Forensic Psychologists

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Forensic Psychologists: Prisons, Power, and Vulnerability

BY

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This book is dedicated to … all those who were kind enough to take part in the study.

To Dr Ruth Mann, the first of the nine, who died on 25/04/2020. In her absence Forensic Psychology is diminished.

To those dynamic educators who got me started on this path – Yvonne Hurlow, Bill Macdonald, Alan Smith. If not for you this road would not have been walked.

To those Criminologists that I met at the Cropwood Conference on the Effects of Imprisonment in 2004 who encouraged me to this career, and those who have supported me ever since. Special mentions to Shadd Maruna, Jo Phoenix, Barbara Owen, Fergus McNeil, Bethany Schmidt, Borah Kant, and Alice Ievins.

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Glossary

AI	Appreciative Inquiry
AII	Appreciative Informed Inquiry
BPS	British Psychological Society
GOAD	Good Order and Discipline
HMIP	Her Majesty's Inspector of Prisons
HMPPS	Her Majesty's Prison and Probation Service
HMPS	Her Majesty's Prison Service
IEP	Incentives and Earned Privileges
IPP	Imprisonment for Public Protection
IRAS	Integrated Research Application System
ISPP	Indeterminate Sentence for Public Protection
KPTs	Key Performance Targets
MoJ	Ministry of Justice
NOMS	National Offender Management Service
NPM	New Public Management
NRC	National Research Committee
OASys	Offender Assessment System
OBPs	Offending Behaviour Programmes
OM	Offender Manager
OMU	Offender Management Unit
OPDP	Offender Personality Disorder Pathway
PCL-R	Psychopathy Check List (Revised)
PIPEs	Psychologically Informed Planned Environments
PSI/O	Prison Service Instructions/Orders
SMT	Senior Management Team
SOTP	Sex Offender Treatment Programme
VP	Vulnerable Prisoner
YOI	Young Offender Institute

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About the Author

Dr Jason Warr is a Senior Lecturer in Criminology and Criminal Justice at De Montfort University, UK. He has a wide range of research interests which include penology, sociology of power, sensory criminology, and the philosophy of science. He has conducted research in a number of criminal justice settings and has written on the emotional geographies of prison, the pains of imprisonment, prison staff, and narrative criminology.

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Preface

Its funny, someone like you, interviewing someone in my position.
–Psychologist during this study

Prisons often act as impenetrable fortresses. Behind their stony edifices lie hidden worlds of social life, organisational practice, and working realities. To this day, after hundreds of years of thought and word, after examination and description, the lived and occupational realities that occur within these Leviathans is still marred with an agnotologic air. They remain mysterious and, to some extent, barely known. We, the outsiders, remain largely ignorant of what these places of punishment, these places of control, do, how they are constructed, what makes them tick. We only occasionally become aware of the horrors and deprivations, the pain and suffering, the trauma that exists within. We know even less of the joys, triumphs, victories, humour, and camaraderie that also defines these hidden worlds. This shrouded reality makes them essential sites of research, of inspection. Yet herein lies a fundamental problem. Prisons have traditionally been, and remain, bloody difficult places to access. As Alisa Stevens (2019) notes, for researchers, gaining access to prisons has never been an easy enterprise but has become, sometimes, a Sisyphean task.

A number of factors have conspired to move this abstract impenetrability into a palisaded reality. There exists in this epoch of penal risk and image control both a politicised penal and carceral fetish as well as a desire to hide the reality of the institutions in which that fetish is embodied. This overt political charge has created a situation in the last two decades whereby gaining access to the Prison Service in England and Wales to conduct any sort of research is fraught, and can sometimes elicit Ministerial wrath. It also, now much more so than ever, involves a careful negotiation of a bureaucratic labyrinth, at the heart of which lies the much feared (and oft maligned) National Research Committee. The research project upon which this book is based suffered, as many others have suffered, the same trials that is now common to the prison research milieu. However, there were two compounding variables that rendered this research somewhat more difficult. Firstly, the fieldwork for this project began during a period when psychological services within Her Majesty's Prison Service (HMPS) were under a further burden of heavy criticism from prisoners, prison reform campaigners, and legal advocates. This combination of institutional pressure and professional critique resulted in a population and a service that were embattled and defensive. This compounded the problems of gaining access, securing trust, and recruiting an adequate sample. Secondly, there was the small problem of my background as a

former Life/HMP sentenced prisoner who had been subject to the power, assessment, and reportage of forensic psychologists working within the prison service.

Plan A was to conduct a systematic and empirical account of the role of the forensic psychologists within the modern prison, the effect of the risk assessment process on both prisoners and psychologists, and the power differential that exists between these two parties. However, the Area Psychologist with whom I liaised prior to beginning the hazard strewn *Pathway to Access* informed me that given my history as an HMP sentenced prisoner such a research project, given that it would require access to formal sensitive data, was unlikely to gain ethical approval. This necessitated the reformation of, and a change in outlook to, the study. Plan B. The decision was made to focus not so much on the risk assessment process and the power of psychological expertise in the modern prison but instead on the forensic practitioners themselves. The reason for this decision was twofold: firstly, it avoided the ethical problems relating to case data and physical access to prison sites making the research more likely to be approved centrally. The second reason was that at inception, and subsequently (see Brown et al., 2015; Crewe, 2009; Shingler et al., 2017), there existed a small body of literature, and numerous articles and letters in the prison newspaper 'Inside Time', which covered prisoners' experiences of the risk assessment process and of specialist services such as probation and psychology. However, little beyond the brief attention given by Brown et al. (2015) and Crighton and Towl (2008, 2015) focused explicitly on either the experiences of those specialist practitioners themselves nor on the personal/subjective specificities of conducting psychological work in the prison. What was missing was an exploration of what impact such work may have on the practitioners themselves.

However, the point made by the Area Psychologist regarding my history, and thus positionality, is worthy of further consideration. As previously stated, I had been an HMP sentenced prisoner who was incarcerated for 12 years in 14 different establishments. During that period of time, I had numerous interactions, both formal and informal, with forensic psychologists employed within Her Majesty's Prison Service (see Warr, 2008). I had been both witness and subject to their power. For much of my incarceration, the interactions and experiences I had with forensic psychologists were both negative and profound. Despite a degree of separation between these interactions and my beginning this project, I held some enmity towards forensic psychologists. To some degree I still do. Therefore, not only had these experiences shaped my initial interest in conducting this research but my consequential positionality had imbued my approach, unwittingly, with a particular bias. This was echoed when the research design was reviewed by two independent Professors who pointed out to me that the actual design of the study, specifically the structure of the provisional interview schedule, was not concomitant with the stated aims of the research.

Kochan (2013) argues that emotion in and of itself is a necessary aspect to the development and process of science but nevertheless must be guarded against – especially if the shaping emotion is one that is negative. One of the fundamental duties of the qualitative researcher is to ensure that their personal interest, or

'positionality', does not negatively bias their research (Marshall & Rossman, 2006). The main danger of positionality is when it is carried through, from informing the initial interest in a subject to the point where it becomes operationalised in the structure of the study, and infects the analysis and communication of findings. When discussing the philosophical problem of the Rosenthal Effect in social science, whereby the assumption and value laden nature of research and theory construction can shape the very results that are discoverable, Martin (1994) argues that mitigating strategies are necessary in order to prevent these forms of overt bias. In order to mitigate one's positionality, the social scientist must engage in multiple processes of reflexivity and methodological introspection and peer review – processes which force the researcher to inspect their approach, theory, method, analysis, explanation, and communication (Hopkins, 2007). Immersion within this bias-focussed process, coupled with honest and critical peer input, will (hopefully) enable the researcher to discover their own assumptions and 'subjectivities' thus taking account of them when constructing/ analysing/communicating their study (Mason, 2002).

I had been aware that my positionality may have flavoured my approach to the research subject and as such had attempted to construct the study in such a way as to minimise whatever negative bias may yet have lingered. Unfortunately, though I had managed to achieve this in the scope and focus of the project, the timbre of the interview schedule was tainted by the negativity towards the prison environment, and more explicitly, the power of forensic psychologists, that my experiences had left me with. This had resulted in a somewhat hostile interview schedule that, instead of focussing on what psychologists experienced in their occupational lives, focussed on eliciting negative responses that affirmed my bias. It seemed obvious once highlighted but up until that point I had been unaware of it. This is the curse of researcher bias, whilst you can be aware that it exists, the specifics of it always remain just slightly beyond your own sight. It teases you from the shadows of your own enquiring mind and lays in wait, ready to pounce, ready to trip you up when you are least prepared. An academic addendum to the Laws of Infernal Dynamics if you will. There are many positionalities that the wary researcher needs to consider: ethnicity, class, gender, sensory and embodied processing (Herrity et al., 2020; Pink, 2015), neurotypicality or neurodiversity, theoretical and disciplinary perspective, etc. Each and all require some examination and reflexivity. Qualitative research does not have the luxury of the simplicity of quantitative research – it often requires a more profound examination of self, process, method, methodology, analysis, and communication. However, to return to the problem as was, both Professors mentioned above noted that this sense of negativity with which my approach was imbued might be a contributing factor to the hesitancy of the prison authorities in granting me access to the requested population. They recommended that in order to further eradicate this aspect of my 'positionality', and to alleviate the fears of those prison gatekeepers (an issue I shall return to), I should restructure the research project in terms of an Appreciative Inquiry (AI) and adopt methods of Appreciative Interviewing. Whether I have been successful in achieving this will be up to the reader to decide.

There have been a number of formulations of AI as various academic disciplines and industrial discourses have adapted it for their own ends. However, as Cooperrider et al. (2007) note, the process is designed to be a force for effective organisational change. As a method of research it is based upon a number of central assumptions: firstly, that organisations are co-constructed social realities; secondly, that organisational processes are dependent upon what meaning those who are involved ascribe to their interactions, and not so significantly on the dedicated application of official techniques; and thirdly, that both effective knowledge and change is best bought about by focussing on and engendering what is positive and successful as opposed to focussing upon that which is negative. Whitney and Trosten-Bloom (2010) further note that perhaps the most powerful aspect of AI is its ability to allow researchers to know and comprehend their participants through the direct relationships, and forms of sociality that they have to their profession and peers, as opposed to solely knowing them through the organisational roles they perform. The purpose of this method is to facilitate an understanding of a 'culture, society or organisation through the eyes of its inhabitants' (p. 50) and not the superficial perspectives sometimes gained by external observers. It allows those working with an organisation to be heard in the context in which they live, work or operate. In many regards, the methodological approach of AI is similar to, and shares many facets with, both Ryle's (1968) and then subsequently Geertz's (1994) notions of 'thick description' and the best means by which a researcher can attempt to capture the experiential realities of a lived culture where in-depth ethnography is not possible.

It must be noted, however, that coming from a perspective external to the organisation and profession with which I was concerned meant that I was obviously not conducting a strict, by the books, form of AI. Rather my method was an Appreciative Informed Inquiry (AII). By adopting the methodological ethos in the development of my interviewing models (Kvale, 1996), it allowed me a way out of the bias that I found myself ensnared by. This is, really because of the third precept described above

> that both effective knowledge and change is best bought about by focusing on and engendering what is positive and successful as opposed to focusing upon that which is negative.

This also happens to be the most misunderstood element of AI. Many people take this as the view that you are trying to discover 'only' the good in an institution/organisation. A particularly troublesome practice when exploring the realities of such contentious sites as prisons. In this regard, it can be seen to be a mechanism of justification or legitimation – something that we criminologists should, given the power laden nature of those disciplinary monuments, be extremely wary of. I have seen this allegation made towards a number of prison scholars who have utilised the AI method and seen their work dismissed exactly in this manner. However, this is a misunderstanding of the process and method. The purpose of exploring the positive is that it gives you a contrast to the negative elements of organisational life, and thus a fuller picture of the social world of that

organisation. In a typical interview if you ask someone 'what it is like to work here?' you will get a partial answer that resembles

> It's not bad, it's okay I suppose … bit stressful sometimes, there's not enough of us and we're understaffed. Actually, it's gotten quite bad at the moment the workload is getting on top of us and the cracks are beginning to show. It doesn't help that our line manager is really awful and really unhelpful. Also, someone keeps on stealing the milk out of the fridge and others won't wash the cups or the microwave … and as for Susan in accounts …

Now, there is some good information in that made-up(ish) vignette which could tell you a lot about the organisational culture in which such an interviewee worked. However, it is partial. This is because structuring interviews in this way allows the person to focus on a closed set of elements (Crow & Semmens, 2008) which are negative or bring dissatisfaction to them. However, there is no account about what works well, what they enjoy doing, where they get their job satisfaction, what makes the environment survivable, where the humour is, who they like, etc. In order to have a fuller picture of life in that office, you would need that side of the story. Asking for the positive gives you that. People will still tell you everything that is wrong, problematic, and disturbing but before they do you will have gotten the flipside of that narrative coin. I have now conducted 100s of interviews in multiple criminal justice settings and, if you do not explicitly ask for the positive, all you end up with is the negative. All you end up with is a partial account. All you end up with is data that hamper your explanation and theorising.

After reformulating the project in terms of AII, the process of gaining access became more straightforward. However, once access was granted, I then ran into a second problem. Hardly any of the psychologists working in prisons were willing to talk to me. As expected, the response to the initial call was minimal but a small number of psychologists (four) responded. It took some negotiation with those individuals to find a suitable location in which to conduct those interviews. For some, it was decided that the best locale was Stirling House, a Prison Service training and conference centre, whilst for others there were facilities outside of, but attached to, their home prisons. Once these locations were decided upon, the interviews were arranged and conducted. Then a scandal broke. It was discovered that a serving forensic psychologist was having a sexual relationship with a prisoner. Informally, I was told that my topic and the nature of my research may cause concern for some in light of this development. Whether that was the reason I do not know but the respondent well, as it were, dried up at that point.

Plan C. As a result of these concerns, when I resent the introductory emails to the contact list to see if any more people would be interested in participating, I was at pains to explain my neutrality and point out that this was an opportunity for them to speak to those issues which concerned them. Again, a small number of people came forward and with whom negotiations began in order to arrange times, dates, and locations. However, uptake was extremely low. It was also at this time that a number of psychologists responded by saying that though they

were interested in participating time constraints and work schedules prevented them from doing so. A few more were polite enough to respond and say that they were not interested in taking part. However, the majority did not respond at all. This was a pattern that became repeated (not the scandal but the not responding) throughout what became a long, torturous, bout of fieldwork.

I had been aware that, as a body, forensic psychologists were an embattled group but thought that the study would, at the very least, be an opportunity for them to put their side of the story forward. One potential issue beyond the matter of interest may have been my history. One of the early participants had been very forthright in pointing out that they had found my background as a prisoner to be a stumbling block. They explained that they had found the prospect of being interviewed by a former prisoner '*extremely uncomfortable*' and '*daunting*'. However, they also felt that as they '*… were supposed to be in the business of rehabilitation it would be hypocritical for them not to participate*' solely on those grounds. It is difficult to gauge how widespread these concerns were as few others spoke of this and, obviously, the position of those who either did not respond or declined to participate is impossible to know. A further potential issue was the fact that psychological services were undergoing a national remodelling at the time that the fieldwork was being conducted. This may also have contributed to the insecurity that some may have felt during this period and thus may have prevented some from volunteering. However, this is guesswork. Why people did not want to be involved is something that I have still not fully been able to get to the bottom of.

What is certainly true though is that there was a great deal of hesitancy from this population which was difficult to overcome during the initial fieldwork (which involved Plans D through G). Over a period of 30 months, I managed to convince only 21 individuals to sit down with me in interview. One of these formally requested that their interview be terminated and any information gleaned not be used. This was of course honoured. This meant that the effective sample consisted of 20 forensic psychologists all of whom were in the current employ of the Prison Service at the time. The shortest of these interviews was 85 minutes and the longest nearly three hours (it involved a bad bout of food poisoning and vomiting but no one needs to hear about that). Though a small sample, given the population of forensic psychologists working in HMPS (currently just over 500), they were both sufficiently culturally knowledgeable (Rubin & Rubin, 1995) and represented a purposive sample where those interviewed were able to provide sufficiently significant data (Silverman, 2010) on the occupational realities of forensic psychologists in prisons. The 20 main interviewees were drawn from various regions around the country, were employed at various grades (psychological assistants, trainees and qualified), were engaged in various forms of psychological work, and included both men and women of varying ages. It must be noted that none of those interviewed were employed within PIPE units, which is still something of a fringe practice in terms of the core psychological work undertaken by forensic psychologists. These practitioners were not deliberately excluded from the sample but none of those who wished to participate happened to work in these environments. This means that I have no substantial data on this type of working. The sample that were drawn, however, were considered to be sufficiently knowledgeable regarding the delivery of the

quotidian psychological services in the Prison Service, able to offer a range of perspectives that would be representative of the wider population and were minimally sufficient in number and range of views that a larger respondent pool was not deemed necessary (Gordon, 1992).

A further nine people were interviewed in order to gain an understanding of the historical context in which the recent era of forensic psychology arose. These interviewees consisted of former high-ranking psychologists and Prison Service personnel who were involved in the recruitment, training, and delivery of psychological services over the last 25 years. Informal conversations were held with a number of Prison Service psychologists throughout the duration of the study and these played a part in shaping the interviews and analysis. Since the completion of the doctoral thesis, I have had further conversations with another 20 + forensic psychologists about my research. In many ways, these conversations have given weight to my findings and allowed me to be slightly bolder in setting out the conclusions discussed in the following chapters. However, it is important to note that the data used to inform the substantive chapters of this book are, unless otherwise noted, based solely upon the 20 original participants mentioned.

Before beginning in earnest, a further point has to be raised both about the research that underpins this book and the way that this has shaped the writing process. This point is concerned with ethics. Usually there are four core areas of ethical concern when conducting qualitative research. These tend to relate to voluntary participation, subject well-being, anonymity, and confidentiality. The first two of these issues were not concerns for this research. The forensic psychologists who were involved were adults and trained professionals who understood the parameters of the research, their role, and my responsibilities to them. However, the latter two issues were something of a problem. A problem that arose during the fieldwork and which now shapes how I write about it.

In terms of anonymity and identity disclosure, there were a number of issues that had to be addressed, some of which only arose as the study continued. Due to the nature of the research questions, there was a possibility that identifying and/or sensitive, incriminating or individually harmful, information could be supplied by the participants. Fortunately, no direct or actionable information arose during the course of the interviews that concerned illegal activity and as such no action was necessary in this regard. However, this consideration dictated that, as far as is possible, the participants would not be identified in person during the course of the research and that everything would be done to try to ensure anonymity. For this reason, it was initially intended that the participants would be assigned pseudonyms based upon obscure Star Wars characters (yes, I am a geek) and that any information that could result in the identification of the respondent would be altered or removed. However, a problem quickly arose which smacked down those carefully laid plans. At the time of the fieldwork there were, within the psychologist population of prisons in England and Wales, very few men compared to women. It was thus felt that if participants were given gendered pseudonyms it might still be possible for those men who participated in the study to be identified. Even obscure names from a galaxy far far away would not have solved this issue. Alas. Along the same lines, it was noted early on that because of

the relatively small number of chartered psychologists within the Prison Service at the time of the fieldwork if a respondent was referred to as such it may, again, be possible to identify them. Therefore, it was decided that nongendered and nonrank-specific titles would be used when quoting directly, so it will be 'a' psychologist said X or Y.

One ethical issue, which had not been anticipated but which also impacts on how I write about this population, arose in part due to the bureaucratic nature of the Prison Service and the manner in which recruitment emails were cascaded down through the hierarchical management structure of the service. During the early stages of the study, it came to my attention that some of the people who were interested in participating in the study had in fact been asking their line managers for permission to participate, who then forwarded the request on to various departmental heads and Area Psychologists/Managers. This obviously compromised their anonymity, especially if they were to be the only person from a particular region who volunteered. From that point on I made sure that when first contacting individuals I emphasised the importance of their anonymity to the ethics of the research. However, at a later stage, I had a one respondent inform me that they knew I had previously interviewed two others, from different regions, whom they then went on to name. AGHHHHH. This had arisen after they had been cc'd into an email exchange between their line manager and one of the two identified psychologists where participation in the study had been discussed. At least two others 'outed' themselves by talking about their participation in the study on social networking sites. Yet another prefaced a question to me whilst I was presenting at a conference by identifying themselves to the room as someone who had participated in the study. This reinforced the decision not to provide pseudonyms of any description throughout this thesis and to avoid the gendered pronouns 'he' and 'she'. It was also decided that this method would satisfy any issues concerning confidentiality.

This gives you some understanding of the method, sample, and research that was conducted in order to provide the material discussed. More information on these issues will be littered throughout this book. However, I also hope that this preface gives you some indication to the type and nature of the discussion that will exist herein. I take my responsibilities seriously and will present, what is I hope, a robust and theoretically sophisticated discussion on the working realities of forensic psychologists in prisons. It is my aim that the discussion here will extend our understanding of the prison, the matrices of power that exist there, and how those who wield a significant amount of power within carceral settings can also be professionally vulnerable. I am, however, also hoping that this book is easy and enjoyable to read. I believe wholeheartedly that in order for this type of discussion to have resonance, we need to move somewhat beyond the cold, literary conventions of traditional academic texts. We need to attempt to bring such texts alive, to take our readers into these worlds with us.

That is my intention.

Welcome to the prison world of forensic psychologists.

J Warr (2020).