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Investigating disclosures made by sexual offenders: preliminary study for the evaluation of mandatory polygraph testing

Jason Wood, Hazel Kemshall, Sue Westwood, Abby Fenton and Caroline Logue

This project was the preliminary study in a programme of research to evaluate mandatory polygraph testing of sexual offenders. The National Offender Management Service (NOMS) is piloting mandatory polygraph testing in the East Midlands and West Midlands probation regions for offenders supervised on licence following release from a custodial sentence of 12 months or more. The pilot commenced in April 2009 and will run for three years. Previous research (Grubin, 2006) suggested that the polygraph might contribute to the effective treatment and supervision of sex offenders through encouraging offenders to disclose information.¹ Therefore, an increase in clinically significant disclosures will form the key outcome measure for the evaluation of the mandatory polygraph pilot.

Before the mandatory pilot began, this research project was required to provide an in-depth understanding of the nature of disclosures and the processes by which disclosures are made and used under normal (pre-polygraph) supervision arrangements, so that the impact of the polygraph could be properly assessed. The aims of the research were:

- to identify what types of information are being disclosed by offenders to criminal justice practitioners participating in the pilot, prior to the introduction of mandatory polygraph testing; and
- to identify who the above information is disclosed to, and what resulting action is taken and why.

A third objective was to establish a baseline of the frequency with which sexual offenders make disclosures under normal (pre-polygraph pilot) supervision arrangements. Despite intensive efforts to collect these quantitative data from practitioners, very few forms containing these data were completed and so it was not possible to achieve this research objective. The findings reported in this summary are therefore based on qualitative data only and no quantitative conclusions should be drawn about the frequency of different types of disclosure made overall.

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Contact info:
research@justice.gsi.gov.uk

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¹ However, offenders subject to the polygraph in this first pilot had volunteered to undertake a polygraph and the sample was therefore, to all intents and purposes, self-selecting and the participants in this study could have been more likely to be compliant and make disclosures in any event.

Key points

- Findings are based on in-depth interviews with 56 criminal justice practitioners, including probation officers, police officers, treatment providers, and approved premises (formerly probation/bail hostels) key workers, from the East Midlands and West Midlands regions.
- Disclosures were described by practitioners as offender self-reports that revealed new information about an offender's risk or offending profile.
- Practitioners reported that formal risk categories rarely change directly as a result of a disclosure. Instead, disclosures act as triggers for actions that could result in changes to an offender's risk management plan.
- Practitioner responses to disclosures vary according to the practitioner's assessment of the seriousness of the information disclosed and its relationship to the offender's risk profile.
- Offenders were described as making both deliberate and unintentional disclosures.
- Interviewees identified a range of offender-variables and practitioner-variables that may impact the likelihood of a disclosure being made. Good practitioner–offender relationships; effective questioning by practitioners; and the offender's own motivation to change and acceptance of their offending identity were reported to be key to facilitating useful disclosures. Sufficient time to develop relationships and explore relevant issues was also cited as important.
- A typology of disclosures was developed through grounded theory-based analysis of the qualitative data, and validated through further discussions with practitioners.
- Disclosures about general risky behaviours and situations were reported to be more common than disclosures about sexual behaviour or sexual fantasies.

- A data capture form with which to collect quantitative data on the types and frequency of disclosures being made prior to the introduction of the mandatory pilot was developed; however, difficulties were experienced in obtaining data returns from practitioners. Recommendations for improving practitioner engagement in subsequent research are proposed.

A typology of disclosure

In relation to the subject matter of disclosures, four broad themes were identified by interviewed practitioners.

- **Risky behaviour and situations** included (non-)compliance with registration or licence conditions; offence-related behaviour; risky behaviour or situations including victim access and new relationships; and disclosures about reintegration. Many practitioners interviewed in this study indicated that this was the most common kind of disclosure.
- **Historical information** enabled practitioners to understand the triggers preceding and motivations for previous offences in order to conceptualise better current and future risk. Some examples included retrospective analysis of substance misuse, previous grooming strategies, relationships or the escalation of sexual acts that preceded the offence. Practitioners stated that revelatory disclosures about previously unknown offences were very rare.
- **Thoughts, feelings and fantasies** concerned disclosures about sexual preferences, interests and fantasies as well as more general thoughts, feelings and moods. The relationship between thoughts, feelings and fantasies and sexual behaviour was an important thread throughout interviews.
- **Sexual behaviour** disclosures concerned current or historical sexual acts (including legal/consensual sexual activity). Disclosures made by offenders about their current sexual behaviour were reported by interviewees to be comparatively rare in relation to the other categories.

Encouraging offenders to disclose

- Interviewed practitioners expressed the view that sex offenders are generally aware of the consequences of disclosure and are informed by supervising officers about the limits of confidentiality. There were also reports of offenders learning from experience the reaction that they would be likely to encounter from individual practitioners, and learning from other offenders about the likely consequences of disclosures.
- However, it was clear from interviewing practitioners that offenders do not always realise the significance of information they disclose. Practitioners reported that offenders frequently make 'unintended' disclosures, which contrasted with 'deliberate' disclosures. Deliberate self-reports were defined by interviewees as those made by offenders where they knowingly volunteer information that is previously not known, including conscious decisions to reveal information about risky behaviour, thoughts, feelings and fantasies. They may be triggered by the questions that an offender manager asks, or they may be reported in the general course of a supervision relationship at the instigation of the offender. Some examples were given of offenders making disclosures of this kind in an attempt to seek help to manage their feelings or comply with their licence.
- By contrast, unintended self-reports were reported to be those that occur without the offender being fully aware that they have revealed information that is relevant to their risk assessment or management. These tended to be characterised as 'slip-ups' made by offenders, whereby they reveal information about activities, behaviour or contact that they may not have wanted criminal justice practitioners to know about; or where the offender did not realise the significance of certain disclosures. Examples included a man who had a curfew condition that prevented him from leaving the house before 9am, but had mentioned in conversation the length of a queue at the local newsagent at 8am; and an offender getting a new job which could bring access to new victims.
- Some interviewees suggested that a prerequisite for deliberate self-reporting was the offender's own motivation to change and acceptance of an offending identity. Practitioners stated that offenders who exhibited high levels of denial tended to be less open about even their day-to-day activities.
- Perceived 'over-compliance' (including over-disclosure) was treated with caution by some practitioners who expressed the view that offenders sometimes tell them what they feel the practitioner wants to hear.
- The need for the offender to feel 'safe' to disclose was discussed, and was seen to be dependent on an effective working relationship between offender and supervising officer, based on trust and confidence. Practitioners recognised that offenders were less likely to disclose information if the practitioner displayed a negative emotional response (e.g. shock). An accepting attitude was therefore seen as important, but practitioners acknowledged that this sometimes conflicted with their duty to act on information disclosed in a way that appears to punish the offender (e.g. by recalling an offender where a disclosure reveals an escalation of risk).
- Disclosures were also viewed by interviewees as being dependent on practitioners asking the right questions, being prepared to deal with difficult subject matter and using a range of other strategies to trigger disclosures. Some interviewees suggested that practitioners' own embarrassment, inexperience or predominant focus on other areas of risk management (such as compliance with licence conditions) may inhibit them from asking effective questions about sexual behaviour or fantasies.

Using disclosures to inform risk management and supervision

- Protocols for sharing and verifying self-reported information with other relevant professional agencies were cited as an important part of the process of responding to disclosures; this was reported to include checks of appropriate databases; using the Multi-Agency Public Protection Arrangements (MAPPA) forum to exchange information; increasing supervision contact and home visits; and contacting employers or educational establishments.
- All interviewed practitioners signalled that disclosures affect the interventions that they use to work with offenders. The action that they reported they take in response to a disclosure depended on: the type of disclosure; whether it could be verified; their assessment of its seriousness within the context of the offender's risk profile; and how it might be used to enhance supervision and risk management strategies.
- Key actions reported to occur in response to disclosures included: changes to the frequency and/or style of supervision or changes to other external controls and/or enforcement of these; observed changes in offenders' engagement with treatment, or a change in treatment focus; or revisions to multi-agency risk management arrangements.

Implications

- The impact of disclosures triggered by polygraph testing should be measured in terms of the impact on risk management. This should include recording of all actions taken by offender managers in response to disclosures, and not just changes to assessed levels of risk.
- The volume or rate of different types of disclosures during the pilot and in suitable comparison areas should be measured using the typology proposed.
- Early analysis of the polygraph implementation should explore the questions

being asked during polygraph sessions, whether these have been asked before by the offender manager, and the disclosures that arise pre- and post-polygraph testing, to understand how effective the polygraph is in eliciting new information from offenders.

- The findings suggest that offenders often make conscious decisions about whether or not to disclose specific information, based on what they perceive as the likely consequences of that decision, and are less likely to make a significant disclosure if they feel it will lead to negative consequences for them. The effect of polygraph testing on this decision-making process should be examined through qualitative interviews or in-depth case studies with offenders taking part in the pilot.
- Practitioners stated that deliberate disclosure is dependent on offenders' acceptance of their offending identify and motivation to change. The impact of polygraph testing in eliciting disclosures from offenders who exhibit higher levels of denial may be particularly useful to explore. Increasing offenders' motivation to address their offending, could lead to more disclosures and hence more comprehensive risk assessment. However, practitioners need to be alert to false disclosures and use disclosures in the context of other sources of information about offenders' risk.
- The usefulness of the polygraph to the process of eliciting disclosures and assessing the veracity of offender-reported information, and how this is integrated within existing processes of risk assessment and risk management, should be explored through depth interviews with practitioners involved in the mandatory pilot.
- Practitioner engagement in recording disclosures should be strengthened prior to the evaluation of the mandatory polygraph pilot. This could include the use of research champions in each area, regular research briefings or forums for staff, and named senior managers taking lead responsibility for ensuring that offender managers in their area provide data on disclosures made by the offenders under their supervision.

- Consideration should be given to whether practitioners supervising sex offenders could benefit from specific additional training in relation to eliciting and responding to disclosures effectively. This could be accompanied by good practice guidance relating to how to verify information disclosed, how to assess the impact in relation to risk and the appropriate risk management action to take. Case reviews could be used to systematically review disclosures made and the actions taken as a result. There may be particular potential to increase the number of disclosures offenders make in relation to their thoughts, feelings and fantasies and sexual behaviour. Practitioners could be encouraged and supported to spend more time exploring these areas with offenders if these disclosures are considered valuable.