

# The Challenge in Conducting Qualitative Research With Convicted Sex Offenders

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*Abstract: There is a paucity of literature focusing on the challenges involved in undertaking qualitative research with convicted sexual offenders. This article will address the challenges faced by the researchers whilst conducting fieldwork with convicted sexual offenders in the prison environment and how they overcame them. Such obstacles included the recruitment of participants, informed consent, establishing researcher-participant rapport, avoiding collusion and ensuring confidentiality and anonymity. This article further reflects on the social, political and ethical-legal dilemmas, as well as the emotional aspects (both for the researcher and participant) of researching such populations. Although the focus here is on researching sexual offenders in prison, the experiences will no doubt have resonance for those undertaking research with other vulnerable populations.*

**Keywords:** vulnerable; sexual offenders; qualitative research

Researchers strive to produce credible, robust and meaningful research but this is seldom a straightforward process. The fieldwork stage of qualitative research is no exception. There is a need for skilful negotiation with both gatekeepers and participants, on issues such as confidentiality, consent and value neutrality during the research process.

In this article we outline some of the challenges faced by the authors whilst conducting research in the unique environment of an exclusively male sex offenders' prison. There is a dearth of literature that focuses on the process of interviewing sexual offenders and the particular demands of such a setting for both researcher and participants. Therefore, this article seeks to examine some of these challenges and to contribute to an emerging discourse on conducting qualitative research with convicted sexual offenders (Cowburn 2005, 2006, 2007; Hudson 2005; Winder and Blagden 2008).

Previous research has tended to focus on interviewing styles in therapeutic interventions, particularly motivational interviewing (see

Ginsberg *et al.* 2002), however, the qualitative research interview is often overlooked. The focus here is on the fieldwork process, particularly the conducting of semi-structured interviews and focus groups. Many of the issues we discuss are undoubtedly transferable and will be familiar to researchers (and clinicians) of other ‘vulnerable’ populations. This article focuses chiefly on the issues of researching the ‘vulnerable’ and how sexual offenders constitute members of this group, whilst exploring the importance of confidentiality, informed consent, and the issues of challenge *versus* collusion.

### **HMP Whatton**

HMP Whatton is currently the largest all male, Category C prison, treatment facility for sex offenders in Europe. It is situated on the outskirts of Nottingham with a population of approximately 840. HMP Whatton takes a therapeutic approach to the treatment of offenders by engaging in a plethora of cognitive behavioural group-work programmes, with a particular emphasis placed on the nationally accredited sex offender treatment programme (SOTP). SOTPs aim to address and challenge offence supportive cognitions and develop new attitudes designed to change their pro-offending behaviour (Hollin and Palmer 2006). By joining this group, on some level the offender is publicly acknowledging his need for change, as such programmes are orientated around taking responsibility and are, therefore, not suitable for offenders who are categorically denying (‘I didn’t do it’) their offence. This type of ‘therapy provides a contact in which socially acceptable values are conveyed and ‘normal’ social interactions reinforced’ (Beech *et al.* 1998, p.1).

### **Research Context**

This article has emerged from the authors’ experience of conducting qualitative research with convicted sexual offenders. The first author’s research was an exploration of the phenomenon ‘denial’ in sexual offenders, particularly offenders’ process from denial to admittance and how ‘deniers’ construe and account for their offence. The second author is currently investigating (mis)understandings of sexual consent and refusal in convicted adult rapists by examining the ways in which offenders discursively comprehend and negotiate sexual consent within their offending behaviour but also within their own non-offending sexual experiences. The research also examines discursively the ways in which offenders draw upon shared cultural accounts, interpretative repertoires (Potter and Wetherell 1987) and, indeed, rape myths in order to account for their conduct.

### **Researching the Vulnerable**

Although literature exists detailing vulnerable populations, including victims of sexual violence (Briere 2002), children (Stone 2003) and older

people (Russell 1999), there is little reflecting upon sexual offenders as a vulnerable group. Melrose (2002) asserts that because of this researchers are left 'feeling methodologically vulnerable, verging on the distressingly incapable, because of emotional and anxiety challenges, and thus ill equipped to deal with some of the issues that may arise in this context' (p.338). This article thus attempts to bring some of these issues and complexities to the fore.

Moore and Miller (1999) suggest that the concept 'vulnerable' is socially constructed and, therefore, the production of a universally-agreed definition is problematic. They argue that within the literature, several groups of individuals are generally considered vulnerable, and these include (but are not limited to) those individuals who are stigmatised and institutionalised. However, the authors of this article would argue that this understanding of vulnerability is rarely extended to those who have committed sexual offences. Public concern with the risk posed by sexual offenders is undisputed. However, in part the media representation of sexual violence has fuelled a highly-volatile public reaction. As a result the public perception, for example, of rape, is that it is committed by individuals who the victim does not know; the reality being that in 85% of cases the rapist is known to the woman (Rape Crisis 2007). As a consequence there is an intense stigma surrounding sexual offenders and this can be seen 'in action' in different settings such as: in a prison establishment with a vulnerable persons (VP) unit; hierarchically within a sole-sex offenders' prison such as HMP Whatton, and intensely within the community by the public. Thus, sex offenders are vulnerable in both the prison environment and the community. However, whilst it is acknowledged that the prison service has recognised the vulnerability of sex offenders insofar as developing strategies for those at elevated risk of suicide and self-harm (see Bogue and Power 1995), there has been little discussion in wider academic circles of the vulnerability of this population.

Moreover, sexual offenders are vulnerable in prison populations with severe consequences for those who are ousted as sexual offenders. However, one could perhaps argue that a setting such as HMP Whatton decreases the vulnerability of its population in contrast to those sex offenders who are situated within a traditional prison or a prison with a VP wing. Within such prison contexts many sex offenders are forced to adopt more viable identities and survive in such institutional contexts by leading 'double lives' (Schwaebe 2005). This article would argue that there is currently an insufficient grasp on the full vulnerability of sex offenders. Indeed, incarceration leads to the loss of autonomy and marginalisation of prisoners' lives, thus increasing their vulnerability (Liamputtong 2007). Furthermore, in the community, sex offenders are both stigmatised and rejected by the societal masses, making them outcasts and limiting their access to both support and social networks, therefore increasing their (social) vulnerability (Liamputtong 2007). By exploring the vulnerabilities of sex offenders in both the prison and the community, the authors do not seek to undermine, nor dispute, the (well-documented) experiences of

victims of sexual violence and indeed both authors are very much committed to conducting empirical work in order to increase understanding of sexual violence and prevent further victimisation. Due to these complexities, ethically-sensitive research with these participants needs to be conducted with attention to such matters.

### **The Vulnerable Researcher**

Researchers are inclined to write about research experiences in terms of methods of data collection or the effects research can have on the participants, thus often overlooking the impact that the research can have on themselves. Hallowell, Lawton and Gregory (2005) suggest that ‘... just as research can be a pleasurable and exciting experience, it can also be distressing and emotionally isolating’ (p.11). They encapsulate some of the emotions that the research process can entail. When interviewing sexual offenders the researcher can expect to face an explicit discussion about the participant’s offence, a traumatic account of what led up to that offence (which can often include a discussion of abuse the participant had experienced themselves), an account of life in prison, which for some participants has meant enduring physical and verbal abuse as well as attempted suicides.

The researchers have also had to reconcile their own moral position as the building of rapport with research participants can sometimes lead to a genuine liking of that person. The authors here advocate a humanistic approach where one separates the act of the sexual offence away from the person. Such an approach is considered essential in order to conduct the research described in this article. Equally, researchers may be faced with a situation of disliking a participant and so it becomes necessary for the researcher to attempt to suspend their own biases and beliefs. Lea, Auburn and Kibblewhite (1999) have highlighted this tension in professionals and paraprofessionals working with sexual offenders. They noted that there was a ‘professional-personal’ dialectic within most workers which was the tension between having to do a professional job (for example, treat offenders) and their personal feelings which may be ones of disgust and repulsion towards the offender.

It is necessary at this juncture to attend to the pertinent issue of gender and the impact it has had on our experiences of interviewing sexual offenders. While it is beyond the remit of this article to discuss the issue at length a cursory glance at the researchers’ experiences is warranted, so as to provide a more holistic backdrop to the research process.

Indeed, both researchers have faced difficulties with interviewing sexual offenders, which have been shared and, in some cases, gendered. Difficulties faced by the female researcher have included having prisoners shouting through the door of where an interview is taking place, one such example involved a prisoner shouting at the interviewee: ‘go on [name] you know you want to’. Another awkward situation encountered by the female researcher was whilst a research participant was discussing the sexual fantasies that he was having in the lead up to his offence and in

order to exemplify that the fantasies could be about anyone, in any situation, he highlights how he would probably have been preoccupied with sexual thoughts whilst talking to the female researcher during the interview. Other prisoners have made comments about physical features such as having ‘nice eyes’ which, within the institutional context, left the female researcher feeling somewhat uneasy.

The male researcher has also experienced uncomfortable experiences; however, they mainly centred on issues of masculinity. For example, in one interview the participant was recalling his account of the offence and he offered the justification that the offence was not rape, but ‘rough sex’. This was followed by the disclaimer: ‘all men like rough sex’ and then the tag question: ‘you can’t tell me you don’t like rough sex? Come on be honest’. This was an uncomfortable moment and one where the male researcher’s values were the object of the interview. It was vital here not to subscribe or fall victim to his attempts to justify his account, and the subject was changed.

We thus recognise the issue of gender as crucially important to the situated context of the interview and consider it to be a focus of inquiry in its own merit. However, the purpose of this article is to focus upon the common, shared experiences within our own research. One particular focus is on the coping strategies which have been developed through our shared experience. These coping strategies can be negotiated through both informal (through friends, taking time out between interviews to reflect but also to embark on activities which distract) and formal (through supervision, counselling) networks, but it is also vitally important that researchers have the ability to access this kind of support when needed, for instance, straight after an interview, rather than during supervision sometime later.

### **Gaining Access and Recruiting Participants**

The research undertaken by the authors at HMP Whatton was subject to rigorous ethical checks by both HMP Whatton and Nottingham Trent University.

With regard to recruitment of participants, HMP Whatton has acted as a ‘gatekeeping agency’. Liamputtong (2007) argues that there is evidence to suggest that some gatekeeping agencies act in an obstructive way and keep researchers out. When reliant on a ‘gatekeeping agency’ to access participants, the researchers will often find themselves to be a low priority in a busy work schedule, making access a slow process. The researcher is also subject to the ‘gatekeeper’s’ discretion which raises the questions on the one hand of the potential participants that are being omitted from the recruitment process and on the other, who is being included and why. This gatekeeping role ensures prisoners’ rights to privacy whilst adhering to the Data Protection Act. However, the authors’ experiences have been far more positive mainly due to the collaborative nature of the PhD;<sup>1</sup> however, the researchers are mindful of the stake that the prison has in the research and the potential impact which that could have on objectivity. The

gatekeeping role of the psychology department within HMP Whatton has helped the researchers not only recruit participants for their research but also allowed them to share their in-depth knowledge and understanding of sex offenders.

### **Process Issues**

Participants who expressed an interest in finding out more about the authors' research were invited to attend a consent meeting. These initial meetings would last up to 30 minutes, explaining the purposes of the research and allowing potential participants an opportunity to ask any questions. This also allowed the researcher the opportunity to assess the potential participant's ability to give full informed consent.

Issues in obtaining full informed consent (that is, without deception), particularly when research is on a sensitive topic, has a long lineage (see Milgram (1963) and Humphrey (1975) for some controversial examples). It was of paramount importance to ensure that the participants were fully informed of the research and understood the purposes of it, alongside their right to withdraw. For the researchers to ensure this, they needed to provide full disclosure of the research aims and objectives and forewarn potential participants that some questions would entail discussing their offence. Participants were made aware in the initial consent meeting both verbally and in the consent forms, that the disclosure of certain information would invalidate standard confidentiality procedures and would have to be reported to the appropriate authorities (principal psychologist, prison security, police liaison officer) in accordance with Prison Service Order (PSO) 7035. Such disclosures include threats to prison security, information relating to an offence for which they have **not** previously been convicted and expression of intentions to harm self or others. It was important that this was further reiterated before commencement of the main interview (Winder and Blagden 2008). We concur with Hagan's (2006) sentiments that informed consent is a 'continual process of mutual learning and evolution' (p.48) and not a process that starts and ends after the consent forms have been signed, but, instead, is an ongoing process. As both researchers are committed to the research process being a dialectical process it is important to maintain ongoing consent. This has been achieved by keeping participants up-to-date about feedback and checking on a regular basis about further participation in data collection with both follow-up interviews and focus groups that were consented to in the initial meeting.

Once participants gave their informed consent an interview was arranged for the following week. This allowed participants extra time to consider fully the details of the study set out in the information sheet and formulate any further questions they might have about the research, prior to the interview. The initial consent meetings were also beneficial as they allowed the researcher to begin to build a rapport with the research participants. Miller and Tewksbury (2001) suggest that trust and rapport are essential when carrying out sensitive research with the 'vulnerable'. Research participants need to both trust and feel comfortable spending

time with the researcher in order to enable them to talk openly about their lives and offending behaviour.

It is interesting that in recent times there has been considerable research in forensic fields into the ‘therapeutic alliance’ – the relationship between clinician and client. Such research has stressed that a strong therapeutic alliance bolsters both treatment quality and success (Serran *et al.* 2003). Similarly, Bulmer (2005) argues that social researchers need to co-operate with participants, to establish trust, to be open and create an empathetic relationship between the researcher and the researched. In both cases it seems that ‘genuineness’ is important in the relationship with offender-participants, they need to be comfortable and at ease in order for credible research to permeate.

This building of rapport should not be confused with collusion, which will be discussed later in this article. The time between the initial consent meeting and interview enabled the researcher to consider what language to use in the interview if participants were maintaining their innocence, if they were considered to be lower functioning prisoners (with an IQ less than 80), if they were aggressive, if they were emotional or if they presented with any other socio-affective difficulties which could pose potential problems for both parties involved in the research process.

It could be argued that some researchers take the ‘smash and grab’ approach to data collection (Liamputtong 2007); we have developed a more sympathetic and reflexive approach, one which acknowledges our duty of care towards the well-being of the prisoners involved. In instances where participants have become visibly upset during the interview process the researchers have taken their prompt from the participant and only continued if they were happy to do so. The researcher always ensured that the interview ended positively with the focus on the participants’ future and their hopes (see Winder and Blagden (2008) for a more in-depth discussion). In some ways our interviewing style mirrors good clinical practice and, in particular, shares some of the tenants of motivational interviewing (MI). For instance, MI avoids direct confrontation and challenge (Bundy 2004) and, instead, the emphasis is on the way questions are phrased, how ‘encouragers’ are given and how ‘leading’ is avoided. Thus change comes from, and is elicited by, the individual; there is no coercion or persuasion (Rollnick and Miller 1995). However, it is important to remember that the researcher’s role is not to facilitate change, as our purposes are to understand and interpret how participants presently construct their worlds. Even if researchers used MI strategies, for example, ‘rolling with resistance’ in instances where a participant became defensive, it would **not** be done in an attempt to delicately challenge or develop discrepancy in their views (Bundy 2004). It will, instead, be implemented to maintain rapport, avoid confrontation and to keep the interview focused.

The researchers have been mindful of the impact that the interview process can have and where a participant has been particularly distressed this has been followed up (with the participant’s permission) by informing wing staff in order for them to observe and discuss with the prisoner their

well-being. This process of debriefing overlaps with ethical concerns across the sphere of social research. Such processes include thanking participants for their time, reiterating the research aims and objectives, reassuring the participants that all data will be de-identified and, therefore, anonymous, reminding participants of their right to withdraw from the research, informing participants who to contact if the research process has raised any personal issues or distress and, finally, giving contact details for both obtaining a summary of findings and if a participant wants to complain about how the research was conducted.

### **Confidentiality**

Confidentiality can be problematic when conducting research with sexual offenders particularly when the research is qualitative and utilises in-depth interviewing. Possibly the most famous study for ensuring confidentiality in this area is Abel *et al.*'s (1987) research on the self-reported sex crimes of non-incarcerated paraphiliacs. Abel *et al.* (1987) went to great lengths to protect the confidentiality of the participants. Participants' documentation was kept in charts coded by each participant's unique ID code. The unique ID code (the only way to match a participant with the data) was held outside the United States in order to stop the federal government from subpoenaing the data. The researchers were also issued with a certificate from the federal government so that they could not be forced to hand over the data. This study perhaps highlights the lengths it takes to achieve 'full' confidentiality in such settings. In 1993, Rik Scarce, a PhD researcher, was imprisoned for 159 days after protecting confidential communications between himself and a research participant. The police believed that the research participant had been involved in some form of criminal activity and wanted access to the confidential communications that had occurred during the research process. Scarce (2001) argues that 'the code (of ethics) needs to make clear that unless researchers are prepared to go to jail, they should set limits on the scope of their confidentiality assurances at the outset' (p.271).

As researchers, we take the issue of confidentiality very seriously, with procedures in place to best assure confidentiality, though our position probably represents one of 'limited confidentiality' (Cowburn 2005) (please refer to the previous discussion regarding PSO 7035). Such a position highlights the researcher's dual role dichotomy of wanting to protect the participant's anonymity on one hand and protecting the interests of others (past/future victims) from harm on the other. Such a stance may also seem to reflect the researcher's moral position of a concern for victims; however, this does mean that absolute confidentiality cannot be maintained (Cowburn 2005). As previously discussed, when researching in a prison setting, researchers are duty bound to report such information; this duty supersedes any ethical or moral dilemma and must be adhered to if the research is to be credible and ethical. This is in line with the British Society of Criminology's (BSC's) (2009) and the British Psychological Society's (BPS's) (2009) ethical guidance. As Cowburn (2006) notes, long

semi-structured interviews may allow us to glean insights into the nature of sexual offending that would not have been discovered by traditional quantitative approaches; it does, however, leave open the possibility of sensitive information being revealed of the risks to other people.

### **Challenge versus Collusion: Walking the Line**

When conducting research in prison environments, particularly with sexual offender populations, the issue of whether a participant's accounts, verbalisations and justifications require challenge, naturally occurs. There is a host of literature on the distorted presentation, attributions and offence accounts of sexual offenders. Indeed, the accounts of sexual offenders are often ascribed the specialist label 'cognitive distortions', whose anodynic properties serve to negate responsibility, avoid and shift blame elsewhere (Maruna and Mann 2006).

Thus one of the first challenges a researcher may face in this field is to be presented with an offender who holds radically different views to oneself and who offers a distorted account of their offence ('the child enjoyed it', etc.). What is the role, then, of the researcher when faced with such overtly distorted accounts? Do you challenge their viewpoint or allow them to continue gaining more insight into the offender-participants' construing or sense-making? It would appear that direct challenge of a participant's account would seemingly extend beyond the remit of the researcher and fit better with the role of clinician. Indeed there is much debate as to just what distorted accounts (usually referred to as cognitive distortions) actually are. Do they represent a person's global beliefs or are they simply *post hoc* excuses (Howitt and Sheldon 2007). It has also been argued that distorted verbalisations may actually reflect the offenders' beliefs; their construction of the nature of the adult-child relationship (Chin-Keung 1988). Thus allowing the participant the opportunity to present their account and 'tell their story' (see Waldram 2007), we may glean some insight into how that person is making sense of their offending behaviour. However, this broadly utilitarian approach (see Cowburn 2006) is not without implications, for if one allows the offender to tell their story unchallenged are we running the risk of colluding with the offender? In other words, is the researcher's passivity in these circumstances allowing an affirmation of the offender's views and thus contributing to them? One may even, at times, be confronted with the question: 'do you think I'm innocent?', or the confirmatory phrase: 'you know what I mean?'. It is vital here that the researcher does not confirm or acquiesce to these verbalisations.

This is, indeed, sensitive terrain and one must be constantly mindful of not subscribing to participants' views. Indeed by subscribing to their views one may inadvertently undo some of the positive work of psychological staff and regress participants' progress (many of the participants could either be on treatment or just about to commence treatment). This can put the researcher, at times, in an uncomfortable position between the offender's perspectives and the ethos underpinning psychological programmes. Is it possible, then, for researchers to find that

middle ground and walk the line? Or do researchers, at some point, have to take sides?

There is no easy answer to this quandary and there is an argument that sooner or later one has to pick a side, as it is not possible to do research that is uncontaminated by personal and political biases (Becker 1967). While, perhaps, no research is truly value neutral, arguing that sooner or later we must pick a side (Becker 1967), seems to paint a rather linear conceptualisation of the research process. Perhaps a more sophisticated view is being able to see the merit in both sides and, to some degree, sympathise with both sides (see Liebling 2001), but all the while ensuring you are the arbiter of the possible tensions. This conceptualisation, then, views the researcher's position as a dynamic one, the mediator of tensions and competing positions from both sides. It can, at times, be a tough task, but it is one that leads to rigorous and credible work. Researchers, then, should be mindful of the context and situated construction of the interview, particularly the latitude it gives participants to construct desirable responses and desirable identities (Presser 2004). Research often fails to examine 'the play of discourse in research' (Presser 2004, p.84), and neglects to examine the intention or rhetoric in offenders' narratives.

In this setting it is necessary, as with many other fields, that the researcher builds up a reflexive practice (see Cunliffe 2003) that details not just how the researcher appeared to affect the participant and vice-versa, but also details wider tensions that may be affecting the research process. Both the researchers in this study keep regular fieldwork journals and they are maintained as a form of best practice.

Thus, while recounting their perspectives, sexual offenders may seek to legitimise and justify their offence and their offending behaviour. A particular rapist may subscribe to certain 'rape myths' (see Burt 1980), for example, 'she was dressed like that, she was asking for it'. One has to be mindful, then, not to let the offender ruminate and focus on their behaviour. We have found it necessary on occasion to interject and guide the interview back on course. For instance, using questions like: 'I think we are focusing too much on this, I was wondering if you could tell me more about that?'. Subtle shifts in questioning can guard against prolonged and unnecessary focus on offence justification, while keeping the participant within the parameters of the interview schedule. Again our questioning, at times shifting focus in the interview or when asking participants to clarify and elaborate on their responses, has parallels with clinical interviewing, particularly with MI (Rollnick and Miller 1995; Bundy 2004). However our goal is to understand the life-worlds, perspectives and experiences of the participants and not to change behaviour. Though, similarly, we do not want to become unwitting agents in colluding and reaffirming the offender's beliefs.

Thus the researcher's role can, at times, become a balancing act, but it is certainly possible to walk the line. While, without doubt, one will come across views or accounts totally in opposition to their morality and world views. Overt challenge, particularly in what may be perceived as a 'safe

environment', is not recommended and could result in hostility and even result in no participants (Marshall *et al.* 2001). Colton and Vanstone (1996) faced a similar predicament and 'had to consciously inhibit our natural reactions to some of the discourse of the men and to limit overt challenging of attitudes and distorted thinking in order to facilitate a process that enabled their stories to be told' (p.5).

### Conclusion

In this article we have sought to contribute knowledge upon the issues and obstacles in conducting research with sexual offenders. Doing applied research within this unique setting, that is, an exclusively male sex offenders' prison, has thrown up challenges both within the research process and for the researchers themselves. Indeed there is a myriad of external and internal factors that need to be negotiated and we have attempted to unpack some of the more salient within this article. Taking on such a reflexive approach has enabled us to produce sensitive yet insightful research with an often excluded population and one marginalised in terms of idiographic research. Indeed 'to undertake crime research without involving the offender's perspective should be seen as trying to write a play without characters' (Nee 2004, p.17). This, therefore, highlights the necessity for in-depth qualitative research with sexual offenders that must be sensitive, while at the same time researchers must be both reflexive and mindful not just on how the research is affecting participants, but also about how the process is affecting them.<sup>2</sup>

### Notes

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