

**Impact case study (REF3b)**

<b>Institution:</b> University of Kent
<b>Unit of Assessment:</b> A4: Psychology, Psychiatry and Neuroscience
<b>Title of case study:</b> The benefits of polygraph testing for sexual offenders
<b>1. Summary of the impact</b>

In a project funded by the Ministry of Justice (MOJ), psychologists from the University of Kent investigated the effects of mandatory polygraph testing for UK sexual offenders released on licence. Their research demonstrated that this practice increased disclosure by sexual offenders. This led directly to a change in Government policy and delegated legislation under the Offender Management Act (2007). The resulting legislation will make it compulsory for sexual offenders in England and Wales to be polygraphed as part of their licence conditions from January 2014. The widely disseminated research findings also alerted professionals to the benefits of mandatory polygraph testing on sexual offenders, and generated significant public discussion.

<b>2. Underpinning research</b>
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The research outlined in this case study was awarded funding from the MOJ in 2010 and was undertaken and authored by researchers in the School of Psychology at Kent; specifically Professor Theresa Gannon, Dr Jane Wood, Dr Afroditi Pina, and Dr Eduardo Vasquez who all were, and still are at the University of Kent. This research was the first to evaluate mandatory polygraph testing for sexual offenders released on licence in the UK and the first internationally to specifically examine the risk-related disclosure benefits of polygraph testing for sexual offenders released on licence.

This research was a continuation of Professor Gannon’s previous research programme on lie detection. In this earlier research, Professor Gannon had shown that sexual offenders made fuller and more honest disclosures when they believed that they were connected to equipment that could detect deception (Gannon, 2006; Gannon et al., 2007). In the present project, the researchers collected risk-related disclosure information relating to 332 sexual offenders who were being supervised in the community with the aid of the polygraph, versus 303 comparison sexual offenders who received usual supervision (i.e., one-to-one meetings with their Offender Manager). Information was collected quarterly – from each offender’s supervising Offender Manager – over a period of 21 months. Offender Managers provided information about the numbers of risk-related disclosures made by their offender, the seriousness of disclosures made, and the actions that they themselves had taken as a result of disclosures. A risk-related disclosure was defined as a disclosure that the Offender Manager deemed to be important for informing their supervision and management of sexual offenders in the community. A smaller sample of Offender Managers and sexual offenders – from both the polygraph and the comparison group – also provided a qualitative appraisal of their overall experiences of supervision. The research evaluation was published in a Government report (Gannon et al., 2012) and in the journal *Sexual Abuse: A Journal of Research and Treatment* (Gannon et al., 2013; ranked 3/52 in Criminology and Penology by ISI Thompson).

The research evaluation showed that both groups of supervised offenders (i.e., polygraph and comparison) were matched on key characteristics likely to confound the results of the evaluation (i.e., age, victim type, overall level of risk). The evaluation indicated that sexual offenders supervised with the aid of the polygraph made significantly higher numbers of risk-related disclosures such as being left alone with a child, or going to places where potential victims might be (e.g., schools). Overall, the polygraph doubled the numbers of risk-disclosures made by sexual offenders. When risk-related disclosures were made, the results showed that the seriousness of these disclosures as indicated by Offender Managers (e.g., high, medium, low) did not differ across the groups. However, as a result of significantly increased risk related disclosures, the research showed that a higher proportion of Offender Managers in the polygraph group, compared to the comparison group, made active attempts to protect the public from serious harm. For example, they increased levels of supervision (including prison recall), changed the focus of supervision, and activated Multi Agency Public Protection processes by reporting issues of concern. In the follow-up qualitative analysis, Gannon and colleagues (2012; 2013) found that Offender Managers reported

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finding the polygraph testing useful in providing information about compliance with licence conditions. Some offenders also reported that the polygraph had helped them to manage their behaviour in the community.

These findings were important since they showed that polygraph testing – used as an adjunct to usual supervision methods – enabled Offender Managers to better protect the public as a result of offenders’ greater openness about their undesirable behaviours in the community.

### 3. References to the research

Gannon, T.A. (2006). Increasing honest responding on cognitive distortions in child molesters: The bogus pipeline procedure. *Journal of Interpersonal Violence*, 21, 1-18. doi: 10.1177/0886260505282887

Gannon, T.A., Keown, K., & Polaschek, D.L.L. (2007). Increasing honest responding on cognitive distortions in child molesters: The bogus pipeline revisited. *Sexual Abuse: A Journal of Research and Treatment*, 19, 5-22. doi: 10.1007/s11194-006-9033-0

Gannon, T.A., Wood, J.L., Pina, A., Vasquez, E., & Fraser, I. (2012). *The evaluation of the mandatory polygraph pilot with sexual offenders*. London, Ministry of Justice. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/217436/evaluation-of-mandatory-polygraph-pilot.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217436/evaluation-of-mandatory-polygraph-pilot.pdf)

Gannon, T.A., Wood, J.L., Pina, A., Tyler, N., Barnoux, M., & Vasquez, E. (2013). An evaluation of mandatory polygraph testing for sexual offenders in the United Kingdom. *Sexual Abuse: A Journal of Research and Treatment*. doi: 10.1177/1079063213486836

Research Funding:

PI: Gannon, T.A., Co-Is: Wood, J.L., Pina, A., & Vasquez, E. Ministry of Justice (Tender Bid). *Evaluation of the mandatory polygraph pilot*. (SRG/09/015); 1 Feb 2010 - 1 Sept 2012; Award made: £324,417.

### 4. Details of the impact

Considering the recent publication of this work, its impact has been swift and considerable. Professor Gannon and colleagues’ research evaluation provided the Government with expert advice – in the form of their MOJ Report (Gannon et al., 2012) – about the impact that the additional polygraph stipulation was having on the risk-related disclosures of sexual offenders. The Government used the results of this evaluation to inform both policy and practice for sexual offenders in England and Wales (section 5, items 1-4). Previously, sexual offenders released on licence had been supervised via simple one-to-one meetings with their Offender Manager. Within these meetings, sexual offenders would traditionally talk to their Offender Manager and disclose risk-related information as they felt relevant. Following the research evaluation undertaken by Professor Gannon and colleagues, the Government proposed that the polygraph be used as an adjunct to traditional supervision practices for all high-risk sexual offenders released on licence in England and Wales and other risk categories of sexual offenders on a discretionary basis. Professor Gannon and colleague’s research evaluation (2012) played a key role in the debate held in both the House of Commons and the House of Lords regarding the legislation required for the supervision of sexual offenders in England and Wales. For example, it was heavily referenced by Justice Minister Jeremy Wright (see House of Commons General Committee, 2013):

An independent evaluation study of the pilots was carried out by the University of Kent. .... The explanatory memorandum provides a link to the final published report of the evaluation study, which gives full information on the effectiveness of mandatory polygraph testing during the pilot. In summary, the report concludes that polygraph testing has the potential to lead to more informed and effective supervision by probation officers.

The statutory instrument allowing for polygraph testing to be introduced under the Offender Management Act (2007) passed after a short debate in the House of Commons. After summarising the research evaluation, Justice Minister Jeremy Wright stated:

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In conclusion, protecting the public is our overriding priority. In particular, we are determined to protect children and adults from sexual offending. To achieve that, we must do all we can to ensure that those who manage sex offenders in the community have the right tools and powers to support them in their work. The polygraph pilots have indicated that polygraph testing leads to improvements in the supervision of sex offenders in the community by providing probation offender managers with a valuable additional source of information with which to monitor licence conditions more closely. The Government are therefore seeking to make polygraph testing available as a licence condition for sex offenders in England and Wales. The draft order will enable us to do that.

During the later debate that followed in the Lords (House of Lords, 2013), Lord McNalley referenced the research evaluation as follows:

Now that the pilots are complete and have been evaluated, I am pleased to report that they were very successful. .... The evaluation is a robust study of the mandatory polygraph pilot. .... The evaluation found that the offenders subject to polygraph testing made more “clinically significant disclosures” than the comparison group. These are disclosures that led to changes in the way the offender was managed. Information disclosed as part of the polygraph process led to probation offender managers taking additional actions to manage the offender’s risk and to improve compliance with their licence conditions. This included, for example, changing the focus or frequency of supervision or, if combined with further information, recalling the offender to custody. The explanatory memorandum includes a link to the final published report of the evaluation study. That report provides full information on the effectiveness of mandatory polygraph testing during the pilot. In summary, it concludes that polygraph testing has the potential to lead to more informed and effective supervision by probation officers.

The statutory instrument allowing for polygraph testing was discussed by the House of Lords on 22<sup>nd</sup> July, 2013, and granted formal approval. The legislation change will make it compulsory for sexual offenders in England and Wales, particularly high risk offenders, to be polygraphed as part of their licence conditions and will come into force on 6<sup>th</sup> January, 2014. At present, this equates to the polygraph being implemented with *at least* 980 sexual offenders in the UK. The MOJ are incorporating findings from Gannon et al.’s (2012) research evaluation in guidance for Offender Managers and polygraphers. The research evaluation is also informing the development of data capture and monitoring in the empirical evaluation of the national roll-out occurring in 2014 (section 5, item 5)

The research evaluation has been cited in the media both nationally and internationally having received well over 200 coverage appearances. Examples include: Sky News, BBC News, Radio 4, the Guardian Online, Mail Online, the Daily Express, the Telegraph, the London Evening Standard, and the Birmingham Post. The dissemination of the research evaluation, in particular, has stimulated public debate on use of the polygraph with sexual offenders including debates concerning the ethics of using the polygraph as a truth facilitator given the epistemic validity of polygraph testing (University of Oxford Practical Ethics Blog <http://tinyurl.com/oxpolyblog>), the accuracy of polygraph equipment (Telegraph, 31<sup>st</sup> July, 2012) and general approaches to ensuring public safety in the context of sexual offending (BBC Radio 4, 27<sup>th</sup> November, 2012; Chris French; Guardian online, August 2012; Stop Crimes Against Children Facebook Page <https://www.facebook.com/UK.database>).

### 5. Sources to corroborate the impact

Sources can be obtained by emailing [psychref@kent.ac.uk](mailto:psychref@kent.ac.uk).

#### **Documents of legislation for polygraph testing to be included as a licence condition for sexual offenders in England and Wales:**

1. House of Commons General Committee (2013). Draft Offender Management Act 2007 (Commencement No. 6) Order 2013. General Committee Debates. Available from <http://www.publications.parliament.uk/pa/cm201314/cmgeneral/deleg3/130702/130702s01.htm>

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2. House of Lords (2013). Draft Offender Management Act (2007). Parliamentary Business. Sixth Report. Available from <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldsecleg/32/3203.htm>

3. House of Lords (2013). Grand Committee: Monday 22<sup>nd</sup> July 2013. Offender Management Act 2007 (commencement No. 6) Order 2013. Parliamentary Business. Available from <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/130722-gc0001.htm>.

4. Explanatory Memorandum to The Offender Management Act 2007 (Commencement No. 6) Order 2013. (Draft)

**Other documents:**

5. Letter from the Head of Public Protection, Women and Priority Offenders Research, Ministry of Justice. This letter confirms that the research conducted by Gannon et al. (2012) was instrumental in driving parliamentary debate and the legislative go-ahead for the national roll-out of the polygraph. The letter also confirms that the mandatory polygraph will be used for 780 high risk sexual offenders and an additional 200 sexual offenders. Finally, the letter states that findings from the research evaluation are being incorporated into guidance for Offender Managers and polygraphers, and are being used to inform the development of data capture and monitoring.

**Media coverage and debate:**

6. A selection of media coverage and public debate springing from the evaluation is available from [psychref@kent.ac.uk](mailto:psychref@kent.ac.uk) and can be seen by following highlights at <http://tinyurl.com/ukcpsymed>. Citations include:

Daily Express (3<sup>rd</sup> July, 2013). Sex offenders could face polygraph. Available from <http://www.express.co.uk/news/uk/412202/Sex-offenders-could-face-polygraph>

French, C. (2012). Why giving polygraph tests to sex offenders is a terrible idea. The Guardian Online. <http://www.theguardian.com/science/2012/aug/10/polygraph-lie-detector-tests-sex-offenders>

London Evening Standard (3<sup>rd</sup> July, 2013). Sex offenders could face polygraph. <http://www.standard.co.uk/panewsfeeds/sex-offenders-could-face-polygraph-8685813.html>

Mail Online (22<sup>nd</sup> July, 2013). Soon all sex offenders leaving jail will have to take a lie detector test. How long until someone cries 'human rights'? Available from <http://www.dailymail.co.uk/debate/article-2177287/Soon-sex-offenders-leaving-jail-lie-detector-test-How-long-cries-human-rights.html>

BBC Radio 4, All in the Mind. (27<sup>th</sup> November, 2012). Polygraph testing for sex offenders. Available [http://www.bbc.co.uk/iplayer/episode/b01p0h5z/All\\_in\\_the\\_Mind\\_27\\_11\\_2012/](http://www.bbc.co.uk/iplayer/episode/b01p0h5z/All_in_the_Mind_27_11_2012/)