinterpreted. For example, asking whether an offender had been in a particular street at a particular time would be a more useful question than asking whether an offender had been harassing a victim, as terms like 'harassment' could be misinterpreted.
- 3.3.4 In addition to misinterpreting the examination questions, individuals may deliberately produce physiological responses which confound the polygraph exam by influencing the outcome. These are known as 'countermeasures'. Gudjonsson (1998, cited in BPS, 2004⁸) identified three ways of 'beating' the polygraph: attempting to suppress physiological reactions to relevant questions, through relaxation techniques, biofeedback training (where the participant is given information about their physiological processes which, in theory, allows the participant to exercise better control over these) or hypnosis; attempting to reduce overall anxiety or reactivity, possibly by using drugs; and attempting to augment physiological reactions to control questions, by inflicting physical or mental pain on oneself to reduce differentiation between the relevant question and control question which can indicate deception. However, there is little evidence on the effectiveness of countermeasures (BPS, 2004⁹) and so it is difficult to quantify the impact these have on accuracy when conducting polygraph examinations with different populations. The NOMS pilot included techniques to detect countermeasures and these will also be included in the national polygraph examination arrangements.
- 3.3.5 Despite this history of polygraph usage, the current evidence base in relation to the polygraph is neither extensive nor of good quality. The British Psychological Society (BPS) (2004¹⁰) has noted that the vast majority of published studies on polygraphic lie detection have been laboratory-based and that "...serious questions persist about generalising beyond laboratory situations". However, looking more widely at the accuracy of the polygraph, available evidence suggests it can achieve above chance levels of accuracy in certain applications. The National Research Council (NRC) (2003¹¹) review, cited by the BPS (2004¹²), concluded that in the absence of 'countermeasures', there was evidence that for assessing specific historical incidents the polygraph can obtain well above chance levels of accuracy. However,

⁸ BPS (2004), A review of the current scientific status and fields of application of Polygraphic Deception Detection. Available at http://www.bps.org.uk/downloadfile.cfm?file_uid=9081F97A-306E-1C7F-B65E-570A3444FF4D&ext=pdf, p.16

⁹ Ibid, p.29

¹⁰ Ibid p.29

¹¹ National Research Council (2003). The polygraph and lie detection. Committee to Review the Scientific Evidence on the Polygraph. Washington, DC: The National Academic Press.

¹² BPS (2004), A review of the current scientific status and fields of application of Polygraphic Deception Detection. Available at http://www.bps.org.uk/downloadfile.cfm?file_uid=9081F97A-306E-1C7F-B65E-570A3444FF4D&ext=pdf; p.29

this review also stated that there is “little basis for the expectation that a polygraph test could have extremely high accuracy”. The BPS concurred with this.

3.4 The use of polygraph examinations with sex offenders

- 3.4.1 Because the current evidence suggests that a polygraph examination cannot be relied upon to achieve 100% accuracy in eliciting, via the participant’s physiological responses, an objectively truthful account of any given situation, the result of a polygraph examination (either a pass or fail) cannot, in isolation, be used as a basis for decisions on the management of sex offenders. For example, sex offenders could not be deemed to have certainly breached their licence conditions, or be recalled to custody because they failed a polygraph examination.
- 3.4.2 Grubin¹³ argues that whatever the pros and cons of polygraph use in other settings, post-conviction sex offender testing (PCOST) can make a valuable contribution to sex offender treatment and management because of the disclosures offenders make before or after being tested which give information pertinent to the assessment and management of an individual’s risk. Grubin accepts some of the criticisms of counter-arguments proposed by Ben-Shakar¹⁴, particularly relating to the type of questioning technique favoured by most PCSOT examiners and Ben-Shakar’s assertion that the polygraph is unscientific and increases the risk of false-positive outcomes, but makes a powerful case that providing PCSOT protocols are put in place and the practice of examiners is quality assured and regulated, the potential gains outweigh the possible pitfalls.
- 3.4.3 UK Research into the usefulness of the polygraph in the supervision of sexual offenders attributes much of its value to the evidence that polygraph examinations can elicit an increased amount of ‘disclosures’¹⁵ from those offenders. If an offender ‘fails’ an examination (and is therefore deemed to be deceptive) he or she can be challenged about the subject of the examination questions. This challenge can lead the offender to disclose information which was previously unknown. Thus, a polygraph examination designed to facilitate more effective treatment and management of sex offenders would typically comprise of a series of questions formulated for the offender based on their known behaviours which have been identified as risky. Alternatively, the polygraph examination can be used in order to monitor whether the offender is complying with other licence conditions. Regular examinations (for example, on a 6 monthly basis) would monitor the behaviours most relevant to managing the risk of individual offenders. Any disclosure by the offender of risky behaviour would influence the way the offender was managed, for example, sharing information with MAPPA partners, increasing the controls/surveillance on the offender, enforcement action, including recall, accessing new services.

3.5 Home Office sponsored trials

- 3.5.1 In the U.K., between 2003 and 2006 the Home Office funded a pilot of the use of polygraph examinations with sex offenders in 10 probation areas (Grubin, 2006¹⁶). The voluntary pilot was an exploratory trial to ascertain whether polygraph examinations could assist probation officers in their treatment and supervision of

¹³ Grubin, D., “The case for polygraph testing of sex offenders”, *Legal and Criminological Psychology* (2008), 13, 177-189

¹⁴ Ben-Shakar, G., “The case against the use of polygraph examinations to monitor post-conviction sex offenders”, *Legal and Criminological Psychology* (2008), 13, 191 - 207

¹⁵ A disclosure here is defined as information given by examinee (in this case, a sex offender) to the examiner.

¹⁶ Grubin, D. (2006), *Polygraph Pilot Study: Final Report*, National Probation Directorate (available at

<http://www.probation.homeoffice.gov.uk/files/pdf/Polygraph%20Pilot%20Report%20-%20July%202006.pdf>)

offenders. 347 participants attended for polygraph examinations. They were examined at 6 monthly intervals. Outcomes were compared with 180 offenders who were not subject to polygraph examinations, although caution should be exercised in drawing conclusions as these offenders were not matched to the polygraph group. Based on their knowledge of a case from probation records and discussions with probation officers, examiners reported that for the polygraphed group new disclosures relevant to treatment and supervision were made in 79% of first and 78% of second examinations. Nearly 30% of these disclosures took place in the post-examination interview that followed the offender having been questioned while attached to the polygraph – in other words, after being challenged with the result of the examination. Probation officers of polygraphed offenders reported *increasing* their assessment of risk more frequently than those of non-polygraphed offenders, who tended to *decrease* their assessment of risk over time. For cases in which feedback was received, over 90% of probation officers rated the polygraph examination as being somewhat or very helpful.

3.5.2 However, this study was not able to attribute these changes to the use of the polygraph for several reasons: participating offenders had volunteered to take part in polygraph examinations; some data about offenders was missing and there was an incomplete return of feedback forms from Offender Managers which was an important source of evidence. A key limitation of the research was its voluntary nature. Because of legislation at the time of the study, offenders were able to opt out of polygraph testing and, on average, only 43% of those eligible volunteered. As such, the sample of offenders who participated in the study was self-selecting and there may have been systematic differences between the group whose management included polygraph examinations and those who chose to opt out, which could have accounted for the results. There was no information about the disclosures those who had not volunteered to be tested had made.

3.5.3 Thus, it was agreed that a further pilot be undertaken of offenders for whom polygraph examinations were mandatory. The research design was altered to improve the rate of data return from Offender Managers and a comparison sample was included.

3.6 NOMS pilot of Mandatory polygraph testing

Legal basis of NOMS pilot

3.6.1 The evidence of the effectiveness of voluntary polygraph examinations led to the recommendation in the 2007 Government's Review of the Protection of Children from Sex Offenders² and the Labour Party Manifesto (2005) to a commitment to "test the use of compulsory lie detector tests for convicted sex offenders". Legislation was required before this could happen so amendments were tabled to enable this as the Offender Management Act proceeded through parliament. Sections 28-30 of the Offender Management Act 2007 contain the powers that enable mandatory polygraph testing to be included as a licence condition for certain sex offenders released from prison (see [Annex 1](#), in Appendix 1).

3.6.2 The legislation reflected the "cautious approach" adopted by the Government in response to public and some professional concerns, including the extent that an individual's rights under the European Convention on Human Rights would be compromised by restrictions inherent in the use of the polygraph irrespective of the argument that it was required to protect the public. Due to the lack of firm evidence supporting the use of polygraphy in the context of managing sexual offenders, the legislation was drafted so that mandatory testing would initially be piloted in a limited geographical area, further roll out being dependant on the results of research study and upon "the will of Parliament": that is, its introduction nationwide would be subject to further Parliamentary debate.

- 3.6.3 With regard to Article 8 of the European Convention on Human Rights which enshrines the right to respect for one's private and family life, it was argued that mandatory polygraph testing of offenders would not interfere with this Right because the pilot would be in accordance with the law, and in the interests of public safety. Within the restrictions of the pilot, polygraph testing was concerned only with behaviour that might indicate individuals were being placed at risk from the subject. It was accepted that this was clearly a matter of public safety, and areas of an offender's public life beyond this were outside the scope of the pilot. As Gannon et al (2008)¹⁷ argued, there would also be ethical considerations with regard to *not* using paradigms known to give more accurate pictures of risk.

Does the polygraph conflict with a strength-based approach to working with sexual offenders?

- 3.6.4 One issue raised at the time of the pilot that it is still important to consider, included the place that the use of mandatory polygraph examinations had, if any, in a strength-based system of sex offender treatment which encourages offenders to take internal responsibility for their own lives and actions. This argument concerns the potential inconsistency relating to the fact that in sex offender treatment we encourage offenders to take responsibility for their own offending, and help them develop relapse prevention plans for the future, then by subjecting them to polygraph examinations we send the message that we don't trust them to do this and so will be making intrusive checks on them. Offenders' experience reported from the "voluntary pilot" was that offenders tended to view their polygraph test in a positive way - and that passing the test was almost seen as a 'badge of honour' within treatment groups. Though the number of offenders directly questioned in the mandatory pilot was limited, the conclusions were that nearly half of those questioned thought it helped them abide with licence conditions; though offenders did not like being tested they saw it as a "good thing":
 "its hard to say its changed my behaviour But i'm tempted to say that it's a good idea despite the fact that I detest it" (reference at footnote 4, page 30)

Description of Pilot

- 3.6.5 During the course of the pilot, 559 offenders released from 56 prisons to addresses in the East and West Midlands Probation Regions were subject to polygraph examinations between April 2009 and July 2011. Polygraph examinations were provided under contract by The University of Newcastle, under the management of Professor Don Grubin, by a small team of polygraph examiners trained and qualified as Post Conviction Sex Offender Testing (PCSOT) polygraph examiners under the American Polygraph Association regulations.
- 3.6.6 The research team from the University of Kent, led by Dr Theresa Gannon, was commissioned to evaluate the pilot from 1 April 2010. The evaluation considered data collected on 332 'polygraph offenders' released with a polygraph condition in their licence since April 2010 or who received a first polygraph examination since April 2010. Research was also undertaken on 303 offenders in seven probation trusts from two 'comparison regions', who did not have polygraph licence conditions and whose supervision did not include polygraph examinations ('comparison offenders').
- 3.6.7 Offender Managers responsible for supervising polygraph and comparison offenders were telephoned by the research team to obtain information regarding CSDs made by their offenders, the impact that the disclosures had in terms of actions taken, and seriousness of the disclosure(s) in terms of risk-related

¹⁷ Gannon, T. A., Beech, A. R., and Ward T. "Does the polygraph lead to better risk prediction for sexual offenders?", *Aggression and Violent Behaviour* 13 (2008) 29 - 44

behaviours. Offender Managers in the polygraph group were also asked about how useful they were finding the polygraph in their supervision practices. Following initial contact, Offender Managers from both groups were telephoned at regular three-month intervals to obtain information about disclosures throughout the whole licence period.

- 3.6.8 Of the 332 polygraph and 303 comparison Offender Managers eligible for a research phone call, the response rate was over 99% for both groups.

Summary of conclusions from the evaluation

- 3.6.9 The executive summary of the University of Kent's Evaluation¹ lists the following conclusions. (The report itself is worth detailed consideration in order to appreciate, for example, just how useful Offender Managers reported finding information from polygraph examinations was to their supervision of sexual offenders.)

- The polygraph and comparison groups did not differ considerably on key characteristics likely to confound the result of the polygraph impact evaluation. CSDs were consistently higher in the polygraph group than in the comparison group.
- Offenders in the polygraph group had made more CSDs than those in the comparison group. The majority of these CSDs were made within a polygraph session and related to 'changes in circumstance or risk'. The difference in CSDs between the polygraph and comparison groups remained constant even when length of time in supervision was accounted for in the analysis.
- The polygraph pilot's impact on number of CSDs did not vary by offender demographics (e.g. risk and index offence type) or experience of sexual offender treatment.
- Offenders receiving their first polygraph examination made more CSDs if their test result was 'deception indicated (DI)'. This difference dissipated on subsequent examination when offenders received less 'DI' test results.
- Following a CSD, a higher proportion of Offender Managers in the polygraph group than in the comparison group took actions rather than maintaining the exact same supervision processes. These actions involved:
 - increasing supervision/controls (including recall);
 - informing a third party;
 - changing supervision focus;
 - informing MAPP meeting/processes;¹⁸ or
 - issuing a warning to the offender.
- When CSDs were made, the seriousness of these disclosures did not appear to vary substantially between the polygraph and comparison groups.
- Offender Managers and some offenders involved in polygraph supervision reported finding the polygraph helpful. The results from a preliminary process evaluation study and in-depth qualitative study, alongside the quantitative findings, indicated that Offender Managers reported finding the test outcome and the report provided by the polygraph examiner useful for providing information about risk and compliance with licence conditions. Some offenders reported that the polygraph helped them to manage their behaviour.
- There was a trend for medium and high/very high risk offenders to be more likely to receive a DI result on their first polygraph examination compared to low risk offenders. However, this trend was not evident at test 2, when around 20% of offenders, of varying risk levels, obtained a DI result.

¹⁸ Multi-Agency Public Protection.

- The cost of each additional CSD associated with the mandatory polygraph pilot was £556.

3.7 Developments following the publication of the evaluation of mandatory polygraph pilot.

- 3.7.1 In July 2012 Ministers approved an approach to introducing polygraph testing for sexual offenders in England and Wales which *required* that all “serious” sexual offenders, (defined as being high/very high on both (static) risk of sexual reoffending and dynamic risk of serious harm, see 1.2, above) released on licence to be made subject to polygraph examinations. Ministers also wanted Divisions to test other offenders if the use of polygraph examinations would enhance their management. So, in addition to those *required* to be tested, provision will be made for a limited number of conditions to be imposed on sexual offenders who do not necessarily meet the H/VH risk of sexual reoffending and H/VH risk of serious harm criteria but where the Offender Manager can demonstrate/evidence that the imposition of a polygraph condition is needed and is proportionate to the risk the offender poses in the community. In order to ensure that such cases are suitably identified, Offender Managers are required to make a telephone referral to the Sex Offender Team in NOMS for approval of all such cases.
- 3.7.2 Legislation was prepared and following debate in both Houses of Parliament during July 2013 the necessary mandate to introduce a new additional condition to a post custody licence of certain sexual offenders from 6 January 2014 became available.
- 3.7.3 The Sex Offender Team in NOMS worked with other colleagues in NOMS and the Ministry of Justice - and under the direction of the Polygraph Implementation Board - to make arrangements whereby polygraph examinations would be available for relevant offenders on licence in England and Wales from October 2014.

List of abbreviations

“The Act”	Offender Management Act 2007
ACO	Assistant Chief Officer
APA	American Polygraph Association
CRC	Community Rehabilitation Company
CSD	Clinically Significant Disclosure
DI	Deception Indicated
EDS	Extended Determinate Sentence
H	High
L	Low
MAPPA	Multi Agency Public Protection Arrangements
M	Medium
NDI	No Deception Indicated
NOMS	National Offender Management Service
NPS	National Probation Service
OASys	Offender Assessment System
OMPPG	Offender Management and Public Protection Team
PAROM 1	Offender Manager’s report to the Parole Board
PD1	Pre-discharge form
PCSOT	Post conviction sexual offender testing
PS	Prison service
RM2000	Risk Matrix 2000
RoSH	Risk of serious harm
ROTL	Release on temporary licence
S.I.	Statutory Instrument
VCU	Victim Contact Unit
VH	Very High
VLO	Victim Liaison Officer

Polygraph Examination Combined Referral and Notification Form for NOMS "Required" & NOMS "Elective" Polygraph Examinations

'Required' referrals are those that must be examined

'Elective' referrals are those that are discretionary cases and must be referred to NOMS OMPPG Sex Offender Team

Please complete this form in full for all sexual offenders who will be required to be subject to the licence condition or for whom you would wish to request a condition (elective/discretionary cases).

To meet the "required"/"must be examined" criteria the offender must be at least high on RM2000 and high on Risk of Serious Harm on OASys. Please send this referral directly to:

Maria.Duraes@noms.gsi.gov.uk

If you are requesting an elective/discretionary licence condition – you must submit this form for consideration and provide details on why you wish to add the polygraph examination condition. You should provide evidence in relation to why the offender requires the polygraph condition and state clearly how this will be proportionate and necessary to manage the risks the offender will pose on release. Please provide information on the seriousness of offence, risk of reconviction (dynamic risk factors) and previous response to licence or court orders where relevant. Please send this referral to either heather.sutton@noms.gsi.gov.uk or phil.jarvis@noms.gsi.gov.uk

Name of Offender Manager:
Email address of OM:
Phone Contact Number:
Location of Offender Manager:
Division:

Name of Offender:

PNC Number: **Date of Birth:**

Index Offence:

Please highlight the risk levels below:

Risk of Reoffending (RM2000) (V.High) (High) (Medium) (Low)
Risk of Harm (OASys) (High) (Medium) (Low)

Expected date of release.....

Length of Licence and expiry date.....

Other Licence Conditions (please list all)

.....
.....

Elective/discretionary Cases - please provide reasons for requesting below: