
EXPLANATORY NOTE

(This note is not part of the Rules)

The purpose of these Rules is to govern the conduct of polygraph tests during a pilot of polygraph testing of certain sex offenders who have been released from prison on licence. The pilot will run for three years from 8th April 2009 in nine police areas in the East and West Midlands.

Rule 2 specifies that these Rules apply to all polygraph sessions conducted pursuant to a licence condition made under section 28(1) of the Offender Management Act 2007.

Rule 3 sets out requirements as to qualifications, experience and continuing development training for polygraph operators, who are responsible for carrying out polygraph testing.

Rule 4 prohibits polygraph operators who are also therapists or probation officers from conducting polygraph tests on offenders whom they have treated or supervised.

Rule 5 specifies who may conduct polygraph sessions and that polygraph sessions must be recorded, requires a session to include both interviews and polygraph examinations and restricts the type of questions that can be asked during a polygraph examination. It also requires polygraph operators to maintain reports of the session.

Rule 6 requires the polygraph operator to explain to the offender being tested how any information he gives during the session may be used. It also requires the polygraph operator to attach to the report of the session the sex offender's written confirmation that he has understood that explanation.

Rule 7 and the Schedule specify the qualifications for a polygraph supervisor, and require that the supervisor regularly reviews the polygraph sessions and regularly meets with polygraph operators to discuss their work.

Rule 8 requires the polygraph provider to provide regular reports to the Secretary of State and sets out what those reports should contain.