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Commentary: Getting behind closed doors: The process of conducting research in a criminal justice setting

Abstract

Engaging with narrative inquiry research methods, such as indepth interviews, can provide researchers with valuable qualitative data. However, the processes involved with conducting in-depth interviews can often be problematic. This paper examines the barriers in the way of conducting research into criminal justice organisations within New South Wales (Australia) and in the Thames Valley (United Kingdom). It presents the personal experiences of the researcher in trying to gain access to organisations such as the police, judiciary, corrective services and forensic science services. Such organisations are often considered to be 'closed organisations' because they are resistant to externally-based research. The paper also examines the practical difficulties of interviewing criminal justice practitioners even where official permission to conduct research has been granted. Some of the problems that were faced included fear and suspicion about what the research was examining and fear of reprisal from senior colleagues about what was said to the researcher. This fear led to some participants declining to answer certain questions, or when they did answer, using the 'official organisation line'.

Keywords

Empirical research, criminal justice organisations, closed organisations

Getting behind closed doors: The process of conducting research in a criminal justice setting

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The paper also examines the practical difficulties of interviewing criminal justice practitioners even where official permission to conduct research has been granted. Some of the problems that were faced included fear and suspicion about what the research was examining and fear of reprisal from senior colleagues about what was said to the researcher. This fear led to some participants declining to answer certain questions, or when they did answer, using the 'official organisation line'.

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Introduction

The process of conducting empirical research is often fraught with problems and limitations. This is especially true in criminal justice settings where, for the past century, punitive practices have been conducted behind closed doors. Over the past few decades, numerous researchers have encountered difficulties with accessing police officers, prison officials, prisoners, judicial officers and to a lesser extent lawyers. For the most part, the existing literature, and indeed this paper, focuses on the difficulty of researching police officers and policing organisations because accessing prisons and courts is even more difficult than accessing police forces. As such, there is a limited amount of literature exploring the experiences of researchers in the prison or court setting.

Narrative inquiry offers an opportunity for researchers to reflect not only on the personal experiences described by participants in a qualitative study, but also on their own research process. Bell (2002: 209) found that the narrative approach could highlight the unexpected impact of the research or learning process on the researcher. Dodge, Ospina

and Foldy (2005: 290-1) have suggested that there are three broad approaches, or multiple faces, of narrative inquiry:

First, because narratives convey meanings, narrative inquiry is concerned with understanding intentions, beliefs, values, and emotions that reflect situated social reality rather than an 'objective reality' (Reissman 2002). Second, narratives carry practical knowledge that individuals have gained through their experience ... Third, narratives are constitutive, meaning they are shaped by individuals for their own purposes, but at the same time, they are forces that shape human beings and help give meaning to the social worlds they inhabit (Gergen 1985).

This paper offers what Dodge et al (2005: 291) refer to as the second narrative, or 'narrative as knowledge', to present a personal narrative of some of the problems that I encountered whilst conducting empirical research for my doctoral project. The immediate goal of 'narrative as knowledge' is 'to illuminate tacit knowledge or to share theories in use that are implied in the stories and embedded in the accounts of practice' (Dodge et al 2006: 292). As such, rather than focusing strictly on the academic problems with conducting semi-structured interviews, I will be presenting a very personal account of the practical encounters that I faced when in the field and the many barriers that need to be overcome by researchers seeking access to the criminal justice system, which can be drawn upon by future researchers when designing their own studies. While many of these encounters were expected, they had a significant impact on the data collected and the researcher's experience in conducting research into criminal justice organisations. Like Tanner (2009: 69), this article can be viewed as a 'confession of my experiences as a first-time researcher'.

Using narrative techniques, this paper will address two main themes. First, there are significant problems associated with gaining access to criminal justice organisations. Second, where access is authorised, the research is partially controlled by organisational procedures, such as the need to authorise interview questions. Problems with gaining access and not having complete control over the research process have subsequent impacts on the type of research that is conducted and the quality of the findings. This paper explores these problems and the implications this has for future research from the narrative of the researcher. There are two main sections in this paper. First, the background section focuses on the methodology I employed to investigate how criminal justice practitioners use DNA evidence. The second section then provides a narrative of how the process of conducting this original qualitative study was problematic. Using narrative as an approach to sharing knowledge, the aim of this paper is to portray my experiences of research in the criminal justice field in an attempt to offer insight and practical knowledge to future researchers (Dodge 2005: 292).

Background

This paper explores my experiences in researching how criminal justice practitioners use DNA evidence and how its use has impacted upon the criminal justice system. As such, the research was designed to collect qualitative data from criminal justice practitioners within two distinct areas: New South Wales (NSW) in Australia and the Thames Valley

in the United Kingdom.¹ A comparative study was chosen because I wanted to explore how different jurisdictions use DNA evidence and how some jurisdictions, like NSW, can borrow practices from other areas such as the Thames Valley (Pakes 2004: 4). The research was conducted between 2006 and 2007 and through the use of in-depth interviews examined criminal justice practitioners' experiences with, and perceptions of, DNA evidence.

As the study focused on the social impacts of DNA evidence on the criminal justice system — and how it has changed the processes involved in investigations and prosecutions — it was important to adopt a qualitative design. A qualitative approach

has the purpose of helping the investigators to interpret and understand, first, the actors' reasons for social action, second, the way they construct their lives and the meanings they attach to them, and third, the social context of social action. (Sarantakos 2005: 42)

The main purpose of the research was to explore how practitioners use DNA profiling, and how its use has in turn changed their jobs and the wider criminal justice system. Interviews present the researcher with an opportunity to explore and uncover some of the situational meanings attached to DNA profiling. Similarly, I was interested in personal perspectives that provide an overview of the general issues that are shaping the way that a new technology is being employed.

In both NSW and the Thames Valley eight main groups were identified as important participants that have been affected by the introduction of forensic DNA profiling. These groups included the police, forensic scientists, scene of crime officers (SOCOs), prosecutors, defence lawyers, judicial officers, victims, and prisoners. It was hoped that by interviewing these main groups, the researcher would gain a general overview of how DNA was being used and what some of the effects of its use have been. In NSW, six of these eight groups participated in this study. Only three groups participated in the Thames Valley. The reason for this limited inclusiveness will be discussed later in this paper.

Face-to-face interviews were conducted with forty-nine criminal justice practitioners in Sydney, NSW and in Oxfordshire, in the Thames Valley (see Table 1). All of the interviews were conducted at the participants' places of work. The interview duration varied between twenty and ninety minutes depending on the willingness of the practitioner to speak; how much knowledge a participant had of DNA evidence; and how much time the participant had.

¹ There were a number of reasons for choosing these two case study sites. The United Kingdom was chosen because it was the first county to use DNA evidence and implement legislation governing its use. Within the UK, the Thames Valley has the largest non-metropolitan police force and has a strong forensic DNA background. New South Wales was selected because the NSW Police Service is Australia's largest and oldest police force and because it is the researcher's home jurisdiction. Another reason for choosing both case sites is because the NSW Police have claimed that they looked at the UK model when first implementing DNA technology. As such, I was interested to see how similar the use of the technology was and whether it was having the same impacts on the criminal justice system.

Within each group a range of practitioners were interviewed. In the Thames Valley, the scientists were recruited from two separate laboratories, and in NSW the defence lawyers were also drawn from two different organisations. The NSW police officers represented a number of different local area commands (LACs) in the Sydney area, and the Thames Valley police and scene of crime officers were also recruited from different basic command units (BCUs) within Oxfordshire. The majority of participants included in the study were male; only thirteen of the forty-nine participants were female.

Table 1: Participants

Organisation	Number of participants	
	Thames Valley	NSW
Police	7	5
Scientists	4 (5) ²	5
Scene of Crime Officers	5	5
Prosecutors	-	5
Defence Lawyers	-	5
Judicial Officers	-	7
TOTAL	16 (17)	32

Engaging in narrative inquiry research methods

As the scope of the study required the analysis of two separate legal jurisdictions, a number of expected problems occurred. As already noted, conducting research in the criminal justice system can be a time-consuming process that is often fraught with problems of access. Some of the problems that were encountered in this research included establishing contact, gaining entry, and building rapport.

Establishing contact

Letters and emails seeking approval were sent to organisations that were involved with police, prosecution, defence, forensic science, prison, and judicial work within the Thames Valley and NSW.³ Although this approach was mostly successful, there were a few organisations that chose not to participate.

Initial contact with both the NSW and Thames Valley prisons indicated that there was a strong possibility of conducting research with prisoners. There was substantial email contact with the Thames Valley prisons in 2006, and I was able to meet with a representative while in England to discuss my research. Unfortunately, contact ceased after September 2006. A formal ethics application was also submitted to the NSW prisons. While the ethics committee initially rejected the research on several grounds, they did offer me the option of continuing the application with further clarification. Due to the cessation of contact with the Thames Valley prisons (and thus the lack of comparability to the UK), and the time associated with pursuing further ethics applications with the NSW prisons, I decided not to pursue the inclusion of prisoners in

² One scientist from the Thames Valley revoked consent.

³ The names of these organisations have been removed for privacy reasons.

this study. However, this is an area that does need research. To date, there has been no research on how prisoners perceive compulsory prisoner DNA testing, or whether it has acted as a deterrent for committing crimes (this has been one of the claims made by many law enforcement agencies when supporting the use of DNA evidence and DNA databases).

Both the NSW and Thames Valley police nominated a contact person to arrange interviewees. Previous studies, such as Chan, Devery and Doran (2003) have also used a chief collaborator to organise fieldwork. Like Chan et al's (2003) research, the NSW Police arranged a chief collaborator who was able to arrange interviews for me. The collaborator identified a number of interested officers and scene of crime officers who were willing to be interviewed. Contact was made with these officers via email and telephone. Similarly, the Thames Valley Police also identified which officers I could speak to, although many of them were initially sceptical about participating. The Thames Valley co-ordinator was also responsible for establishing contacts within the police, private laboratories and SOCOs in Oxfordshire. The process involved the co-ordinator providing a contact person within the organisation, who then nominated members of staff to participate. Both the laboratories in the Thames Valley, and the NSW laboratory, arranged for their scientists to be interviewed on the same day.

On one occasion two scientists decided that they would prefer to be interviewed at the same time. This became a beneficial thing for the research, as the interviewees discussed ideas between themselves. Although this cannot be described as a focus group, it did have many of the same benefits that using focus group methodology can achieve. One of the main benefits of interviewing two participants at the same time was reflective interaction with 'others who ... have complementary or differing views about the issue' (Phillips and Davidson 2010: 262). Some topics were discussed in more detail during the interview as the participants compared and contrasted their different experiences and opinions. Rather than answering a question briefly, the participants tended to discuss issues until there was some consensus between the participants about the issue at hand (Minichiello and Kottler 2010 in Phillips and Davidson 2010: 264). As such, this interview lasted a lot longer than many of the other interviews where there was only one participant. As both participants worked together on a daily basis there was already a positive group dynamic that enabled the participants to talk freely between themselves and in front of me.

The controlled nature of the research had a number of benefits and limitations. First and foremost, it meant that the research had the support of the higher-level administrators. Without this support the research would not have been completed. It also meant that I was guaranteed to have at least a certain number of participants from each group. However, it also meant that some participants were less comfortable with being included in the study, and this did have an effect on the research at times (this will be discussed in more detail later in the paper). It also meant that it was likely that certain people were chosen because of their knowledge of the area. That is, organisations may have chosen practitioners who were perceived to have a higher level of knowledge, or extensive experience of DNA profiling. Rubin (2005) suggests that choosing interviewees who are knowledgeable about the research problem is more valuable than talking to people who

know little about the issue. In some ways it was constructive for this research that the people were knowledgeable as it meant that participants were able to tell me more information about the topic. This also meant, however, that the data could not be generalised to the wider practitioner population because it is unlikely that they would all have a broad understanding of the issues that were discussed in the interviews.

However, this was not always the case. For example, the Thames Valley Police ensured that I was able to interview a number of officers from different sections and ranks so that I could understand how DNA evidence was used depending on the experience and role of an officer within the organisation. In particular, I interviewed two patrol officers, one of whom was only in her/his first few years as a police officer. This interview provided an entirely different perspective on DNA evidence than the officers involved in major crime who used DNA evidence frequently. It also provided me with a general understanding of how the use of DNA evidence had changed historically, with the more experienced police officers being able to tell me about how the role of the police had been changed by the introduction of the technology.

Alternatively, a number of the organisations allowed me to circulate information amongst their staff so that people could volunteer if they were interested. This ensured that I had participants who wanted to be involved and had some interest in DNA evidence. However, this also meant that I was more likely to get participants who had very definite opinions and knew more about the technology than many of their colleagues.

A third recruitment strategy was implemented to approach individual participants. Judicial officers from the NSW District and Supreme Courts and NSW defence lawyers from a number of different chambers were sent letters inviting them to participate in the research. Approval to conduct the research was provided by the District and Supreme Courts before letters were sent out. A selection of NSW Supreme Court and NSW District Court judges were then chosen from a list of judicial officers provided by Lawlink. Judges were selected foremost according to their involvement in DNA criminal cases. These judges were sent letters requesting their participation in the project. The response rate was relatively low. From twenty letters, only six participated. Finally, NSW defence lawyers were selected in a similar fashion: a list of defence lawyers was obtained from the NSW Bar Association website and individuals were sent letters. The response rate from defence lawyers was also very low, and two participants were recruited through snowballing techniques.⁴

This process of making contact highlights the difficulties with conducting research in a criminal justice system. The need for organisations to manage the research process highlights the closed nature of the criminal justice system. However, this is often necessary, as many criminal justice organisations are required to protect information that may reveal sensitive details about specific cases or policies that would hamper their ability to perform their jobs.

⁴ The process of snowballing refers to the recruitment of participants through the recommendation of individuals already in the study. Usually, the person being interviewed suggested that someone else in the office would be good to talk to, that person was then given my details and they subsequently contacted me.

Gaining entry and building rapport

The process of interviewing criminal justice practitioners was affected by a number of factors, including some practitioners' reluctance to participate, the need to reschedule interviews, and difficulty in organising appropriate times. Police organisations have traditionally been a 'closed' institution (Fox and Lundman 1974; Horn 1997; Punch 1989). Gatekeepers and a high level of bureaucracy stringently guard access to both police officers and institutional policies. As Dixon (1999: 94) suggests, research

continues to be a problem in Australian police services: some police officers ... believe that the sky will fall if, for example, the Police Rules and Instructions are made publicly available, or researchers have access to the institution. It finds expression, not so much in flat refusals to cooperate, but rather in seemingly endless swamps of bureaucracy and responsibility-shifting.

Numerous researchers have experienced similar problems to Dixon. Horn (1997) found that researchers that attempted to access a police force were seen as 'spies' and there was a concerted effort by police officers to ensure that 'outside' researchers were not given access to their 'secret world'. As a young female researcher, who was an 'outsider' to the criminal justice system, building rapport was essential. On a number of occasions, the ability to conduct an interview, as well as the progress and quality of the interview, depended entirely on the ability to build rapport. The majority of these involved practitioners who did not volunteer for the project, although a number of practitioners that did volunteer also required reassurance about my level of knowledge of the area and my ability to deal with more extreme cases before they would speak more freely.

Like past research, some participants and their supervisors in this study required further information about the study before participating. Chan et al (2003) for example, found that even though a chief collaborator arranged ground access for the researchers in their study, some of the officers were guarded about participating and insisted on viewing the approval for the research. For example:

though the researchers were never denied access by patrol commanders, the reactions of individual officers on any one shift ran the gamut from indifference, simple curiosity, and genuine interest and support, through to suspicion, abrasiveness, and rudeness. (Chan et al 2003: 55-6)

Suspicion of the research is often associated with how the police, and their organisation, will be portrayed by the researcher (Horn 1997). As a result of suspicion, Chan et al (2003) experienced the following problems with organising interviews:

At each stage, various factors affected the number of successfully completed interviews. These factors included resignation, relegation, or termination of interviewees; failure to attend the interview; difficulties in organising interviews in the field; and refusal. (Chan et al 2003: 48)

These experiences highlight some of the many problems with conducting research with any police organisation. Similar to Horn's (1997) and Chan et al's (2003) experiences, a

number of the police officers in the Thames Valley were concerned that I was there to monitor their performance or quiz their knowledge and then report the findings back to their superiors. As a result, most of the interviews began with an informal discussion about the research. Once participants understood that the main focus of my research was on trying to understand how they use DNA and the perceptions of how it had changed their jobs, they were happy to participate. By the end of the interviews the practitioners were more relaxed and more open about their views.

I also offered to send practitioners a copy of the transcript so that they could read what they had said and remove the items they were not comfortable with. The practice of sending transcripts to participants for review is not new. The purpose of interviewee transcript review (ITR) is so that interviewees can verify the accuracy of the data, correct any errors and provide clarifications (Hagens, Dobrow and Chafe 2009). There can, however, be problems associated with this process. The main disadvantage is losing valuable data where the interviewee removes sections of the transcript (Hagens et al 2009). However, I saw this as preferable to making the participant feel uncomfortable and preferable to the potential of losing the entire interview if the participant revoked consent at a later date. Indeed most practitioners were not concerned about seeing the transcript, and those that did, did not change anything. Although most of the practitioners did not ask for the transcript, the offer itself reassured the practitioners that they had control over what information they provided me with (Forbat and Henderson 2005).

One of the main problems that I encountered in regards to suspicion about the research occurred in the Thames Valley. In this instance, when the co-ordinator contacted a police station within Oxfordshire to arrange interviews, the station's supervisor was very sceptical about the project and the authorisation granted for the project.⁵ Initially it appeared as though he would refuse to allow his officers to participate. After assurances that the project was authorised, the co-ordinator faxed a copy of the interview questions to the supervisor and assured him that the officers could refuse to answer any questions. The problem in this scenario arose from a recent case where a police officer was quoted in a popular magazine, which revealed details of a case that was confidential. Once the supervisor was assured that the interview was not concerned with specific cases and that the officers would remain anonymous, he informed me that while I could interview two of his officers, they were not to be audio-recorded. This created methodological problems where the transcription of interviews was based on my notes.

For Chan et al (2003: 56-57), a 'fieldworker's sex, age, ethnicity, and life experience can affect his or her ability to establish rapport with the subjects'. This occurred with some of the interviewees, especially the judicial officers, where the age of the researcher may have influenced the responses; for example, one judicial officer commented: 'That case was very old in terms of your age; it's not so old in terms of my time at the bar' (NSWJO2). In most of the interviews with judicial officers there were several references about the difference in age and therefore a perceived difference in experience and knowledge. This had advantages and disadvantages. For example, in some cases the judicial officers would provide more detailed answers than they might have with another

⁵ This was similar to Chan et al's (2003) experience.

researcher to elaborate on changes in practices over a number of years. There was also an interest from a number of the criminal justice practitioners about my background and my plans for the future. For example, a number of the practitioners asked at the end of the interview whether I was intending on becoming either a lawyer, scientist or police officer, depending on who I was speaking to. There was an expectation that I would enter into the criminal justice system as a practitioner, as opposed to a researcher.

However, there was a reluctance of some practitioners to talk openly in the interview, especially on matters that would potentially lead to problems in the organisation or legislation being exposed. In a number of instances, practitioners provided an 'official line' rather than a personal response to some of the questions. For example, when asked whether there could be improvements to the legislation governing DNA evidence, one NSW police officer responded with:

That's then sort of going down a corporate line and issues like that are probably more appropriately addressed through the correct channels and chain of command and that sort of thing ...

Some practitioners were very open about this, and stated that although they had different personal beliefs they felt obliged to provide the organisation's viewpoint instead. This reluctance to speak about certain issues, in turn, provided indirect informal information about the organisation and the perception of DNA profiling. In these cases, probing was used to a limited degree. In the interests of maintaining a good relationship with the interviewee, certain issues were not pushed and where the respondent asked to avoid an issue, the topic was discontinued.

In other cases, some of the practitioners were justifiably reluctant to provide me with information that highlighted to the community (and potential offenders) policing practices and police use of DNA evidence. For example, when one police officer was asked whether DNA evidence was a common tool used for unsolved homicide cases, the response was:

Just a little reluctant to talk about numbers etcetera because that is fairly high profile and that's not the sort of thing that sometimes we want the community to know about ... I don't want to talk too much about police methodology.

However, other officers and criminal justice practitioners were more willing to speak openly about their practices and how they use DNA evidence in police interviews, prosecutions and defence cases.

In addition to problems of building rapport, there were also practical problems with conducting the research. As Minichiello and Kottler (2010: 11) argue, qualitative research 'requires a degree of flexibility and fluidity while venturing into new territory'. Throughout this research there were numerous problems with establishing suitable interview times and, as a researcher, I needed to be very flexible about when and where I could conduct interviews. Some interviews had to be rescheduled due to the work commitments of the participants. In some cases, practitioners could not book interviews

in advance because of uncertain work schedules. This was especially the case for the practitioners who were required to attend court. In particular, one defence lawyer needed to reschedule on several occasions because of extended trials or new trials. Also, due to their involvement with trials, many of the interviews with prosecutors, defence lawyers and judicial officers were conducted outside of office hours.

As already mentioned, the process of using a co-ordinator within an organisation was not always practical. There were occasions where the contact person nominated by the co-ordinator was unaware of why the interviewer was there or what was required. On some occasions it was understood that several interviews would occur in succession, however the contact person was under the impression that only their interview was occurring. As a result, a lot of time was wasted while other practitioners were recruited. It also resulted in people feeling pressured to be interviewed and a reluctance to speak openly. However, as already mentioned, this pressure was alleviated by expressly telling participants that they could refuse to answer questions, withdraw their consent at any time, and look at the transcript before it was used. As a whole, however, the use of the co-ordinator greatly facilitated and enhanced this research project.

Conclusion

Two broad themes have emerged from this paper. First, it is difficult to gain access to people involved in the criminal justice system, including both those administering 'justice' and those receiving punishment. Criminal justice agencies, including the police and corrective services, are reluctant to let 'outsiders' in to conduct research for fear of being criticised. Second, when access is granted, organisations have a certain level of influence over the findings through organising who the researcher can speak to and, in some cases, can require that the interview questions be approved before the researcher is allowed to speak to people. This raises questions about the level to which these findings can be generalised or replicated by future studies.

However, it is important to note that research in, or on, these organisations is not feasible without the cooperation of these criminal justice organisations. Criminal justice organisations are allowing external researchers to examine a greater number of topics, which may indicate that these organisations are becoming more open. It is also easy to understand why criminal justice organisations are wary of the type of information that is made public, as some information about police procedures could compromise their activities. Despite this, it is still important to conduct independent research to determine how practices are changing and how these changing practices are impacting on the wider community.

This article has provided an overview of the problems that I have encountered in conducting research in the criminal justice setting. In using a narrative inquiry approach, my main aim has been to offer insight to others who may want to conduct similar research about these problems and to provide evidence of the need to be flexible when conducting criminological research. The practical implications that can be taken from this paper include the need: to allocate substantial time not only when preparing the research but also when applying for various ethics applications, organising interviews and building rapport with both supervisors and on-the-ground staff; to be able to quickly

adapt to different circumstances, in particular when participants want to be interviewed together or where they want to miss particular questions; to be transparent about your motives and the interview questions; to be willing to provide interview transcripts to participants in order to give them some agency over their beliefs and experiences; to be careful of not reporting or providing sensitive data to supervisors; and to be aware of your personal attributes as a researcher and the impact this may have on the data.

The problems that I have described in this paper are not unique to my research. As already mentioned, numerous researchers have encountered very similar problems with policing departments and other criminal justice organisations around the world. The criminal justice system is a very closed sphere, where the participants within it can be very guarded about outside research and negative feedback. When conducting research of this nature there are two gateways that a researcher must negotiate; the first is controlled by the top-level administrators of the organisation and the second is controlled by the individuals that are asked to participate in the research (Fox and Lundman 1974). Even where there is formal approval to conduct research, it can be very difficult to obtain accurate and meaningful data if one does not have the support of the people being interviewed. Researchers attempting to enter this closed sphere need to be aware of the problems outlined in this paper and adopt strategies to minimise the ‘outsider’/‘insider’ divide. One solution to this may be to work in collaboration with criminal justice organisations, although this also raises a whole host of separate research problems.

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