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**Prison, Power, and People with Learning Disabilities:  
The Complexities of Curtailed Lives**

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Submitted in fulfilment of the requirements of the  
Degree of Doctor of Philosophy

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## Abstract

Very little is known about how people with learning disabilities symbolically engage with imprisonment and discursively account for it within their wider self-narratives. Although there are no cohesive incarceration figures for people with a learning disability, prevalence studies suggest that they are over-represented among prison populations worldwide. This research addresses a major gap in literature as people with learning disabilities' accounts are largely absent from prison sociologies, and offending and imprisonment experiences are missing from learning disability studies literature. By bringing together empirical, theoretical, and methodological knowledge from criminology and disability studies, the research fills this void and heralds the value of drawing on two distinct fields of study.

This thesis provides a platform for the experiences of 25 men and women with learning disabilities who were serving a custodial sentence or who had been recently liberated from custody at the time of research. Through a critical realist lens, the study used innovative qualitative research methods - multiple and semi-structured interviews - in order to preserve the ethical and moral integrity of researching inclusively with people with learning disabilities while being sensitive to the challenges of researching within prison.

The research found that people with learning disabilities are disadvantaged and marginalised in unique ways as a result of the increasing psychological demands associated with late modern imprisonment. In prison, they negotiate distinct barriers to their full social participation with and through their punishment, sentence, and the demands of daily prison life. As a result, they face intersectional forms of oppression and are further socially disenfranchised through institutional process which render them vulnerable and dependent on the structures, supports, and regime of prison which are often absent from their lives in the community. Participants internalised their exclusion, and characterised their lives through experiences of labelling, governance, and curtailment.

## Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

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Signature: \_\_\_\_\_

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# 1. Introduction

## 1.1 Research background

The incarceration of people with learning disabilities is by no means a new phenomenon, however little is known about the ways in which this group makes sense of, adapt to, and symbolically engage with imprisonment. The Prison Reform Trust (Talbot, 2008) identified that people with learning disabilities are a hidden population within prisons, and that their experiences and perceptions tend to be silenced as a result. While it is not the case that people with learning disabilities are more likely to offend, prevalence studies have estimated that this group is over-represented among the prison population, and as many as 20-30% of prisoners may have some form of learning disability and/or specific learning difficulty (Loucks, 2007a; Mottram, 2007). A recent inspectorate report concluded that there were extremely poor conditions for identifying learning disability, and therefore the needs of prisoners with learning disabilities are largely unmet (HMIP, 2015).

While there is a clear gap in the literature with regards to speaking directly to people with learning disabilities about their perceptions and experiences of imprisonment, there is continued interest in this area from a forensic perspective. Much forensic research represents people with learning disabilities' offending behaviour as particularly pathological, especially with such a strong focus on fire-raising and sexually motivated offending (see: Clare *et al.*, 1992; Courtney and Rose, 2004; Lindsay, 2005) and steers towards successfully adapting or creating behavioural programmes (see: Novaco and Taylor, 2015). The 'psy-complex' (Rose, 1985), argue Goodley and Rapley (2001), sustains problematic medical discourses which characterise cognitive impairment as a naturalised phenomenon and through which the impaired individual is seen as having a 'problem' to be treated by allied social and health professionals.

Whereas Baldry, Dowse and their colleagues (2009, 2013, 2015) found that the detrimental socio-structural effects of overlapping unmet complex needs were key in understanding the pathways to custody for people with learning disabilities. In the community, people with learning disabilities are likely to experience social deprivation across multiple domains including: poverty and poor housing conditions (Beresford and Rhodes, 2008); unemployment (Emerson and Hatton, 2010) and low educational attainment (Scottish Government 2000); poor general health and wellbeing (NHS Scotland, 2004; Emerson 2010); and ‘social disconnectedness and overt discrimination’ (Emerson and Baines, 2010: 6). As a result, people with learning disabilities are subject to high levels of social intervention and governance over their daily lives and decisions (National Institute for Health and Care Excellence, 2015). The same set of complexities, inequalities, and multiple forms of socio-economic disadvantage are faced by many within the prison population (Houchin, 2005; Webster and Kingston, 2014; The Equality Trust, 2011). Thus, the doubly exclusive marginalisation of people with learning disabilities who offend presents the complexities of their social positioning as curtailed and controlled.

This thesis seeks to address the gap in knowledge by inclusively researching with people with learning disabilities to gain an understanding of their experiences and perspectives of imprisonment, and its role within their overarching self-understanding; the research is committed to being informed by the participants’ views and guided through their own frames of reference. It focuses on the interactions this group have with the institutions that govern and oversee their lives, the social actors that populate those systems, and the impact these interactions have on their sense and shaping of self.

## **1.2 Research aim, objectives and design overview**

The research seeks to contribute significantly to knowledge about the subjective prison experiences of this particular group in response to the existing lack of academic qualitative research in this area. This research originally set out to explore how people with learning disabilities experience and discursively situate their imprisonment

within their wider lives and self-narratives. To achieve this, I set three key objectives: firstly, to explore how people with learning disabilities interpret and discursively account for their incarceration, and how they place this within the wider context of their lives; secondly, to consider the key challenges they face while in prison, and how they adjust to the demands of prison and of being a prisoner; and finally, how they interpret the impact of imprisonment on their sense of self and of self-worth. More widely, this study brings together two distinct disciplines in order to provide a dually informed conceptual and methodological approach to studying incarceration and learning disability.

This thesis provides a platform for the experiences of 25 men and women with learning disabilities who were serving a custodial sentence or who had been recently liberated from custody at the time of research. Through a critical realist lens, the study used innovative qualitative research methods; multiple and semi-structured interviews were used to preserve the ethical and moral integrity of researching inclusively with people with learning disabilities and were occasionally enriched by some of the principles of the Appreciative Inquiry to deal with the emotive challenges of researching within prison. A key feature of the research is the centralisation of participants and their views; this is most evident in the retention of the context which participants themselves provide. Throughout the thesis, although particularly in the four data chapters, I present lengthy quotations from participants; this serves to conserve their frames of reference and avoid, as best as possible, splicing data into quotable snippets. Similarly, I have included anonymised biographical vignettes for each participant (Appendix 9), which I constructed from my fieldwork diary observations in order to foreground the individuality of each respective person as I transcribed and worked with the data during the analysis and write-up stages of research. Another way that this has been realised is the transcription of participants' accounts with dialect; I reached this decision not through the politics of semantics, but rather in order to avoid tainting their accounts with my privileged position as a non-disabled academic researcher. I felt that by polishing their dialect, I was risk of ascribing my own interpretation and meanings to their perceptions and opinions.

## 1.3 A note on terminology

The term ‘learning disability’ has been used throughout this thesis. This is the preferred term used in policy and by organisations in Scotland, as well as people with learning disabilities themselves (see Scottish Government, 2014, 2000). The equivalent term in England and Wales is ‘learning difficulties’ which is aligned with the terminology used by self-advocacy activists (see Goodley, 2000). I have used a deliberately loose definition of learning disability in recognition of the slipperiness of definitional aspects, particularly at their limits of inclusion and exclusion. As such, I invited participation from people who would otherwise find themselves on the borderline with a formal diagnosis and likely be ineligible for support in the community as well as those with specific learning difficulties or acquired brain injuries. One of the reasons for using the term in a loose manner was that it was both in line with Cornerstone’s approach (although they use the term ‘learning support needs’) and similar, although slightly expanded through my decision to include Autistic Spectrum Conditions, to previous research by the Prison Reform Trust throughout the No One Knows series (Loucks 2007a, 2007b; Talbot 2008) and the Bradley Report (2009).

## 1.4 Structure of the thesis

The thesis has a traditional structure, consisting of: two literature chapters to contextualise the intersection of two distinct disciplines; a methodology chapter which describes the research design and reflects on the process of carrying out the fieldwork; four chapters discussing the findings which emerged through a close analysis of the data; and, finally, it concludes with a discussion that draws together the thematic and conceptual threads identified throughout the data chapters. An overview of each chapter is provided below.

The first literature chapter, **Chapter 2: *Making sense of learning disability***, explores different conceptual approaches to understanding learning disability. It looks at three key models within disability studies: the individual model, the social model, and

social constructionism. The chapter introduces each model in turn, assesses the respective value and limits of their applicability to learning disability. Finally, it critically considers the benefit of critical realism as a meta-theoretical approach in understanding learning disability.

The second literature chapter, **Chapter 3: *Sociologies of prison life: situating people with learning disabilities***, looks at sociological studies of the experiencing prison life. It begins by considering key studies that conceptualise the prison as a social system as well as those which explore the realities of what it feels like to live in prisons under late modern governance. It also highlights the significant gap in literature regarding the prison experiences of people with learning disabilities, and demonstrates the expansive value of exploring prison life from the perspectives of specific groups of prisoners in order to destabilise the homogenisation of prison experiences.

Having situated the research between the two disciplines **Chapter 4: *Methodology*** addresses the research aims, design, and implementation. It begins by restating the research aims before discussing the philosophical (critical realism) and theoretical (symbolic interactionism) underpinnings that shaped the research design and guided practice in the field. Next, it describes the qualitative research methods chosen for the study: multiple and semi-structured interviews guided by appreciative inquiry principles, and asserts their suitability for researching with people with learning disabilities inclusively, within challenging environments such as prisons, and maintaining ethical and moral integrity. It then provides a critical reflection on the overall research process and broadly grounded theory approach to analysing the data, and occasionally provides examples through fieldwork diary extracts.

The following four chapters present the research findings that emerged through in-depth data analysis. The first data chapter, **Chapter 5: *Marginality and impressions of risk***, looks at the participants' pre-prison self-narratives in order to provide a wider context to their trajectories into prison and demonstrate the ways in which they situate prison within their lives. It shows that the participants' home worlds were characterised by marginalisation; they experienced multiple and overlapping forms of unmet complex needs as well as significant levels of institutional intervention and

governance. Throughout their lives, participants were subjected to insidious forms of traumatisation, victimisation, and oppression; as such, they were often considered through dual notions of ‘risk’ by being both rendered ‘at risk’ and posing ‘a risk.’ Finally, the chapter explores participants’ understandings of their wider criminal justice pathways.

The second data chapter, **Chapter 6: *Adjusting to prison life***, explores the ways in which participants came to understand and apply meaning to their incarceration within the wider context of their lives. It discusses the complexities and contradictions that imprisonment represented, particularly as participants contrasted the socio-structural conditions of prison and their home world; at times, the former provided the stability and security they felt they ‘needed’ which the latter lacked. The chapter also looks at the particular challenges participants faced through normative practices and expectations over their daily lives in prison; the perceived lack of appropriate structural adjustments disadvantaged and oppressed participants in many ways.

The next data chapter, **Chapter 7: *Suspended identities***, depicts participants’ feelings about themselves in response to the meanings they attribute to prison as outlined in chapter 6. This chapter considers participants’ symbolic interactions with the institutional transformational expectations of carceral punishment, with their peers and with themselves. In exploring the intricacies of identity work, the chapter elaborates on participants’ feelings and management of difference and standard assumptions of incapacity: some people used stigma management strategies to diffuse this, while others mobilised the system of classification and labelling to forge further hierarchies of difference and depict themselves as not quite as ‘bad’ as others. Overall, the chapter provides an in-depth account of participants’ projects of self related to and rendered through their prison experiences.

The final data chapter, **Chapter 8: *Agency and institutionalisation: an oxymoron?***, presents accounts from participants who felt dependent upon the familiarity of prison life, and welcomed the insulating and supportive impact from those restrictions that accompany an assumed lack of capacity. As such, it locates participants’ perceptions of penal institutionalisation as residing within wider socio-structural relations through

their highly marginalised, disadvantaged, and liminal social status, highlighting the cycles of dependency generated through the impact of psycho-emotional disablism. Comparatively, it also explores the resistant and subversive responses to being treated as a vulnerable prisoner. The chapter considers agency as latent, as participants used it most evidently when their sense of self or psycho-emotional wellbeing were under threat.

Finally, **Chapter 9: *Discussion and conclusions*** provides a conclusive summary of the contribution and implications generated by the research and key thematic findings. It demonstrates the methodological and conceptual compatibility of disability studies and criminology in broaching such a unique intersection of two distinct subject areas. It explores the overarching theme of power as it emerged very strongly throughout the data; this became crystallised through three further sub-themes. Firstly, it examines the participants' manifold experiences of exclusion as 'laminated', or layered, as such continuous forms of exclusion became internalised and further deepened their sense of social disenfranchisement. Secondly, it discusses 'capacity assumptions' and the ways in which binary assumptions of having or lacking capacity presents structural barriers to people with learning disabilities in prison and, as a result, adversely impacts their psycho-emotional wellbeing. Finally, it draws together the common threads where participants discussed using their agency to preserve or create a sense of self in response to institutional pressures, or when they perceived threats to their self-narratives; these existed both in the institutional inscription of 'vulnerability' but also in the relative 'pains' of community life amidst the complexities and marginality that characterised their home worlds. These thematic areas contribute significantly toward a nuanced understanding of the complexities faced by people with learning disabilities as they make sense of and situate their imprisonment within their wider lives and self-narratives.

## 2. Making sense of learning disability

This chapter aims to explore the ways in which learning disability has been conceptualised through key theoretical approaches to understanding disability: the individual model; the social model; and social constructionism. It explores each model of understanding disability, and their applicability and limitations, before considering their contribution towards a meta-theoretical understanding of learning disability through critical realism (see Bhaskar and Danermark, 2006; Stalker, 2012; Watson, 2012). The chapter is comprised of three sub-sections which, in turn, critically examine the conceptual contributions toward an understanding of learning disability through the lens of each model; the final sub-section provides an overarching dialogue by exploring the applicability of critical realism in light of the epistemic fallacies and inherent limitations of approaching learning disability through a single model explanation.

### 2.1 The individual model

This section will discuss the individual, or medical, model of disability and the ways in which this has shaped our understanding of learning disability. It also considers the limitations of the medicalisation of disability, and of learning disability more specifically, particularly in the ways in which the domination of such approaches have affected both the treatment and institutionalisation of people with a learning disability.

The individual model was the main approach in understanding disability until it was challenged in the 1960s-1970s (Shakespeare, 2014). This model is underpinned by a collection of approaches that understand disability to be a result of impairment. This model makes two assumptions: firstly, it locates the ‘problem’ of disability within the individual; and secondly, it focuses on the functional limitations of the person (Oliver, 1990). These assumptions present the discourse of disability through the lens of ‘personal tragedy’, implying that disability results in a terrible event or unfortunate circumstances happening to an individual (*ibid.*: 1).

Based on the premise that disability is a medical problem, residing in the individual, the individual model sees that impairment causes disability (Oliver, 1990; Barnes and Mercer, 2010). The locus of the medical model's understanding of disability is thus cast within the impaired body or mind, and implies that the disabled person is in some way inferior due to their difference (Hahn, 1985). As the person with impairment is seen as deviating from the 'norm' or the ideal, the individual model constructs disability as a medical problem requiring the management of individual bodies in order to adapt to society (Oliver, 1990: 46). The impetus of the medical model was for health professionals to 'treat' the willing disabled person (Oliver and Barnes, 1998) through rehabilitation or finding a 'cure' for the disabled person, or for the state to take over caring for the individual within long-stay institutions. Oliver (1990: 2) contests that medical pathologisation of disability perpetuates the 'personal tragedy' theorem that renders disabled people as victims within wider social domains.

The domination of the medical model means that disabled people have become subject to assessment, classification, and categorisation in order to receive a formal diagnosis (Oliver and Barnes, 1998). The classification of disability, in turn, determined eligibility for welfare provision and work exemption based on the degree of individual functional limitation (*ibid.*). In 1980, the World Health Organisation (WHO) designed a three-tier framework for classifying disabled people; it distinguished between impairment, disability, and 'handicap' through a medical model approach (Oliver, 1990: 4). Through the individual pathological lens, the original WHO framework defined 'impairment' as the 'parts or systems of the body that did not function properly' (Barnes and Mercer, 2010: 20). 'Disability' was seen as 'resulting from impairment' and caused functional limitation to the ability to perform 'normal' social tasks, while 'handicap' was referred to as the disadvantage from not being able to carry out or take part in 'normal' social activities or roles (*ibid.*; Oliver, 1990: 4). The normative assumptions inherent in the WHO framework echo the individual model through a specific focus on the notion that 'the social dimensions of disability and handicap arise as a direct consequence of individual impairments' (Oliver, 1990: 7).

## 2.1.1 Limitations of the individual model in conceptualising learning disability

The individual model has been thoroughly challenged by disability scholars and activists within the Disabled People's Movement through its significant contribution toward the oppression of disabled people (Oliver, 1990; Oliver and Barnes, 1998). The medical model was contested because it implied that disabled people faced barriers to their full social participation which were caused by their own biological difference or inferiority, and did not theorise environmental, social, or cultural barriers to their inclusion (Finkelstein, 1993). Of the medicalisation of disability, and potentially lifelong medical governance, Oliver (1990: 5) writes that disabled people were excluded from medical decisions and therefore rendered 'passive objects of intervention, treatment and rehabilitation.' Goodley (2010: 8) adds that the oppression and exclusion imparted by medicalisation denied disabled people from being 'authors of their own lives.' The individual model pigeon-holed people with a learning disability into lives of dependency and pathological discourses of sub-normality, incapacity, and deficiency. By assessing personal capacity and cognitive functioning the medical model is driven by expertise and experience, although expertise is firmly grounded in the medical experience of professionals from the 'psy-complex' (Rose, 1985) rather than the impaired individuals themselves (Chappell, 1997).

The domination of medical professionals over the lives of people with learning disabilities has been marked throughout recent history; particularly their classification and institutionalisation (see Goffman, 1961; Walmsley, 2006). Notions of individual pathology within the medical model of disability render people with a learning disability as passive, dependent, incapable, and in need of 'physical care and control, either within institutions or carefully policed within their families' (Welshman, 2006: 17). The pathological treatment of people with learning disabilities persists most strongly through medical processes of classification and labelling, especially as people with a learning disability must undertake psychometric aptitude assessments in

the form of Intelligence Quotient (IQ) tests<sup>1</sup> (discussed further in section 2.3). The medical model's insistence on such assessments, and rehabilitative treatment or institutional placement, reinforced socio-cultural notions of normativity which reflect ableism's social, cultural, and economic devaluation of disabled people (Goodley, 2010). Many have argued the extensive disadvantages of using the IQ testing as a '*predictor of social functioning and hence of support needs*' (Burton, 1996: 38; Siegel, 1989; Stalker, 2012). Myers (2004) argues that IQ testing is over-inclusive as measurement errors tolerate a margin of error at  $\pm 5$  IQ points, with the result that some people with learning disabilities have an IQ of over 70. Burton (1996: 28-29) contests that IQ tests are academically and culturally biased; they require a psychologist to administer them; and that they measure current rather than potential functioning. However, IQ tests remain prominent in spite of their problematic and unreliable nature, as they are deemed the most effective manner of contrasting the performance of an individual to that of the rest of society in order to reach the decision as to whether or not the individual can be eligible for appropriate support services (Burton, 1996). Their statistical measurement and involvement of medical professionals reflect the medical model's preference for quantifiable, scientific approaches of the school of positivism.

### 2.1.2 The impact of 'normalization'

The individual model paved the way for the introduction of the 'normalization principle' (Wolfensberger, 1972). With conceptual roots in Scandinavia (see Nirje, 1969), the 'Normalization principle' informed British politics through the 'Inquiry into Mental Handicap Nursing and Care' (also known as the Jay Committee). The 'Jay Report' (1979) was highly influential in inspection of dominant procedures and call for relocating the provision of care from institutions to the community (Race, 2007; Parmenter, 2001). Despite the complexities of deinstitutionalisation through the

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<sup>1</sup> An IQ is measured by a standardised test which determines intelligence, wherein the average score is 100 points and a learning disability is currently scored at 2 standard deviations – 15 points - below the mean; having an IQ of less than 70 points would indicate a learning disability, and scoring within the range of 70-79 would suggest a 'borderline' learning disability (WHO, 2016).

gradual closure of long-stay hospitals, Chappell (1997) highlights that normalization preserved medical professionals' governance over the lives of people with learning disabilities beyond the institution as they resumed a key role in delivering 'care in the community.' Oliver (1999) argues that the practice of normalization perpetuates the negative social implications that the individual model has, particularly through the charity discourse inherent in the 'personal tragedy' theory (Oliver, 1990); the disabled person is then rendered dependent upon medical professionals' and state assistance.

Normalization has been said to have '*created the conditions for inclusion*' through deinstitutionalisation and encouraging people with learning disabilities to live in a way '*as close to normal as possible*' (Walmsley and Johnson, 2003: 44; Bank-Mikkelsen, 1969). Wolfensberger (1972) argued that the process of 'mainstreaming' would re-integrate people with learning disabilities socially by emphasising their human, social, and civil rights. That said, while some individuals may succeed in the mainstream, it cannot be denied that in certain cases identification of learning disability may allow certain individuals to prosper in an adapted learning environment addressing Special Education Needs (SENs) (see Ferrie, 2008).

The normalization principle sought to redefine what it means to have a 'normal' life for 'devalued' people by moving their presence from closed institutions into the community, where they would have the right to belong and to participate (*ibid.*). Through the concept of 'socially valued roles' (Wolfensberger, 1972), the normalization agenda located people with learning disabilities as 'devalued' individuals who have stigmatized identities who are then encouraged to mix with those who have 'valued' social identities (Chappell, 1997: 45). Notions of deviance and the labelling theory (Lemert, 1951) can be detected within normalization, although Wolfensberger (1972) was adamant that the concept was not to be confused with 'normalcy' (see also Oliver, 1999). Chappell (1997) contends that this is particularly destructive to the disabled people's movement as it serves to socially and politically disempower people with a learning disability as they are discouraged from sharing their experiences of oppression. While the normalization principle may have contributed significantly toward policy and the treatment of people with learning

disabilities, it fails to move beyond their pathological objectification and political oppression (Chappell, 1997; Oliver, 1994, 2009).

## 2.2 The social model of disability

This section discusses the social model of disability, which is rooted in materialism and focuses on the social relational aspects of disablism. It then explores the model's applicability in understanding learning disability, followed by its limitations. The section concludes with a discussion of an extended social relational approach, which serves to explore the psychological and emotional impact of material barriers inherent in society and social relations.

During the wave of social movements toward political empowerment during the 1960s and 1970s, disability activists started to campaign for fairer socio-economic treatment and exposure of the discrimination faced by disabled people in society. At the core of the Disabled People's Movement and Disability Research in the UK, the 'social model' of disability posits that individuals with impairment are excluded, discounted, and oppressed from the mainstream of society (see Finkelstein, 1980, 1981; Barnes and Mercer, 2010; Oliver, 1990). The social model rests on the assumption that the impairments people have are distinct from the oppression they experience in society, and by maintaining that disabled people are an oppressed social group, political focus can remain on removing the barriers which disable and oppress people with impairments. Distinguishing between impairment and disability in this way, a social model approach distances itself from the 'medical model', or 'individual model', which located pathology within the individual, arguing that disability is created by individual deficit (Oliver, 1990). In a systematic attempt to create distance from the medical model, disabled activists and academics formed the Union of the Physically Impaired Against Segregation (UPIAS) in the mid-1970s – amidst, and shaped by, wider political movements - and set out a doctrine that sought to collectivise and politically mobilise disabled people. They set out a defining document which argued that:

*Disability is the disadvantage or restriction caused by a contemporary social organisation which takes no or little account of people who have physical impairments and thus excludes them from the mainstream of social activities.*

UPIAS (1976: 20)

The social model of disability focuses on the materialisation of oppression of people with impairments. Oliver (2009) maintains that the group which constitutes ‘disabled people’ should not be disbanded in order to illuminate the inter-group experiential differences rather than intra-group, and rather defines access to this group as someone who: has an impairment; experiences oppression as a consequence; and identifies as a disabled individual. Although he admits with hindsight that his seminal work ‘*The Politics of Disablement*’ did not sufficiently account for the experiences of oppression amongst the community of people with learning disabilities, Oliver attributes this to the somewhat utilitarian desire to appropriate the oppressing experience of all disability (Oliver, 1990, 2009). Elsewhere, others have argued that the dispersing of disabled people with a shared experience of oppression into impairment-specific categories further epitomises the materialist understanding of disability and ‘becomes redundant’ (Shakespeare, 2006: 31). Furthermore, it may be argued that the reductionist embodiment of material categorisation imposed by wider socioeconomic and political structures would render the disability movement powerless due to the disbandment of a group empowered by its shared common experience - social oppression by a society designed by and for non-disabled people.

The movement demonstrated that people with impairments were a minority group who faced oppression and marginalisation, and who frequently had decisions made about their daily lives by non-disabled people (UPIAS, 1976). Driven by a materialist conception of disablism, the document argued that disability is present in the social imposition of barriers that prevent people with impairment from their full social participation; people are disabled as a result of inaccessible social environments that exclude and oppress them as a minority group (*ibid.*). According to Finkelstein (2000) - one of the pioneers in UPIAS – this model purports that disability is socially imposed on top of impairment, and since it is socially situated and created, the

barriers people with impairments face could, in theory, be removed by shifting the source of the ‘problem’ from the individual onto the social fabric (Finkelstein, 1980).

In this move away from the individual, or medical, model, disability became recast as a political issue. In an influential paper, Abberley (1987) argued that disability ought to be understood in the first instance as oppression and thereafter as a political identity. He wrote that impairment also has social origins that are historically and culturally specific; the biological origins of impairment, and their embodied manifestations, prevent disabled people from adhering to the non-disabled ideal, resulting in disadvantage, marginalisation and ‘internalised oppression’ (*ibid.*; Reisler, 1990). As such, his paper urged an appreciation of the material conditions which socially situate disablement, rather than focusing on its social construction (Abberley, 1987). In opposition to the medical model, Oliver (1990) coined the term ‘the social model of disability’ as a way to understand that disablism is present in the social relations, spaces and structures designed by and for non-impaired people; people with impairments are thus oppressed, disadvantaged, and marginalised. Through a Marxist lens, Oliver (1990, 1996) historically places the exclusion of people with impairments from dominant, mainstream society, as the materialist approach implies that all social phenomena are produced by capitalism. He argues that disability is a product of capitalist idealism, and the capitalist mode of production created necessary by-products of industrialisation – medicalisation, rehabilitation and institutional living - for those with impairments who were deemed superfluous to economic contribution to the labour market (*ibid.*). A materialist conception of disability therefore argues that it is a category which is produced relative to the social and economic forces of capitalism through their constant reproduction and cultural reinforcement: disabled people are excluded through the ‘operation of the labour market and the social organisation of work’ and this exclusion is culturally reinforced through the social responses (Oliver, 2009: 91).

## 2.2.1 Applying the social model concept to learning disability

Although people with a learning disability have distinct disabling experiences, they share in common many disabling experiences with disabled people more generally which can be explained through a social model approach (Stalker, 2012). This section considers firstly the contribution of the social model of disability toward a more nuanced understanding of learning disability than the individual model or normalization principles.

Rooted in a Marxist political economic school of thought, materialist approaches imply that all phenomena are produced by capitalism; that is to say that disability and learning disability are products of a capitalist idealism. Materialism is, therefore, the notion of producing categorisations of phenomena relative to the social and economic forces of capitalism; by constantly reinforcing and reproducing the category of disability through ‘the operation of the labour market and the social organisation of work’, not to mention the determination of engineered social responses (Oliver, 2009: 91). These external impositions of categorisation by demarcation relative to participation in the labour market are not a new phenomenon for people with a learning disability. Early industrialisation’s over-inclusive classification of disabled people as ‘deserving’ of poor relief, exemption from the workforce and institutionalisation in the workhouse through the Poor Law Amendment (1834) was seen to remove people with learning disabilities from society, and the labour force, through the Lunacy Act (1845), Lunacy Asylums Act (1853) and the Idiots Act (1886) (see Symonds and Kelly, 1998: 19; Pilgrim, 1993: 168; Farquharson, 2016). The rise of product commodification during this significant transition from feudalism to capitalism allowed for the devaluation of disabled people as exempt from the labour market workforce and in turn, under capitalism, where exclusion from the economic realm marks also the denial to the social: ‘being disabled’ became a form of social demarcation (Thomas, 2007: 54).

Stalker (2012) comprehensively sets out the ways in which the social model accounts for the experiences of people with learning disabilities. She highlights five key

experiences that can be shared among people with learning disabilities and disabled people generally, incorporated by the social model. Firstly, she notes that people with learning disabilities are as subject to materialist categorisation as disabled people in the main (Stalker, 2012: 123). By drawing on the Marxist foundations of the social model (Oliver, 1990), practices of medicalisation and institutionalisation can be seen as a form of medico-governance over the lives of people with learning disabilities (Stalker, 2012: 123; Chappell, 1997). Secondly, she explains that both groups ‘experience exclusion and discrimination in many areas of their lives’ which intrude on their full social participation in society (Stalker, 2012: 123). This is evident as people with learning disabilities experience multiple social and economic disadvantage spanning: poor general health (Emerson, 2010; NHS Scotland, 2004); limited work and education opportunities (Emerson and Hatton, 2010; Department of Health, 2001); an increased likelihood of living within areas of multiple deprivation (Beresford and Rhodes, 2008; Emerson and Baines, 2010; Emerson *et al.*, 2005); and, living in impoverished conditions (Learning Disability Statistics Scotland, 2014; Emerson and Baines, 2010).

Thirdly, in locating the issue of cultural barriers to social inclusion that people with learning disabilities can experience through prejudicial attitudes, Stalker explains that these materialised through ‘being patronised or pitied to harassment and hate crime’ (Stalker, 2012: 124). Shakespeare (1994) explains that the cultural processes deeply ingrained in prejudiced and stereotypical views, produce and reproduce negative social attitudes toward impairment and disability. Stalker’s assessment draws on Thomas’ (2007) concept of ‘psychological and emotional disablism’ (discussed further below) to explore the damaging ‘psycho-emotional’ impact of such negative social attitudes or actions. Finally, she explains that the social model conceptualises effectively the ways in which people with learning disabilities may experience material and environmental barriers in similar ways as those experienced by people with physical or sensory impairments (Stalker, 2012: 124).

## 2.2.2 The limits of the ‘strong’ social model in understanding learning disability

Whereas, in questioning the continued efficacy of the social model, Shakespeare and Watson (2002) argue that it has become a ‘sacred cow’ in its ideology - its strengths have become its weaknesses, and suggest that the model has three main shortcomings: neglect of impairment; the binary disability/impairment dualism; and, identity politics. These criticisms are even more visible when considering learning disability through a ‘strong’ social model approach, as demonstrated in this section. This is key in understanding the value of a social model approach given that some writers have argued that it does little to address the barriers that people with learning disabilities experience (Aspis, 2000). Chappell (1997) and Walmsley (1997, 2010) argue that disability studies have largely ignored the experiences of people with learning disabilities. This is especially evident in the original wording of UPIAS’ (1976) definition of disability, as detailed above, where impairment is assumed to be physical. Moreover, Oliver’s (1990) outline of the conceptual foundations for the social model makes few references to the experiences of people with learning disabilities; he later acknowledges this omission and defends the position held by Finkelstein (1986) that disabled people should not be further disbanded into impairment groups.

The first of Shakespeare and Watson’s (2002) criticisms regards the lack of inclusion of personal experience nor inclusion of impairment which was of particular interest to feminist disabled activists and writers (see Morris, 1992; French, 1993; Crow, 1996; Thomas, 1999). For example, French (1993) highlights that the social model falls short in the omission of personal accounts of pain and limitation, which are part of impairment for many disabled people. Denying difference, wrote Shakespeare and Watson (2002), is as problematic for disability studies as it was for feminism. Whereas Finkelstein (1996) contends that foregrounding impairment and personal experience undermines the political reach of the social model as it would relay only ‘sympathetic biography’ (Hunt, 1966) and a ‘personal tragedy’ account of disablement. However, by ignoring impairment, the social model has been criticised

for homogenising the experience of all disabled people and all manifestations of impairment and its effects to the physical, corporeal and embodied realm; with regard to learning disabilities this means that the focus remains largely on physical impairment and socio-spatial structural disablism (Chappell 1997; Walmsley, 2006; Shakespeare, 2006; Goodley, 2010).

Second, the impairment/disability dualism has long been an issue of debate within disability studies. The social model creates a polarising distinction between impairment and disability where the former regards the biological – the body or mind - and the latter the social - the interaction between and impaired person and society (Oliver, 1996). Just as feminism has largely moved away from a sex/gender dichotomy (see Butler, 1990), avoiding notions which imply that sex is only biological, so too does Thomas (1999) argue that impairment harnesses a complex social situation which cannot only be reduced to the biological. Impairment, like sex, has a social character which shapes and is shaped by social relations (Shakespeare and Watson, 2002). The strong social model's insistence to separate impairment from disability into parallel dichotomies denies the impact they have on one another (Corker and French, 1999). Stalker (2012) stresses the difficulty with conceptual approaches to learning disability which 'reject dualisms to then set up a binary opposition between a wholly social constructionist viewpoint on the one hand' and an individual deficit model on the other (2012: 132). She incorporates Thomas' (1999, 2007) 'sociology of impairment' to foreground the social conceptualisation of biological impairment and argue that '*neither an impairment nor its effects can be seen as purely biological; rather, they are 'complex bio-social phenomena'*' (Stalker, 2012: 132).

The third question around the efficacy of the social model concerns identity, foregrounding its extrinsic imposition, suggesting that 'identity politics can be a prison as well as a haven' (Shakespeare and Watson, 2002: 21). Disabled people are seen as those who identify as such, thus for those with hidden or invisible impairments, the element of choice is sometimes present in accessing a mainstream identity. Whilst accepting that a disability identity is ascribed to people with impairments, and confounded by a 'medical domination' (Ryan and Thomas, 1998),

an internal conflict of classification also exists. Dowse (2001) argues that the social model of disability is guilty of harvesting a ‘discursive othering’ of people with learning disabilities due to a lack of theoretical attention paid to their unique experiences of disablism. While there are some common experiences of having a disabled identity which those with and without learning disabilities share, which are markedly distinct from the non-disabled population, Stalker (2012) writes that some disabling experiences are exclusive to people with learning disability as a direct result of their unique impairment effects (Thomas, 1999). Drawing attention to the rejection of the label ‘disability’, Stalker suggests that people with learning disabilities can ‘*distance themselves from the traits and stigma typically associated with learning disability*’ (2012: 125; see also: Hunt, 1966; Goffman, 1963). This may not necessarily be the negation of being different, but rather the desire of eluding the ‘difference’ externally instilled by society and culture (Shakespeare, 2006).

### 2.2.3 The impact of impairment effects and the extended social relational approach

Understood as social relational in character, disablism manifests itself, or materialises, as a particular form of unequal power relations in certain social contexts, revealing itself through political, cultural, economic and interpersonal exchanges (UPIAS, 1976; Oliver, 1996; Thomas, 1999). Building on the idea that disability is a social relationship between people, where disability is viewed as a form of social oppression, Thomas (1999) proposed that by extending this social relational understanding of disability a more nuanced understanding of its experience might be achieved:

*Disability is a form of social oppression involving the social imposition of restrictions of activity on people with impairments and the socially engendered undermining of their psycho-emotional well-being.*

Thomas (1999: 60)

The extended social relational approach encapsulates a materialist feminist approach to understanding disability wherein disability remains something imposed on top of impairment, but personal, private, or ‘inner world’ experiences of disablism are not ignored. The psychological and emotional (psycho-emotional) dimension of disablism arises out of oppressive social relations in the same way as socio-structural barriers and restrictions to full social participation (Thomas, 1999, 2007; Reeve, 2004). Just as disability restricts activity, this form of oppression impacts upon the psychological and emotional wellbeing of impaired people. Cultural processes, which are deeply ingrained in prejudiced and stereotypical views, (re-)produce negative social attitudes toward impairment and disability (Reeve, 2004; Shakespeare, 1994); their internalisation can be corrosive to self-valuation and self-making. Socio-structural ‘barriers to doing’ undermine the disabled person’s self-esteem and, in turn, disrupts their sense of self through inherent ‘barriers to being’ (Thomas, 1999; Reeve, 2012, 2014). These barriers reinforce negative cultural predilections toward prejudice of the Other (Shakespeare, 1994), and lead to internalised oppression because the disabled person feels ‘out of place’ (Kitchin, 1998) and comes, then, to regard themselves as Other (Reeve, 2014). This approach can offer a more nuanced understanding of the experience of disability by paying equal attention to private realms and socio-structural domains where oppression can have an impact and affect, as these spheres can rarely exist exclusively.

## 2.3 The social construction of disability and impairment

This section explores the social construction of learning disability and looks at approaches which contest that disability and impairment are products of social relations and cultural dispositions. It begins by looking at how the approach developed through symbolic interactionism, and most notably the Labelling theory, and considers how this shaped the understanding of disability as a social construct produced through unequal power relations between individuals, institutions, and society. The second sub-section explores how the category of learning disability may be understood conceptually through a social constructionist lens. Finally, it highlights the ‘strong’ social constructionist approach associated with post-modernist disability

theorists and addresses the limitations of a socially constructed approach to learning disability.

### 2.3.1 The social creation of difference

Edwin Lemert's (1948, 1951) account of the structured, material and social construction of deviant status is key to understanding the social generation of the constructs 'disability' and 'learning disability'. By rejecting individual pathologisation as a way of explaining deviancy, Lemert's interactionist work challenged dominant notions of deviance and, in turn, confronted whether or not the strict binary dualism of 'normal' and 'pathological' (see Canguilhem, 1978) was necessary or useful. He argued that *'the archaic and medicinal idea that human beings can be divided into normal and pathological'* categories reflect reductive, immoral, and dehumanising beliefs, which are founded through unequal power relations in the social domain (Lemert: 1948: 25). He presented the idea that the concept of the 'norm' was a construct and deviation from such ideas occurred through social interactions; yet more specifically within the social reactions to behaviour as contingent on the context of said action (Lemert, 1951). He argued that conflict exists between differentially situated groups as one attempts to exert their hegemonic power relations over the other (Lemert, 1951: 56). Moreover, Becker (1963: 14) added: *'deviance is not a quality that lies in behaviour itself, but in the interaction between the person who commits an act and those who respond to it.'* Indeed, the seminal sociology of deviance work – which was itself closely aligned with symbolic interactionism and the Chicago school (discussed further in chapter 4) - marked a shift from considering the individual as deviant to the behaviour itself.

Interactionist accounts of disability owe much to Goffman's (1963) ground-breaking work in *Stigma* where he distinguished the social conditions and relations which produce 'normal' and 'stigmatised' identities (see chapters 3,7, and 8 for further discussion). Goffman argues that a 'norm' is socially established within any given social environment or exchange, and assumed 'normal' identity or behaviour constructs stereotypes through a stigma theory in order to explain the inferiority,

lesser status, and social danger which the 'stigmatised' person may represent (Goffman, 1963: 15-16). His account focuses on the social interactions among 'normal' and 'stigmatised' identity groups, explaining that power is inherent in these relationships due to the prevalence of stereotypes; the construct of the socially-contingent idealised 'norm' renders visible 'spoilt' identity or 'blemished' characteristic (Goffman, 1963). Emblematic of symbolic interactionism, Goffman's work demonstrated that the meanings stemming from interactions between social actors reveal that deviation from the norm, along with the stereotypical assumptions, are the product of social processes (see also, Thomas, 2007). The notion of 'stigma' is socially created in the way in which 'normals' socially interact with, classify, and treat those discredited by a devalued characteristic or social marker of difference from the norm (Goffman, 1963).

However, the concept of stigma and its embodiment can be reconsidered through the concept of prejudice so as to relocate the locus of blame; shifting focus to prejudice as the product of social interaction and spatial organisation forces a reconsideration of the notion of 'vulnerability' (Abberley, 1987; Watson, 2003). Watson (2003) re-evaluates the site of stigma to bring the idea that society is predisposed to concepts and constructs of 'normal':

*Impaired people are thus cast in the position of outsider, placed on the margins of society by virtue of their impairment. It is this embodiment of stigma that is problematic... The concept of stigma, and its embodiment on the stigmatised ignores broader roles of cultural representation which render disabled people 'other'. If the concept of stigma were to be recast around the concept of prejudice a far more powerful analysis could be achieved, in that the blame for such prejudice would fall squarely on the shoulders of the 'normal'.*

Watson (2003:37)

Similarly, Garland-Thomson (2011: 600) theoretically undresses the United Nations Convention for the Rights of People with Disabilities Treaty (2006) definition of disability, and contests that there is a "misfit between 'persons with impairments' and

*an unsustaining environment made up of 'barriers' materialises our inherent vulnerability.*' She argues that the site of vulnerability resides not in the impaired body or mind, but rather in 'the fit' of any given individual within any given environment; more hostile environments will inspire more frailty, but ultimately it is in the interaction between the individual and the physical, built, social and psycho-emotional world that the lack of fit presents itself (Garland-Thomson, 2011).

The labelling perspective emphasizes the political motivation to place 'power' on trial and question the legitimacy of the concept in the creation of deviance due to ideological hegemonic power relations; perpetuating the interwoven and inter-dependent notions of power in the social construction of deviance/deviants (Goffman, 1961; Jenkins, 2008). The concepts of deviance, power, and institutionalisation are inseparably entwined, as discussed in chapters 8 and 9, as a result of the constructed nature of direct and indirect mechanisms of social control; this is exemplified by Goffman in the final essay of *Asylums* (1961). He most ardently sets his arguments against the psychiatry movement, as he contended that the production of deviant 'Others' – that is, those deemed only fit for institutional commitment – is but a part of an extremely professional, systemic and bureaucratic structure geared at the demarcation, control and containment of such undesirables (*ibid.*). As such, the labelling approach began to unveil routinised practices which seek to socially control specifically targeted populations of undesirable, socially devalued, and stigmatised 'Others' by revealing the techniques that both produce deviance as well as 'the unnecessary intrusion by the state' over our everyday lives (Sumner, 1994: 205; see also, Cohen, 2001; Cohen and Taylor, 1976; see also chapter 5 and 9 for further discussion).

Robert Scott (1981) presents an interactionist account of the creation of blindness, insofar as people with varying degrees of visual impairment are constructed both through meaning attribution to their outward social situation but also constrained by their structured institutional interactions to be suitably moulded to fit the standard 'blind' category. Similarly, Lennard Davis (1995) argues that the notion of 'normalcy' itself is created and sustained through conformity to the Weberian notion of the ideal type (*ibid.*: 27), yet in a functionalist fashion that follows the standard normal bell

curve given that there will always be outliers. Davis purported that ‘the problem’ did not reside within the disabled body but rather within the socio-cultural processes which create and sustain ‘normalcy’, which, in turn, creates the ‘disabled person’ and renders them a ‘problem’ to be dealt with (*ibid.*: 24; Shakespeare, 1994). Shakespeare (1994) highlights that socio-cultural forces produce and reinforce negative cultural predilections toward disabled people, and, in turn, generate cycles of prejudice and oppression. These devaluing social messages of exclusion and disavowal can become internalised by the disabled person and corrode their sense of self-worth; this is a thread I expand on throughout the data chapters that follow with regard to the ways in, and psychological and emotional impact of, which people with learning disabilities feel excluded from criminal justice processes and interactions particularly when their capacity is called to question.

### 2.3.2 The social construction of learning disability

By opposing the individual model of disability and the technocratic power of the allied health professionals over the lives of disabled people, social constructionism focuses on the cultural and social production of knowledge, informing dominant notions of that which constitutes ‘disability’ (Oliver, 1990). The social construction approach facilitates an alternative discourse which locates disability within the cultural and social production of knowledge, and highlights the importance of the social context within which knowledge is produced (Dudley-Marling, 2004; Berger and Luckmann, 1966). This approach proposes that disability is viewed as a social problem to be defined, managed, and controlled by public policy (see Hahn, 1985). Oliver (1990) argues that the ideological construction of disability produces notions of disability as a social burden and, in turn, a culture of dependency that predicates the unequal power relations between disabled people and the institutions which govern their lives.

The varied conceptualisations of learning disability, along with the reliance upon the medical field persists due to the requirement of psychometric testing to clinically diagnose whether or not an individual should be officially deemed ‘learning disabled’

and, in turn, become a 'disabled person'. Until the 1960s, extant literature was produced by and in support of the medical model, comprised of the psy-complex: psychiatrists and psychologists (Edgerton, 1963: 372). The labelling perspective is evident in the critique of the dominance of the medical – or individual deficit - model as the site of the 'problem' casts not the individual, but rather the response to the individual's impairment as well as the social conditions which render this 'other', different or, somehow, 'less-than' and lies, instead, in the structures of a society that (re-)creates such conditions:

*The phrase 'mental retardation' [sic] does point to a state of mind – not the state of mind of the people who are alleged to have it, but the state of mind of those who use the concept in thinking about others. Mental retardation is a misnomer, a myth... Mental retardation does not exist... The classification of people as mentally retarded depends on organisations and societal values, beliefs and processes.*

Bogdan and Taylor (1982: 7)

Conceived of in this way, the construction of the term 'learning disability' along with its definition and diagnosis could be construed as a social creation responding to the failure and short-sightedness of the manner in which we educate (see for example Taylor, 1996; Klotz, 2004). The creation and interpretation of the term 'learning disability' is a product of the social and cultural values that underpin the society that has cast them; it alerts us to the requirement to differentiate from those who do not necessarily 'fit' with the complexities of late modern society:

*The label 'mentally retarded' creates a barrier to our understanding people on their own terms. It prevents us from seeing and treating people so defined as human beings with feelings, understandings and needs. When we label people, we lose the ability to empathise with them – to see the world from their point of view.*

Bogdan and Taylor (1982: 222)

Learning disability is a multifaceted concept, extremely complex in essence and due to its innate individual centricity it becomes difficult to apply, hence terminology can seem fleeting over time and place, and across institutions and schools of thought. The category of learning disability has been historically the subject of much philological dispute over time and place; the concept's meaning has shifted from representing an entirely misunderstood state of mind toward a category prescribed by medical professionals with clearly set boundaries of inclusion and exclusion. That which was once understood as a 'demonic force' present in 'idiots' and 'the feebleminded' in the pre-traditional era came to be traditionally known as 'mental retardation' (Ferguson, 2014; Trent, 1995; Parmenter, 2001; O'Sullivan and O'Donnell, 2007; Bogdan and Taylor, 1982).

People with a learning disability were deemed at one point 'angelic', pure, and innocent, and at another 'demonic' and sexually promiscuous (Stalker, 2012). Spivakovksy (2014a) explains that within the Australian legal system, they can be deemed vulnerable and at the same time dangerous. The very act of identifying it becomes an exclusionary tool through its inclusionary intentions, despite their mutual dependence. Berger and Luckmann (1966) contend that learning disability is an institutional construct, and the very existence of its linguistic and institutional category ensures that some members of society will acquire this label. They purport that institutions and symbolic categories have been socially produced in response to specific socio-cultural needs, and operate as self-fulfilling prophecies (*ibid.*; Dudley-Marling, 2004). Other writers have drawn on these notions to implicate the socially constructed nature of 'special needs education' (Barton and Tomlinson, 1981; Booth, 1996). The social process of cultural marking of the 'slow' learner determines individual non-conformity and legitimises the construction and public policy governance of learning disability (McDermott, 1993; Taylor, 1996; Dowse, 2001).

### 2.3.3 The limits of strong social constructionism

The social construction of learning disability stems from complex interactions among social actors and institutions; learning disability is 'not only produced in a social

context, it is itself part of the context that gives meaning to participants' actions' (Dudley-Marling, 2004: 485). However, one of the key limitations of a social constructionist understanding of learning disability, and the concepts of disability and impairment more generally, is the notion at the extreme end of the spectrum which claims that impairment is socially constructed. Goodley (2001, 2004; Goodley and Rapley, 2002) argues that learning disabilities are discursively, linguistically, and categorically constructed. He attempts to move theoretical assumptions of learning disability beyond the binary dualisms informed by the individual pathological model, arguing that preconceived assumptions of incapacity shape the power relations to which people with learning disabilities are subject (Goodley, 2001).

Vehmas and Makela (2009) reject the postmodernist stance on account of the implied notion that if impairment can be socially constructed through discourse, it can be deconstructed and disregarded. Oliver (2009) lists having an impairment as an essential criterion of being considered a disabled person; others take this further, arguing that the 'personal is political' and the nature, experience, and reality of impairment is important (Crow, 1996; Morris, 1991; Thomas, 1999, 2007; Shakespeare and Watson, 2002; and Watson, 2012). Such conceptualisations of learning disability as entirely socially constructed are unhelpful (Stalker, 2012; Walmsley and Johnson, 2003; Shakespeare, 2006) and are reductive of the lived experience of impairment and its effects (Thomas, 2007). In an influential paper Abberley (1987) argues that disability ought to be understood in the first instance as oppression and, thereafter, as a political identity as a means to avoid applying disability as a primary and all-encompassing identity. He contends that impairment must also be considered a social product (Abberley, 1987: 17). In order to contest presumption of 'naturalised' impairment, he draws attention to stereotypes of impairment through the wheelchair logo on bathroom doors which, he argues, does not capture the reality of disablism for most people with impairments:

*'Impairment, taken as a given 'natural' property rather than a social product ultimately 'explains' discrimination and disadvantage for such analyses via appeal to some social mechanism parallel to the posited 'basic ethnocentrism' employed in some studies of race.'*

(Abberley, 1987: 14).

He argues that interactionist accounts fail to adequately explain material conditions and contexts within which social relations take place, and contends that exploring disability as oppression emphasizes the social origins of impairment as well as the material disadvantage inflicted upon them (*ibid.*: 17).

## 2.4 Toward a critical realist understanding of learning disability

Each of the three models of understanding disability and learning disability, set out above, have strengths and weaknesses. This section turns to consider what a critical realist approach to understanding learning disability can offer through the pluralism and as a multi-factorial relational model (Shakespeare, 2014b). This section firstly explores the nature of a critical realist perspective of disability and, secondly, considers the value of a critical realist understanding of learning disability, which seeks to reach a compromise between discursive constructivism and the biological realism of living with an impairment, while also retaining a commitment to the social model of disability in a manner which includes and values the perspectives of people with learning disabilities.

### 2.4.1 A critical realist approach to disability

A critical realist perspective offers a multi-factorial approach (Shakespeare, 2014b) to understanding learning disability where it retains: the biological realism of the medical approach (appreciating that impairment exists); the political grounding of the social model (that disablement is a social factor); and the cultural creation and maintenance of attitudes toward disabled identities (that attitudes are socially constructed). According to prominent disability studies scholar Tom Shakespeare (2014b), critical realism offers the ‘most helpful and straightforward way of understanding the social world, because it allows for complexity.’ Shakespeare (2006: 54) states that a ‘plurality of approaches’ is necessary when analysing disability, particularly as ‘disability research is a difficult and contested area’. The pluralism

inherent in critical realism allows engagement across a previous impasse; Watson argues that it offers an agenda that sets aside binary debates about ‘what is disability and how it should be defined and what is or is not an impairment’ in order to better explore the nuances of disability (2012: 102).

As a meta-theoretical framework, Bhaskar and Danermark (2006: 280) support the ‘double greater inclusiveness’ offered through the ‘ontological plurality’ of critical realism. They claim that this is ontologically ‘maximally inclusive’ and ‘least restrictive’ as it seeks various theoretical avenues to establish the exact nature of reality (*ibid.*). It can, therefore, benefit from insights from dominant positions within disability studies such as individualism, materialism, and social constructionism (discussed above; see Gustavsson, 2004) in order to fully consider phenomena while avoiding their limitations (Bhaskar and Danermark, 2006). Moreover, by fully appreciating the ontological irreducibility of social actors, social structures, and social actions (Bhaskar, 1979: 50), it appreciates that there can be more than one reality and offering only one meta-theoretical position and explanation of reality ‘limits our vision’ (*ibid.*: 294). With regards to learning disabilities, Stalker (2012) suggests that it is difficult to conceive of approaches of those authors who ‘reject dualisms to then set up a binary opposition between a wholly social constructionist viewpoint on the one hand’ and an individual deficit model on the other (2012: 132). This echoes critical realism’s ontological plurality wherein neither nature nor reality are constructed; but, what we know about them is socially constructed and culturally informed (*ibid.*; Bhaskar and Danermark, 2006; Bhaskar, 1978; see also chapter 4).

Bhaskar and Danermark (2006: 280) argue that critical realism epistemologically accepts the ‘complex co-determination’ of phenomena, which can range from ‘the manifest phenomena to the mechanisms that produce it.’ They explain that critical realism incorporates the ‘most heuristically suggestive’ epistemological stance in that it seeks multiple explanations of the nature of knowledge in order to avoid partiality (*ibid.*: 295). As such, the critical realist paradigm permits a more nuanced understanding of the socio-culturally, historically, and materially situated nature of disability and impairment without elevating any one explanation. Critical realism methodologically avoids reductionism of the ‘essential complexity’ of phenomena by

exploring them through a system that refers to multiple levels of reality, or ‘a necessarily laminated system’ (Bhaskar and Danermark, 2006: 280). Critical realism is seen to mobilise disability research beyond tautological debates, described above, by encouraging exploration of different ‘causal levels in the complex disability experience’ (Shakespeare, 2014b: 73; Watson, 2012). Collier (1998) refers to these layers of reality as a ‘stratified’ or ‘laminated’ system which Bhaskar and Danermark (2006: 289) further elaborate is comprised of seven separate levels that are, together or in various combinations, ‘essential to the understanding’ of disability:

- Physical
- Biological
- Psychological
- Psycho-social and emotional
- Socio-economic
- Cultural
- Normative

Watson (2012: 103) explains that research within the medical model tradition has typically considered the first three levels listed above, while emancipatory research carried out in the social model tradition has focused more on the last three levels of reality. He goes on to argue that our social realities occur in ‘intersecting and inter-arching spheres and processes and procedures which interact simultaneously’ (*ibid.*). Just as Goffman (1963) explains the fluidity of the concept stigma (see chapters 3 and 7), where a person may be labelled with a ‘stigmatised’ identity in on social domain but be deemed ‘normal’ in another based on the same characteristic, the ‘laminated system’ of reality deepens our understanding of phenomena.

#### 2.4.2 The value of a critical realist perspective of learning disability

The three earlier sections in this chapter sought to demonstrate that it would be illogical to assume that just one approach would provide sufficient conceptual tools to fully comprehend learning disability. In adopting just one approach, learning disability has been conceptually vilified and pathologized (the individual model), neglected and devalued (the social model), or reduced and negated (strong constructionism). By moving beyond the medical versus social versus cultural determinism debate (Watson, 2012; Shakespeare 2006, 2014a), a critical realist perspective accepts that there is an external reality whether or not we have any knowledge of it. In terms of researching with people with learning disabilities, this premise moves beyond debates about what constitutes a cognitive impairment, how people with learning disabilities come to be labelled as such, their inclusion within the Disabled People's Movement, and who can and should carry out research with people with learning disabilities. Watson (2012: 101) warns that if research sets out with a commitment to one particular understanding, for example to work towards the socio-economic emancipation of people with learning disabilities, it will 'prevent reflexivity and an exploration of who defines and controls the research questions.'

Stalker (2012: 132) proposes that disability studies can avoid the respective limitations of each of the three traditional models of understanding learning disability - as described above through discussion of the individual model, the social model, and social constructionism - by adopting critical realism as a 'grand theory' which utilises Thomas' (1999, 2007) 'sociology of impairment' as a driving force. Stalker argues that a critical realist paradigm offers a nuanced understanding of learning disability, but in order to do so effectively, it must centralise Thomas' (*ibid.*) work, which is equally concerned with the physiological and psycho-emotional lived experience of impairment and its effects as well as socio-structural domains where interactions can produce oppression. Adopting a single theoretical position can limit our understanding of learning disability:

*To weak constructionism, which involves the idea that there is a necessarily interpreted element in the constitution of any theoretical understanding and any social object, a critical realist has no objection. However, if this is taken to imply that the phenomenon investigated is just a theoretical interpretation*

*or cognitive construction, or that a social phenomenon such as some specific form of disability exists only as an idea or belief, then it is clearly false.*

Bhaskar and Danermark (2006: 283-284)

Critical realism offers a framework for understanding learning disability across multiple domains, through various social settings, and within differential levels of social reality in order to explore a more fully social understanding of such a complex phenomenon. The ‘laminated’ system that critical realism offers can more fully incorporate an exploration of learning disability into a disability studies perspective. Below, Table 1 demonstrates the various levels at which learning disability can be explored.

<b>‘Laminated’ scheme of disability (Bhaskar and Danermark, 2006)</b>	<b>Example of ‘laminated’ scheme of learning disability</b>
Physical	Impairment effects of learning disabilities (ie: communication difficulties; requirement of additional support in daily living; difficulty with memory or learning new skills) (see chapter 6)
Biological	Levels of impaired cognitive functioning based on IQ score (ie: mild, moderate, severe, profound) (see chapter 5)
Psychological	Feeling devalued and left out (see chapter 7)
Psycho-social and emotional	Barriers to the things a person with learning disability can do or who they feel they can become (see chapters 8 and 9)
Socio-economic	Difficulty gaining employment or categorically proving to be ‘learning disabled enough’ to receive statutory financial support (see chapter 5)

Cultural	Differences in historical and cultural representation of people with learning disabilities
Normative	Neurotypical expectation/presumption due to 'hidden impairment' (see chapters 6, 8, and 9)

**Table 1:** 'Laminated' scheme of learning disability

This model is by no means exhaustive, but provides a means to explore such a complex phenomenon in a stratified manner that demonstrates the ways in which experience of disability, for example, can be 'laminated', or cemented further, at each level of social reality. Through a layered analysis, critical realism offers a lens through which to observe the interaction of the various combinations of social reality where the lived experience of disablement and impairment occur, while avoiding 'biological reductionism' and 'contextual essentialism' (Watson, 2012: 102; Shakespeare and Watson, 2010).

Furthermore, Watson (2012) explains that critical realism provides a route through which to move beyond the dualisms of structure and agency. Rather, it encourages a more fruitful discussion of their interrelation and interaction in order to better comprehend a fully situated production and interpretation of social phenomena (see Archer, 1995). Through the concept of disability identity, wider social relationships between the individual and society emerge; Shakespeare (1994) contends that the relationship between 'disabled/non-disabled' need not be quite so dyadic as distinctly either biological or social (see also Connell, 1987). Thomas' (1999, 2007) 'sociology of impairment' with 'impairment effects', which foregrounds the social contextualisation and material reality of biological impairment, supports Stalker's claim that with regards to learning disabilities 'neither an impairment nor its effects can be seen as purely biological; rather, they are 'complex bio-social phenomena'' (Stalker, 2012: 132). In their material construction, clinically-prescribed labels of impaired intellectual and cognitive ability, along with their associated social barriers, become static and socially exclusive badges (see Shakespeare, 2014a); learning disability can therefore be understood as both biological and social from this perspective (Stalker, 2012). The critical realist paradigm allows for this plurality and

serves to avoid the epistemic fallacy of making the assumption that reality is as we so label it; for example, that all 'learning disability' is the same and is experienced in the same way.

## 2.5 Conclusion

This review sought to interrogate the dominant modes of understanding learning disability and highlights the conceptual process through which I settled on using a critical realist approach. The chapter outlined three approaches to understanding disability; it traced their development and assessed the conceptual value and limitations of each approach in understanding learning disability. It culminated in a discussion of a critical realist approach to learning disability, which, as a meta-theoretical approach, reaches a compromise between discursive constructivism and the biological realities of living with an impairment, while also retaining a commitment to the social model of disability in a manner which includes and values the perspectives of people with learning disabilities. The next chapter explores key debates in prison research with regard to the lived experience of prison life, and demonstrates the clear gap in literature with regards to the absent and hidden accounts from the perspectives of prisoners with learning disabilities.

### 3. The sociologies of prison life and people with learning disabilities

The previous chapter critically explored three traditional models of disability, and their limited inclusion of learning disabilities, before proposing the value of a critical realist approach to better make sense of learning disability studies. This chapter looks specifically at sociological studies of experiencing prison life. While this has been explored in depth elsewhere (*inter alia*: Crewe, 2007; Sparks *et al.*, 1995; Mathiesen, 1966), it is crucial that it is discussed here to allow the two distinct bodies of literature - prison studies and learning disability studies - to discursively complement one another. In considering sociologies of prison life, this chapter highlights the gap in knowledge regarding the ways in which the incarceration experiences of people with learning disabilities have been included, conceptualised, and theorised. To achieve this, the chapter is divided in five sections. Firstly, it begins with a brief discussion of the prison as a social system by critically assessing the foundational texts, debates, and theoretical contributions. Secondly, it explores Goffman's (1961) eminent work with an especial focus on prisoners' adaptations to imprisonment and his interactional notion of 'power' within prison environments; related to this it also draws significantly on Clemmer's (1940) concept of 'prisonization' to present a discussion of 'typologies' of adjustment to the demands of prison life. Thirdly, it begins by exploring the new pains of confinement stemming from 'soft' power, where the focus is largely on self-governance and responsabilisation of the individual; next, it considers Crewe's (2011) concept of 'tightness' to explain the grip prison holds over its inhabitants on a daily basis; and, finally, it looks at how prison can be experienced differently and gives a selective review of studies that explore the experience of imprisonment from the perspective of marginalised prison populations. Finally, building on the preceding sections, the chapter concludes with an exploration of existing research in the unique area where learning disability studies and prison sociology meet and merge, and demonstrates that this is vastly under-developed.

Sociological studies of prison life serve an important function given that the physical conditions of prison and the rates of imprisonment reveal very little about what it

actually feels like to live there (Liebling, 2004, assisted by Arnold; Crewe, 2015). Although new prisons are cleaner, more hygienic, and safer for prisoners to live in compared to antiquated Victorian estates, modern penal architecture brings new ‘pains’ of imprisonment through controlling spatial arrangements, clinical interior design, and ‘total surveillance’ (Hancock and Jewkes, 2011: 625). While there are exceptional macro-level sociological contributions that have progressed the understanding of incarceration’s role in society (*inter alia*: Garland, 1997; Foucault, 1977; Pratt *et al.*, 2005; Lacey, 2008; Cavadino and Dignan, 2006), these ‘stop just at the gates of prison’ (Crewe, 2015: 51) and fall short in depicting the felt and lived experience of imprisonment.

### 3.1 The sociologies of prison life

The sociology of prison life encompasses a variety of approaches which hold the prison as a social system to be understood through: the inner social world and its relation to outside society; prisoners’ adaptation to imprisonment and their socialisation therein; prisoner culture, mores, and hierarchies; social relations among prisoners and between staff-prisoners; and, the experience of everyday life. This section re-examines the classic prison sociology texts, namely the seminal studies by Sykes and Clemmer respectively, in order to lock the content of this chapter within the prisons walls. The first section lays the foundations by considering the prison as a social system, particularly through inmate culture. The second section explores the debate that asks whether inmate culture is imported from the home world (Irwin and Cressey, 1962), or generated as a response to the pains of confinement (Sykes, 1958).

#### 3.1.1 Understanding prison as a social system

Despite that Sykes’ (1958) landmark study, *The Society of Captives*, was preceded by Clemmer’s (1940) insightful text, *The Prison Community*, it is regarded as one of the most important sociological accounts of prison life (Sparks *et al.*, 1995; Crewe, 2015). Pivoting on Sykes’ belief that prison ‘must be viewed as a society within a society’ (1958: xxx (preface)), he argued that the social system of the prison is

organised on two levels: through the system of social order decreed by custodians, but also through the informal nexus of social interactions among prisoners as they respond to the controlling and frustrating demands of the environment (*ibid.*). *The Society of Captives* outlines prison as an insular social system shaped by the modern 'pains' of imprisonment; Sykes contends that it is neither a static system nor an autonomous instrument of power, but rather one which reacts to and is shaped by the social environment through which it is contextualised (Sykes, 1958: 8). His textured study outlines the particular features of prison society which threaten prisoners' sense of self as they respond and adapt to necessary, inherent, and relative deprivations of the carceral experience; the prison, then, becomes a social 'system of action' (Sykes, 1958: 79) which is confined within the prison (*ibid.*: 8) and shaped by a responsive inmate 'code' of conduct.

Sykes acknowledged that punishment was no longer marked by brutal bodily suffering (see Foucault, 1977) - he distilled the idea that modern, humane incarceration retains some 'acceptable or unavoidable implications of imprisonment' deprivations and frustrating aspects which can be 'just as painful as the physical maltreatment they replaced' (Sykes, 1958: 64). Although Sykes' account appreciates the diversity of prisoners and the implied subjectivity of experience, he maintained that the pains of confinement are commonly experienced by prisoners in response to the controlling social environment created by custodians (*ibid.*: 63). He characterised the pains of confinement through five core deprivations: the deprivation of liberty; the deprivation of goods and services; the deprivation of heterosexual relationships; the deprivation of autonomy; and, the deprivation of personal security (Sykes, 1958: 65-78). These pains characterise the unique demands of the prison environment and produce an informal hierarchy among prisoners; due to the loss of autonomy and individuality, they assume social roles and, in turn, reveal their fluency with prison 'argot', or language, which cements the distinctive nature of the captive 'society' (Sykes, 1958: 84).

Since the 'inmate population is shut in' and 'the free community is shut out' (Sykes, 1958: 8), and as a result of living together in such closed conditions, Sykes found that the inmates in his study adopted 'argot roles' – a set of established social roles played

in response to the particular pains related to imprisonment – which create and preserve the distinctive nature of prison society through the associated social interactions (Sykes, 1958: 86). Proficient use of prison argot, or slang, serves to quantify and categorise the experience of imprisonment, shaping the hierarchy of the inmate social system (*ibid.*: 85). Here, Sykes highlighted that adaptation to imprisonment is shaped not by imported personality traits, but by prior prison experience and the varying degree to which the key deprivations associated with modern imprisonment are felt as less or more painful (Sykes, 1958: 106). Under the prison society's dynamic 'system of action', prisoners can adopt a range of 'argot roles' which fall under two broad responses to the painful experience of confinement: 'alienative' and 'cohesive' (see Sparks *et al.*, 1995 for further discussion). The 'alienative' responses favour self-serving individualism to 'reduce the rigours of prison life at the expense of fellow prisoners' (Sykes, 1958: 106-107). In contrast, 'cohesive' responses support 'inmate solidarity', and 'involve loyalty, generosity, sexual restraint, and the minimizing of frictions among inmates' (*ibid.*: 107). More 'cohesive' responses to the pains of imprisonment lead to more solidarity, and prisoners 'feel less isolated, less oppressed by staff, and less at risk from one another' (Sparks *et al.*, 1995: 40). A deeper sense of inmate solidarity increases the likelihood that the pains of confinement can be 'rendered less severe for the inmate population as a whole' (Sykes, 1958: 107). Thus, Sparks, Bottoms and Hay (1995: 40) argue that custodians' intervention through governance strategies that seek to divide and conquer would be catastrophic within Sykes' prisoner society.

Sykes elaborated that order is also negotiated through the informal social hierarchy as 'argot roles' operate in conjunction with the 'inmate code': that is, a code of conduct, values, and norms that informally guide appropriate prisoner behaviour (see also Clemmer, 1940). The 'inmate code' serves to collectivise prisoners by placing emphasis on their loyalty to one another, above all costs, and their opposition to custodians (Sykes and Messinger, 1960). Clemmer's (1940) *The Prison Community* described the prisoner experience, and informal organisation of day-to-day life, coining the term 'prisonization' to refer to this process (discussed further below). However, Clemmer highlighted that just as the 'inmate code' collectivises the community of prisoners, order and obedience are institutional goals.

Writing of the ‘structural defects in the prison’s system of power’ (Sykes, 1958: 61), Sykes highlights that while order and obedience become the goal of custodians within the ‘authoritarian community’ (*ibid.*: 133), staff have much less power than is assumed, particularly when prisoners are more ‘cohesive’. This, he wrote, was most obvious given the staff to prisoner ratio and the reliance of staff on prisoners’ compliance with carrying out ordinary daily tasks without the threat or use of force (*ibid.*: 49-50). Thus, he depicts the negotiation of order through the idea of an equilibrium that ebbs and flows when faced with any crisis of order. However, his inherent functionalist expectation of a resolution to the disrupted equilibrium may ‘understate the importance of force and compulsion in prisons, and hence also of resistance to them’ (Sparks *et al.*, 1995: 45). Moreover, Sykes’ account has been criticised for its tunnel-vision of foregrounding only long-term adult male imprisonment (Sparks *et al.*, 1995: 44). Studies of women’s imprisonment, in particular, have found that the social structure within women’s prisons are radically different from that detailed by Sykes (Giallombardo, 1966; Mandaraka-Sheppard, 1986; Carlen, 1983). While the lack of diversity in his study is obvious, and this tendency among classic prison sociology is addressed later in this chapter, *The Society of Captives* lays the foundations for understanding the prison social sphere.

### 3.1.2 The deprivation/importation debate

Sykes’ (1958) analogy of the ‘pains of confinement’ situates the most prominent element of prison as the deprivations, beyond the loss of liberty, that affect the experience of imprisonment and impact prisoners’ sense of self while in prison. Sykes and Messinger (1960) conceived of prison culture as the product of prisoners’ common experience of deprivation, which was both inherent in, and a consequence of, incarceration. They presented the theory that ‘deprivation’ derived from prison-based factors can best describe the experience of imprisonment. Similar to Sykes, Goffman (1961) presented prison as an autonomous social system, distinctly separate from the outside world, and which was also shaped by a profound attack on the inmate’s sense of self. Goffman documented inmates’ strategies for coping with the

degradations and humiliations of imprisonment, which were achieved through ‘secondary adaptation’ in order to maintain a sense of one’s pre-prison self (*ibid.*; see chapter 7 for further discussion). Goffman’s description of the ‘mortifications’ of self upon entry to the prison, which comprised of cutting the individual off entirely from their pre-prison lives and ‘role-stripping’ from their pre-prison selves, supports the notion of the ‘deprivation’ theory.

Instead, Irwin and Cressey (1962) argued that the ‘inmate code’ is not an internal response to the deprivations that prisoners experience, but rather it represents the product of the external cultural values, beliefs, and social roles imported to the prison environment by individuals. They argue that prison culture is defined by three dominant subcultures that are imported into the prison: 1) ‘thief culture’, marked by the professional criminal where prison is simply a hazard of the job; 2) ‘convict subculture’, featuring those with lengthy institutional experiences; and, 3) the ‘legitimate’ culture, which was defined by ‘straight’ prisoners who adhered to the local rules and goals of the institution (*ibid.*). The convergence of these imported subcultures, their mores and values, along with the omnipresent governance of the controlling prison administration, generated prison culture (Irwin and Cressey, 1962: 153). Similarly, Irwin’s (1970) study, *The Felon*, refined the importation theory further and emphasised that the prisoner’s status prior to incarceration directly impacted their social situation within the social hierarchy of inmates. Irwin and Cressey (1962) argued that many elements of the inmate social culture were not specific to prison, but were imported from the outside world.

However, those early arguments that divided deprivation and importation theories became key to combined approaches which advocated that prison culture comprised some elements of both theories (Thomas, 1977). DiIulio (1986) highlighted the importance of administrative governance in understanding the organisation of prison, which led to a shift in the focus of the deprivation/importation debate. Mathiesen (1965) argued that Sykes’ omission of the idea that living under the rule and governance of prison officers is a pain itself and represents a form of illegitimate patriarchal power. However, Jacobs (1977) landmark study, *Stateville*, which historically traced the macro-level organisation of Stateville Correctional Centre,

Illinois, found little evidence of Sykes' deprivation theory and expanded the importation theory in a fascinating way. Notably, he reported that the prison entered a period of instability and uncertainty after the departure of the autocratic Warden Ragen, who nurtured the belief that strict rule abidance was key to successful rehabilitation (Jacobs, 1977: 45-46). In response to this governmental shift, prisoners formed hostile gangs divided by race and ethnicity, which were bound by fierce in-group loyalty, in contrast to one cohesive prisoner community. Jacobs (1983) later termed this the 'Balkanization' of the prison society, and highlighted that the gangs began to emerge on the streets of Chicago and that affiliation in prison afforded protection upon release.

## 3.2 Adapting to and coping with imprisonment

The previous section considered the foundational texts within the body of literature surrounding the sociology of prison life, by conceiving of the prison itself as a social system, and presented the debate around importation and deprivation. This section will consider adaptation to imprisonment and the techniques invoked by prisoners to cope with the experience. It begins by exploring Goffman's work on 'total institutions', their impact, demands, and character. It then turns to literatures around 'prisonization' and adjusting to the demands of incarceration. This section grounds the prison literature in micro-level sociological perspectives, and serves to elevate the subsequent section's discussion of experiencing imprisonment under the changing shape of late modern penal practice.

### 3.2.1 Goffman and the 'mortifications' of the self

Just as Sykes (1958) reported that the pains of modern imprisonment were no longer represented by corporeal punishment but rather were the unintended and psychological byproducts of custodial confinement, Goffman (1961) found degradation to be inherent in institutional confinement. Forming part of the wider anti-psychiatry movement of the 1960s-1970s, Goffman's (1961) *Asylums* was based on his ethnographic study of the inmates at St Elizabeth's Hospital in Washington

D.C., carried out between 1955-56. The book challenged dominant impressions of mental ill health, institutionalisation, and incarceration more generally; all of which were previously held as individual plight or pathology (as explored in chapter 2). Instead, through his account of institutional living, he demonstrated that wider, yet more specific, processes of social control produced, maintained, and subsequently excluded, those deemed unfit for liberal community living. Labelling, demarcation, and exclusive practices enabled the transformation of closed institutions, such as the asylum or prison, into sanctuaries for socially-created undesirables (Goffman, 1961). His depiction of the asylum as a ‘total institution’ transformed its role in wider societal functioning, impressing that the inherent presence and structures of such socially and culturally insulated, geographically segregated, and psychologically and physically constrained environments produced and, at the same time, disempowered its inmates through the closed yet enveloping structure of control and conditioning (Goffman, 1961).

Goffman’s (1961) *Asylums* built on his earlier dramaturgical work (1956) and maintained a symbolic interactionist approach toward understanding the social world of ‘total institutions’ as the result of the interactions that arise from various social actors’ role taking and conformity. Goffman’s commitment to revealing the impact of the micro-level social interactions between the individual and institution as the sustenance of the continuation of institutions, depicted his rendering of unequal power relations between the ‘inmates’ and those with the power to socially (re-)shape the identities of those in their care; the fluid and contingent meaning attribution of, and subsequent consignment to, these interactions form the fabric (or structure) of the institution. Scott (2011: 5) commented that ‘the power of institution-as-structure is sustained by the everyday practices of the institution-as-interaction’. Thus, the structure of ‘total institutions’ emerges from the extremely small scale; social norms are created and persist through the successful adaptation to roles and consequent interactions between ‘inmates’ and the social actors who represent the totalising regime to which they are subject (Goffman, 1956, 1961).

The power to classify, demarcate, separate, and segregate people from mainstream society both constructs and sustains difference through various forms of exclusion; in

certain instances, this may be escalated and exacerbated (see chapters 8 and 9 for further discussion). Through interlocking practices of exclusion, some people are pushed out of normative social institutions into highly disciplinary closed institutions, such as ‘total institutions’ (Goffman, 1961). Goffman’s conceptualisation of prison as one among many ‘total institutions’ progressed Sykes’ claim – although, upon which he did not elaborate further - that prison was only one instrument of a vast apparatus of State control. In his description of the character of ‘total institutions’, Goffman portrayed the way in which they assert control over the lives of inmates. Like Sykes, he viewed the prison as a social system autonomous from the outside world (‘home world’ Goffman, 1961: 23), yet the absolute physical and psychological separation of inmates from the ‘home world’ was crucial for the rehabilitation of the inmate’s identity (*ibid.*). By curtailing inmates’ individuality, autonomy, and agency, and creating an insular social system, featuring an institutionalised dis-assembly of the inmate’s pre-prison self through ‘mortifying’ and degrading processes which strip the inmate of their civilian selves, the ‘re-assembly of self’ (*ibid.*: 57) marks rehabilitation in line with institutional goals (Scott, 2011).

Goffman’s work has received considerable critique regarding the ‘total character’ of closed institutions. Carceral Geographers have warned of the fallacy in binary dualisms and claimed that *Asylums* provided an ‘overly simplistic dichotomy between inside and outside’ (Baer and Ravneberg, 2008: 213). Moran (2013) contests that the carceral experience can extend beyond the prison’s walls through corporeal wear and deterioration associated with being enclosed. Whereas, from a sociological perspective, Farrington (1992) acknowledged the interconnectedness of the prison estate in contrast to the all-encompassing character presented by Goffman. Rather, he suggested that prisons are ‘less-than-total’, and ‘identifiable-yet-permeable membrane of structures, mechanisms and policies’ (*ibid.*: 6). However, the focus of those critiques on binaries seems to overlook many of the nuances present in Goffman’s work and, despite offering new insights or expanding concepts, are reductive of the impact of the micro-level on the macro. In particular, his acute depiction of the inmate’s carceral journey through their ‘moral career’: the pre-

patient, inpatient, and ex-patient phases (1961: 119-122) serves to epitomise the inmate's continuous interaction between the private and public domain of selfhood.

Like Sykes, Goffman traced how imprisonment represents a profound attack on the inmate's identity and sense of self, and was interested in the conditions under which selves are maintained in spite of such attacks when subjected to closed, highly disciplinarian, and observable living conditions within total institutions. He outlines the process by which an individual becomes an inmate, and places the emphasis of his inquiry on the social interactions between the individual and institution and, namely, the tension which marks this unequal power relation in the constitution of self; the individual is always in conflict with the institution to retain or obtain selfhood. Goffman refers to the transition from individual to inmate as 'stripping' in that the individual is effectively stripped of many of their rights and much of their autonomy (Goffman, 1961: 130). Living in a 'total institution' is marked by 'mortifying' experiences, such as: bodily exposure, communal living, and restricted movements. He describes the entrance procedure as a form of loss and 'mortification', as the individual experiences a 'trimming' of their pre-prison identity, it involves staff: taking photographs and fingerprints; weighing, and bodily (and cavity) searching; assigning inmate numbers and issuing the rules; and standardised grooming (*ibid.*: 25(f)). Similarly, he discusses 'property dispossession' as staff remove personal items and issue the inmate with an 'identity kit' comprised of standardised items, including a uniform, which are usually marked as property of the institution. Role stripping, degradation ceremonies, and property dispossession constitute profanations of the self-image, and represent the social control held by the institution over the inmate.

Although Goffman rarely used the term 'power', it is important to consider his interactional works as in-depth explorations of 'power' and, particularly, of power relations between differentially situated social actors with differential access to resources (Jenkins, 2008; Dennis and Martin, 2005; and Rogers, 1977). Jenkins (2008: 159) describes 'power' as 'a mundane matter of everyday relationships between ends, on one hand, and ways and means, on another' and goes on to point out that much of Goffman's work was concerned with 'the routines and rituals of

everyday face-to-face interaction’, ‘the mundane business of how individuals manage interaction’, and ‘most specifically and consistently the relationship between how they see themselves and how others may come to see them’ (Jenkins, 2008: 160). Jenkins (2008: 159) argues that power is a matter of efficacy and is contingent on the availability of resources, he notes that resources vary depending on context, and clarifies that that individuals and groups of people have different access to those resources. In appreciating ‘power’ as a relational concept, Rogers (1977: 110) asserts that Goffman’s exploration of control as a ‘routinised’ effect also reveals the ways in which those with power can apply sanctions and exercise control by exploiting pre-existing social structures that permit the stigmatising and exclusive effects of the labelling process to control individuals and groups of people.

Most notably in *Stigma* (1963), *Asylums* (1961) and *Frame Analysis* (1974), Goffman’s interactional studies provided detailed examinations of the intricacies of the social processes of labelling, classification, sanctioning, and exclusion. Albeit in different iterations and settings, he explored the ways in which power may be negotiated through an individual’s capacity to influence others through impression management and, equally, the way that subjection to social processes of labelling, sanctioning, and exclusion can shape individuals’ identities and self-perceptions (Jenkins, 2008; Rogers, 1977). These relations inherently regard power and differential access to resources for one group to create, maintain, or instil rule or sanction over another group and, in turn, producing difference, deviance, stigma, or another form of discrimination (Dennis and Martin, 2005: 198). Thus, Goffman’s micro-level interactionist study of ‘total institutions’, for example, provides minutia detail of the day-to-day lives of the inmates he studied while also exploring the ‘authoritative processes through which individuals are rendered subordinate through legally sanctioned and institutionally established procedures’ (Dennis and Martin, 2005: 198). It is in this way that Goffman’s work effectively provides a theoretical bridge linking disability studies (see chapter 2) and prison sociology given the subjection of both people with learning disabilities and people in prison to such processes of labelling, sanctioning and exclusion. While interactionist work illuminates the realities and experiences of being classified as ‘learning disabled’, ‘deviant’, or ‘criminal’, it can also illuminate the intricacies of power and its relations

between social groups which may otherwise be missed in macro-level studies of social organisation and structure. Dennis and Martin (2005: 197) contend that interactionism provides theoretical and methodological tools to consider ‘power’ beyond its status as a ‘thing’ to behold and observe, or a pre-supposed social arrangement. By arguing that a macro-sociological approach – where power is understood as a ‘patterned structural inequality of resources’ – does not necessarily negate the (misconceived) micro-sociological notion of power as ‘an interpersonal phenomenon’, the authors assert that an interactionist reading can show ‘how power is manifested in real situations, generating and shaping the individual and his or her social context’ while also showing that ‘power is ubiquitous and that it shapes both the actor and the ‘structures’ of society’ (Dennis and Martin, 2005: 201).

### 3.2.2 Prisonization

Clemmer (1940) introduced the term ‘prisonization’ to describe the process of socialisation specific to prison communities; this notion foregrounded the relational aspects of prison social life as prisoners adopt ‘the inmate code’ and become enmeshed within the ‘prison community.’ For Clemmer, the former requires that the inmate must learn norms and appropriate behaviour to assimilate within the existing prison culture for means of survival. Prisonization is the result of abandoning pre-prison identities in favour of distinct attitudes and behaviours adjusted to suit the prison environment (Clemmer, 1940) which would ‘make it impossible for the individual to act successfully in any normal social role’ in the home world (Morris and Morris, 1963: 169). Prisonization is distinct from institutionalisation in that the former destroys the pre-prison identity of the individual while instilling the normative value system of the prison community, which Clemmer posits as internal socialisation, in order to survive the particularities of the prison experience (Clemmer, 1940). Morris and Morris (1963: 170) recast the locus of Clemmer’s notion of ‘prisonization’ as the representation of adjusting to the experience of incarceration as an ‘essentially pathological’ adjustment technique.

The process of prisonization is influenced by various factors including: prior experience of imprisonment; length of custodial sentence; social bonds to the home world; and, affiliation with others inside prison (Clemmer, 1940). It occurs to a 'greater or lesser degree of the folkways, mores, customs and general culture of the penitentiary' (Clemmer, 1958 [1940]: 299); importantly, Clemmer acknowledged the varying degrees of individual prisonization based on those influential factors. Imprisonment, therefore, marks an assault on the inmate's self, akin to the 'mortification' rituals outlined by Goffman (1961). However, while Goffman accepted that ex-inmates could adapt back to their home worlds, Clemmer's account was less tolerant of such return. His thesis proposed that while the behaviours and attitudes assumed through prisonization and 'learning to do time' (Morris and Morris, 1963: 169) may better facilitate adjustment to and experience of prison life, they could equally result in a 'deepening of criminality' (Clemmer, 1958 [1940]: 300). This process of socialisation meant that pre-prison identities had 'no chance of being salvaged' (Clemmer, 1958 [1940]: 313), as they were 'first anaesthetised and eventually paralysed' (Morris and Morris, 1963: 170), rendering their resumption near impossible when liberated. This was problematic for rehabilitative ideals. In contrast, Wheeler (1961) depicted prisonization as an inverted normal distribution, or bell curve: immersion in the prisoner culture and assimilation with the normative inmate code usually mirrored the course of a prison sentence. He argued that prisoners became most immersed in prison culture as they reached the middle stages of their sentence, but resumed their pre-prison values, attitudes, and behaviours prior to their liberation.

### 3.2.3 Adapting to prison

While prisonization is a useful concept through which to understand the dynamic process of socialisation specific to the prison environment, it cannot be assumed that there is one single reaction or pattern of adaptation to imprisonment. Sykes (1958: 63) observed, 'in reality there are as many prisons as there are prisoners – each man [sic] brings his own background and each man takes away from the prison his own interpretation of life within the walls.' While Sykes (1958) developed the range of

argot roles that populate the inmate social hierarchy in response to the pains of confinement, those categories do not represent psychological states of mind but patterns of behaviour. Sykes (*ibid.*) adapted and applied Merton's (1938) classic five modes of adaptation to frustrating situations in order to align the typology within the prison's walls to complement adaptations of: conformity; innovation; ritualism; retreatism; and, rebellion. Morris and Morris (1963) built on this typology of reactions to imprisonment by introducing a sixth category - 'manipulation' - to fully complement their sociological study of prison life in HMP Pentonville.

The six typologies of adapting to the experience of prison life are summarised briefly below, and an extended discussion is provided of clusters of typologies that depict 'participation' and 'withdrawal'. First, conformity is evident in the 'primary adjustments' to prison life where the individual cooperates and complies with the institutionalised regimes and standards (Goffman, 1961: 171-172). Second, innovation occurs when the prisoner 'accepts the official objectives, but rejects the institutionalised means of their attainment' (Morris and Morris, 1963: 172). Third, ritualism sees the prisoner 'doing his bird [time]' in a cooperative manner (*ibid.*). Fourth, retreatism is characterised by Clemmer's 'reverie plus' where the prisoner is deeply disconnected from their incarcerated reality (Clemmer, 1940: 244). Fifth, rebellion features those who use their agency to actively resist, contest, or rebel the conditions of their confinement (Boyle, 1977). Finally, manipulation is best conceived through Goffman's 'secondary adjustments' (1961), where the individual uses 'tactics' or 'strategies' (deCerteau, 1984) to use prohibited means to achieve a legitimate end or use authorised means to achieve an unauthorised end, where the outcome is usually improved living conditions while incarcerated.

Morris and Morris (1963) argued that these six modes of adaptation can be recast through two broad themes: 'prisonized participation' and 'prisonized withdrawal' (Morris and Morris, 1963: 177). The former combines the majority of typologies as it reflects some form of engagement with the normative informal social system and formal social structure of the prison, while the latter corresponds to retreatist, isolating, behaviours.

Withdrawing from the routinised and organised structure as well as the social fabric of imprisonment can be achieved through retreating toward a state of complete social isolation; some people may read 'voraciously' or sleep continually (*ibid.*). Elected social isolation implies a shunning of the normative informal value system; some prisoners may opt to 'do their own time' and forego those social links that produce a cohesive prisoner community (Clemmer, 1940). Liebling (1992) found that this withdrawn self-focus reflected poor adaptation to the prison social sphere, and could lead to self-harm and suicide attempts. Similarly, Ugelvik's (2014) ethnographic fieldnotes identify body-building as a measure and 'performative demonstration' of masculinity, however it could add that body sculpting, when it becomes an obsessive process, is a solo project that 'focuses on little' outwith the self (Crewe, 2007: 132).

Withdrawing from social engagement also presents opportunity for the routes of psychological escapism depicted by Cohen and Taylor (1972, 1976); 'reality slips' help take the edge off the demands of everyday life by providing fantastical 'escape routes' that forge psychological distance from reality (Cohen and Taylor, 1976: 171-172). Taken further, Cohen and Taylor (1976: 173-174) describe three techniques of psychologically surpassing the reality and requirements of everyday life in prison: going 'away', going 'inside', or going 'above'. Firstly, they use the metaphor of 'going away' – taking a psychological journey to another place or time in order to escape the immediate demands of prison life and imagining another reality (*ibid.*: 173). Secondly, aligned with the ideals of Buddhist teachings, they propose journeying inwards toward full self-awareness and consciousness, and in turn reducing social reality to only the immediacy of the self (*ibid.*: 173-174). Thirdly, they introduce Superman's maxim, 'I am all and shall become all', to recast reality through phenomenological transcendence to rise 'above' the immediacy of reality and look on as an external observer (*ibid.*: 174). Withdrawing and retreating inwards can suspend, disrupt, or redistribute reality, but the resulting isolation may be psychologically or physically harmful (Liebling, 1992).

Psychological escapism can also be deemed participatory prisonization when the behaviour becomes 'resistant' or recalcitrant. For Sykes, rebellion was most detectable in the 'ball buster' who 'refused to come to terms with his [sic] helplessness, loss of autonomy and continues to shout defiance despite the ultimate

hopelessness of his situation' (Sykes, 1958: 100). Boyle's (1977) prison diaries recount physical resistance to total institutional control such as through dirty protests, revealing that the body becomes an instrument of last resort toward the experience of suppression realised through long periods of solitary confinement. In a similar way, so too do the accounts of self-harm and suicide attempts while incarcerated (Liebling, 1992).

In contrast, quiet rebellion against the system is depicted through Goffman's (1961) 'secondary adjustments' to living within a total institution. He refers to these as the 'underlife of the institution', where inmates take unauthorised means to achieve an end or take authorised means to achieve an unauthorised end, as the source of resisting total control and maintaining a workable sense of self (*ibid.*). He depicts two levels of secondary adjustment: 'make-do's' and 'working the system' (Goffman, 1961). Firstly, the 'make-do's' use available resources in an illegitimate manner, distinct from their intended use, to alter the extant conditions of institutional life; for example, using towels and newspapers to cushion bedding, drying personal clothing on radiators, or creating shivs from utensils (Goffman, 1961: 187-188). Secondly, those who have 'intimate' working knowledge of the institution, its functions and its rules, are found to be 'working the system' by using existing legitimate resources for unauthorised ends; for example, by acting up to receive attention from staff, concealing condiments to flavour food, or securing themselves a 'workable assignment' to occupy themselves psychologically.

These secondary adjustments are discussed in a similar manner by deCerteau's (1984) concepts of 'tactics' and 'strategies', and depict a form of 'manipulation' in response to the experience of imprisonment. In response to Foucault's (1977) *Discipline and Punish*, deCerteau (1984) claims that agency can be enacted even among people with very little power over their lives living within highly disciplinarian environments in order to improve their living conditions. Coping with the demands of the environment in this sense can be seen as 'innovative', and is described further by McDermott and King's (1988) depiction of the 'mind games' play to survive life on the landings. Finally, adjusting through 'conformity' is described by Morris and Morris (1963) as 'doing the bird', which is more commonly referred to now as 'keeping the head down' (Crewe, 2014). Goffman (1961: 172)

explains this through inmates' 'primary adjustments' in their cooperation with the captive role and as they become systematically 'programmed' to meet the expectations of the total institution.

### 3.3 Experiencing imprisonment: shifting power, shifting pains

Building on adaptation techniques, this section examines the shift from 'hard' to 'soft' penal power and the new pains of imprisonment that stem from this change in the highly disciplinary regime. It begins with a discussion of how power can be described as 'soft'. The following section explores the ways in which less direct power can stir 'new' discomforts within the experience of imprisonment. Finally, it draws on the concepts of 'depth' (Downes, 1988), 'weight' (King and McDermott, 1995) and 'tightness' (Crewe, 2011b, 2014) to depict the experience of late modern incarceration and its demands upon the self.

The 'post-disciplinary' prison (Chantraine, 2008) is characterised by actuarialism (Feeley and Simon, 1992) as well as individual responsabilisation and self-governance (Hannah-Moffat, 1995; Garland, 1997); it represents the shift in the institution's coercive hold over the individual toward a 'softer' regime of control (Foucault, 1977; Crewe, 2007, 2009; Drake, 2012). The 'softening' of penal power portrays the way in which 'psychological power has superseded coercion as the primary basis for control and compliance' (Crewe, 2015: 53). As discussed above, the psychological pains of confinement outlined by Sykes in 1958 (loss of: liberty, goods and services, heterosexual relationships, autonomy, and personal security) marked the shift in penal power in that it no longer was intended to inflict bodily pain. Rather, like Goffman's (1961) description of the purpose of humiliating and degrading inmates of total institutions, attacking the prisoner's identity became a legitimate yet necessary implication of incarceration (Sykes, 1958: 64).

The new pains of confinement differ vastly from institutional strong-arming and have come to be defined by austere conditions. They present the experience of prison as 'softer but shitter' and 'easier but hard' (Crewe, 2009: 111-112). The social

interactions between individual prisoners, the penal institution, and wider society reveal the intrinsic power imbalance that constitutes, and even sustains, this relationship. Power, in this context, is at the same time material and abstract: it is ever-present and far-reaching, albeit a governing, and governable, force embedded within institutional interactions (Goffman 1961). Wider, yet more specific, processes of social control produce, maintain, and subsequently exclude those deemed unfit for liberal community living (*ibid.*).

### 3.3.1 The new pains of imprisonment

Prison sociology scholars brought to light degrading prison experiences that stemmed from the ‘ever-deepening’ crisis (King and McDermott, 1989) marked by an increased use of imprisonment as punishment during the 1970s-1990s. With this rise in the use of prison, prisoners were subjected to ‘squalid’ living conditions in overcrowded conditions (*ibid.*), including slopping out (Boyle, 1977, 1979), limited shower access (Scraton *et al.*, 1999), and difficulty accessing adequate healthcare (Cohen and Taylor, 1978). The lack of natural light and long hours of lock-up with little access to outdoor exercise contributed toward prisoners’ general psychological decay (Jameson and Allison, 1995). Violence and sexual assault were widespread among prisoners (McDermott and King, 1988), prisoners ‘grassed’ on one another for leverage, revenge, or protection (*ibid.*: 365), and officers often turned a blind eye thereby encouraging prisoners to police themselves (*ibid.*; Scraton *et al.*, 1991). Through these accounts, the social and material fabric of prison was characterised by dehumanising treatment, warranting of Cohen and Taylor’s (1972) depiction of coping within imprisonment as ‘survival’ under extreme circumstances.

Late-modern studies of experiencing imprisonment in the UK maintain the fervour of prison’s impact on psychological wellbeing, but given that the material conditions of incarceration have improved, particularly their sanitation arrangements, a new set of pains have emerged. These new constraints are shaped by macro-level shifts in the organisation and provision of penal punishment as it becomes increasingly subjected to neo-liberal rhetoric for bigger, cheaper, and more efficient prisons. The resultant

austerity measures have led to understaffing and low staff morale, long periods of ‘bang up’, and privatisation of the prison apparatus (Home Office, 1988; Young, 1987). Crewe (2011) contends that the ‘softening’ of penal power has generated new pains of imprisonment, spanning: ‘uncertainty and indeterminacy’; ‘psychological assessment’; and, ‘self-government’ (*ibid.*: 513-520). These pains are marked by feeling controlled but responsabilised; they are intrusive but distant; and, unknown but all-encompassing. Late modern imprisonment has become complex and demanding as the mode of punishment is largely psychological (although see Moran, 2014 for discussion on punishment’s inscription on the body); I include a discussion of the ways in which my participants experienced the ‘softening’ of such penal technology in chapters 6 and 8, and with a comprehensive discussion in chapter 9.

The shift in governance toward continuous observation and compulsory visibility is marked by structural and material changes in penal technologies. The use of situational security in prisons, including increased lighting and CCTV, increases visibility and leaves little space for prisoners to conduct ‘underlife’ business associated with Goffman’s (1961) ‘secondary adjustments’ to improve daily life in prison. Similarly, the introduction of Mandatory Drug Testing and the Incentives and Earned Privileges Scheme (see Liebling, 2008) facilitates the shift toward prisoner’s self-responsibilisation, ownership of their own risk reduction and progression (Hannah-Moffatt, 2005). Prisoners have more control over their conduct in a ‘limited and localised way’ (Crewe, 2011b: 519) but, equally, have more responsibility for their behaviour, association, and failures; Crewe attests that such a high degree of self-government and the constant fear of failure to comply leaves prisoners feeling ‘on edge’ (*ibid.*).

Even though prisoners have more autonomy over their conduct, many aspects of their lives and the choices they can make are subject to control (Goffman, 1961); the potential of being constantly seen or simply of being observable engenders additional forms of governance through the panoptic system of surveillance. Foucault (1977) introduced the concept of ‘compulsory visibility’ to explain disciplinary techniques which force people into view, revealing, in turn, the degree of power held over them. Gordon (2002: 132) argued that visibility, as conceived by Foucault, is essential to

power relations as it can be used to control and govern through the knowledge it proffers. Increased surveillance, therefore, is a necessary component of disciplinary power as the ever-present threat of being seen maintains the disciplined individual (Foucault, 1977). Compulsory visibility denotes inescapable surveillance, and subjection to constant observation presents more opportunities for discovering punishable conduct.

The pains of uncertainty are present as prisoners are governed from a distance; they are given more responsibility over their progression without guidance or command from penal administration. Actuarialist technologies (Feeley and Simon, 1992) combined with self-government lead to prisoners feeling ‘set up to fail’ (Crewe, 2011b: 514). Crewe (*ibid.*) explains that indeterminate sentence decisions epitomise these pains. Liebling (2011) argues that when extremely long tariffs or indeterminate sentences merge with humiliating and degrading conditions that impede human flourishing, the fundamental principles of prison must be called to question:

*‘We send people to prison as and not for punishment, do not officially intend it to be humiliating or degrading and we claim to use imprisonment as a last resort’* (Liebling, 2011: 544).

Indeterminate sentences pivot on psychological assessment and risk categorisation. However, visibility, surveillance, and control reveal and reiterate omnipresent background practices of labelling, where the ‘discredited’ or ‘discreditable’ individual - whose deviance resides not in their person, but in the extrinsic process of assessing, categorising, and labelling (Goffman, 1963) – can be excluded or sanctioned for deviating from the ideal (*ibid.*; Foucault, 1977; Cohen, 1972). The pains of ‘uncertainty’ arise through unseen and unpredictable governance; the impersonal and inflexible system is difficult to negotiate with, or challenge, (Crewe, 2011b) as power is not only decentralised and ubiquitous (Foucault, 1977), it is ‘everywhere and nowhere’ (Crewe, 2011b: 515).

### 3.3.2 'Depth', 'weight', and 'tightness'

Building on prior conceptions of the reality and experience of penal power representing 'depth' (Downes, 1988) or 'weight' (King and McDermott, 1995), Crewe (2007, 2009, 2011a, 2011b, 2015) has traced the impact of the 'softening' of penal power on the experience of imprisonment in the UK, and suggests that 'tightness' best describes the unrelenting grip that the prison holds.

In a comparative study between penal practices in the UK and Holland, Downes (1988) described imprisonment in England through the metaphor of 'depth'; it represented 'an ordeal' which called the sense of self to question (Downes, 1988: 179). In a similar sense to the need for psychological survival strategies described by Cohen and Taylor (1972) and the 'assaults' on self, as depicted by Sykes (1958) and Goffman (1961), Downes' used the term to explain the feeling of being 'in the deep end' of the penal system (Crewe, 2011a: 521). Feeling 'deeply embedded in the system', and being constantly subjected to highly disciplinary and controlled environments, conveys an almost 'subterranean' sentiment (Crewe, 2015: 54). Crewe goes on to explain that 'depth' relates to distance, measured vertically, between prison and home world but also temporally - the longer the sentence, the more the prisoner feels 'buried beneath the surface' (*ibid.*). As well as the level of control to which the prisoner is subjected while incarcerated, depth perception also relates to distance from release; the longer the sentence, the deeper the prisoner feels within prison and the further they feel from their home world.

Clarifying the concept of 'depth' further, King and McDermott (1995) found that many of the elements that comprised the 'depth' of imprisonment could better be depicted through 'weight'. They showed that 'depth' corresponded with perceptions of feeling physically suppressed by security and control, while 'weight' depicted the burden of the psychological oppression of imprisonment (*ibid.*). In *The State of our Prisons*, King and McDermott disentangled the two concepts and elaborated that 'weight' indicated a vertical measure of the ways in which prison can bear down upon prisoners, like a 'weight on the shoulders' (1995: 90). They described

incidences where prisoners felt their imprisonment as a burden to carry, particularly when poor living standards, degrading treatment, and inhumane conditions combine with deliberately antagonising, apathetic, or inconsistent staff authority (King and McDermott, 1995).

The ‘weight’ of prison is bound with activity and conditions outwith the control of the prisoner, and particularly with staff discretion and use of power. Crewe (2011b: 521) likens the ‘heavy’ and ‘directly overbearing’ nature of British prisons within the 1970s and 1980s with Cohen and Taylor’s (1978) observation of ‘rules-within-rules’ (Crewe, 2015: 56). In contrast to heaviness, Crew (2015: 57) described ‘light’ prison experiences as characterised by ‘less oppressive’ conditions, where ‘power is under-used’ and staff ‘levels are thin’. The ‘lightest’ prison regimes are not only unsafe for prisoners and staff due to the absence, or reluctance, of staff intervention and reliance on prisoners’ self-policing to prevent incidents, they are also ‘chaotic and disorganised’ (*ibid.*). He explains further that the ‘weight’ of prison can be understood best when considered alongside staff ‘presence’ or ‘absence’: ‘heavy’ regimes with strong staff presence can be overbearing, while ‘light’ regimes with staff ‘absence’ can be dangerous; the ideal regimes, Crewe argues, are ‘light-present’ which feel safer as staff-prisoner relationships improve and power is used only as a last resort (*ibid.*).

In response to the changing shape of penal practice Crewe (2009, 2011a, 2011b, 2015) explained that ‘tightness’ was a better metaphor for the complexities of the prison experience than ‘depth’ and ‘weight’. As discussed in sections above, the ‘softening’ of penal power (Crewe, 2011a, 2009) took form through invisible power that no longer relies on the short sharp shock of a beating (McDermott and King, 1988). Rather, institutional power is more psychological than physical due to the shift toward perpetual self-government, reliance on psychological assessment, and continual active, and visible, engagement with the sentence and risk-reduction (Crewe, 2009, 2011a, 2011b). The increasing bureaucratisation of late modern penal structures is shaped by control and security operating at a distance through CCTV, faceless and slow-moving administration (Crewe, 2015). Crewe (2015: 58) explains that penal power becomes more ‘informational’ as it is grounded in paperwork, on

which Bosworth (2011) concurs that paper documentation has become the most powerful tool of control with lasting effect.

The prison experience becomes ‘tighter’ as the individualising regime gives less autonomy but demands more active engagement from prisoners; the tight hold over the individual is evident through accountability for their own actions and inactions (Crewe, 2011b: 522). The ‘grip’ of penal power is perceived as invasive in the short-term and constricting in the long-term; continual psychological assessment and constant observation trap prisoners in place through fear of failure and of remaining ‘stuck’ in the penal net for longer (*ibid.*; Crewe, 2015). Crewe explains that penal technologies ‘are subjectifying, in that they seek to fashion a new kind of person, as well as objectifying, in that this person is a somewhat alien version of the self’ (2011b: 522). He likens the experience to Cohen’s (1985) depiction of ‘mesh thinning’ and ‘net widening’ as the boundaries of punishment become blurred. Thus, ‘tightness’ depicts psychological punishment by relocating the locus of actuarial governance to the individual in a highly demanding, intrusive, and all-encompassing manner (Crewe, 2009, 2011b, 2015). This thesis contributes toward this debate further through discussion in chapters 8 and 9 of the specific ways in which the penal ‘grip’ affects people with learning disabilities within and beyond their imprisonment.

Crewe (2015: 59) contrasts ‘tight’ prison regimes with ‘loose’ regimes and explains that both can be experienced as painful. He characterises the latter as ‘less rigid, authoritarian and austere in their daily operation’ yet, as a result, loose regimes are ‘less clear about the terms and boundaries of acceptable conduct’ (*ibid.*). Under such conditions, it would be difficult for prisoners to successfully self-monitor their behaviour, activity, or association with others with a view to meeting the demands of their progression; they may not understand their sentence plans or know their personal officers (Scotland) or offender supervisors (England and Wales) (Crewe, 2015). While ‘tight’ penal power clutches prisoners for ‘fear of getting things wrong’ (Crewe, 2011b: 522), the lack of direction that ‘loose’ power provides can be said to set people up for failure.

In response to the changing shape of penal practice, Liebling and colleagues within the Cambridge Prison Research Centre (Liebling *et al.*, 2011; Liebling, 2011, 2012) devised a means through which to measure the quality of prison life for prisoners (MQPL) and for staff (SQL). The team developed a quantitative-led ethnographic approach, shaped by the Appreciative Inquiry method, in order to uncover ‘difficult to measure’ aspects of what it feels like to live and work in prison. By focussing on the ‘best of what is’ and ‘what matters most’, the MQPL and SQL tools – comprised of questionnaire, interviews, and observations immersed deeply within the social fabric - triangulate and conjure a reliable, nuanced, and realistic image of prison social life (Liebling, assisted by Arnold, 2004). By interrogating the moral performance of prisons, late modern penal technologies and their associated new pains of imprisonment can be more fully understood.

### 3.3.3 Experiencing imprisonment differently: A selective review of studies with marginalised prison populations

Central to this thesis is the need to avoid the homogenisation of experience. Prison sociology is a broad field comprising diverse incarceration experiences, and maintains that the society of ‘prisoners’ is a complex group and imprisonment is subjective; as previously stated, Sykes’ (1958) early account of prison social life acknowledged this and put forth that there may be as many prisons as there are prisoners. Just as I described in chapter 2 that a critical realist approach to understanding learning disability serves to avoid the ‘epistemic fallacy’ of assuming that reality is as we so label it where, for example, all forms of learning disability is presumed to be experienced in the same way, this same commitment helps cement the fact that different individuals and groups of people will, inevitably, experience prison differently based on their understanding and experience of this phenomena. This section will expand on this premise by drawing on studies of prison life which serve to foreground the ways in which imprisonment is experienced differentially, and may be even more painful for some (Liebling, 1992; Liebling, assisted by Arnold, 2004). The following section provides a selective review of key studies which foreground the experiences of specific groups of people, including: women; older people; black and minority ethnic groups; and, disabled people. These studies

contribute toward the notion that imprisonment is differentially experienced by different groups of people. This lays the foundations for the final section of this chapter, which highlights the limited existing knowledge about people with learning disabilities' prison experiences, and the need to include their perspectives.

This section will discuss prison studies which have sought to expand the understanding of carceral experiences by appreciating the diversity of the prison population and, in turn, the heterogeneity of prisoners' perspectives. It begins with studies about women's experiences of prison life before fanning out to explore the experiences of: black and ethnic minority prisoners, older prisoners, and disabled prisoners. This is not an exhaustive review, and certainly does not account for every subjective understanding of imprisonment, but serves to highlight exemplary studies which have diversified knowledge of incarceration experiences. Each of these areas can overlap, interplay, and produce multi-dimensional accounts of prison life.

While the category of 'women' cannot be reduced to a single group or experience, it is important to acknowledge the development of sociological perspectives which accepted that women's experiences of prison, and of the pains of imprisonment, differed somewhat from male prisoners.

Zedner's (1991) detailed historical account of women's imprisonment in Victorian England highlighted the 19<sup>th</sup>-century anxieties around women's abilities to cope with incarceration. This shed light on the normative ideals of femininity as well as the criminal justice system's masculinist notions of justice and punishment (Zedner, 1991; Carlen, 1983; Dobash *et al.*, 1986), particularly through the 'patriarchal nature of the law and legal apparatus' (McMillan, 2003: 106). Drawing on the characteristics of modern prison regimes, which Foucault (1977) outlines through notions of compulsory visibility and continual observation, self-government, and categorical assessment, Rowe (2011: 572) argues that the painful aspects of imprisonment are historically understood as experienced more acutely by women than by men. This is key in understanding a recent Inspectorate report which found that some women cope with imprisonment by blaming themselves, self-harming, and engaging in risky sexual behaviour (Scottish Government, 2011). With regard to

young female prisoners, Batchelor and Burman (2009: 281) contend that the experience of incarceration itself ‘exacerbates the social, emotional and health problems which led many young women there in the first place.’ Hannah-Moffatt (1995) argues that incarceration is particularly harmful for vulnerable women and called for the implementation of local women-centred prisons, with lower levels of security, which avoid the reproduction of normative femininity.

While early comparative studies in the United States found that the ‘pains’ of imprisonment differed vastly between male and female prisoners, these were deeply rooted in normative gender expectations. Ward and Kassebaum (1965) found little evidence of a strong ‘inmate code’ of conduct (Clemmer, 1940; Sykes, 1958), and Giallombardo (1966) suggested that female prisoners tended to seek loyalty through small groups, cliques, or form ‘pseudo families’, which were based on imported identities. These studies focused on inmate relationships and on familial relationships outside; Ward and Kassebaum (1965) claimed that the loss of meaningful social roles was key to understanding the pains of confinement for women, and Mandaraka-Sheppard (1986) framed women’s prison experience through motherhood. However, in moving this debate forward, Bosworth’s (1999) intersectional work appreciated that incarcerated women’s identities are shaped through race, class, and gender, and through the individual’s continual negotiation of multiple institutional forms of penal power. She argues that while the institution governs and disciplines women through idealised forms of femininity, so too do incarcerated women use their identities to resist penal power (Bosworth, 1999; see also, Rowe, 2014).

Equally pertinent is Loïc Wacquant’s (2001a) intersectional account of the mass incarceration of African Americans – *Deadly Symbiosis: When ghetto and prison meet and mesh* – which placed emphasis on the interplay of race and class. He acknowledged this rapidly increasing penal response as a functional product of neo-liberal governance: the generation of a black ‘underclass’ (*ibid.*). He elaborates that the ‘penalisation of poverty’ serves to ‘manage the effects of neo-liberal policies at the lower end of the social structure’ (2001b: 401). Similarly, Davis (2003) and Alexander (2010) consider the continuation of racial discrimination and oppression in the United States through systems of slavery, Jim Crow segregation laws, and how

these perpetuate when combined with poverty as poor people of colour cycle disproportionately through the ‘prison industrial complex’ (Davis, 2003: 12).

Elaine Crawley and Richard Sparks’ (2005a, 2005b, 2006) research with older prisoners in the UK, draws attention to age as a source of oppression, uncovering another set of experiences and pains of an increasing population of those over the age of 65. They found that older men experienced significant ‘entry shock’, coped with and adapted poorly to imprisonment, and were especially fearful of physical and mental deterioration, becoming ill, or dying in prison (Crawley, 2007). Aday (2003) also found that there were high rates of mental ill health, and particularly anxiety and depression, among older prisoners in the United States. Crawley and Sparks (2005a, 2005b) discussed the ways in which the physical fabric of the prison and normative structure of the regime failed to adequately adapt to the needs of an ageing population of prisoners. They referred to these failings, and the apparent ‘instances of inadvertence or indifference’ (Crawley, 2007: 232), as ‘institutional thoughtlessness’ (Crawley and Sparks 2005a, 2005b).

Ben-Moshe, Chapman and Carey (2014) published a seminal edited collection of North American studies of imprisonment and disability. In her thought-provoking foreword, Angela Davis makes a key point regarding the intersectional contributions in the book: ‘*They point out that carceral practices are so deeply embedded in the history of disability that it is effective impossible to understand incarceration without attending to the confinement of disabled people*’ (Davis, 2014: viii).

### 3.4 Situating people with learning disabilities’ accounts within prison sociology

Very little is known about how people with learning disabilities experience imprisonment. This is, in part, due to the lack of research having been carried out directly with people with learning disabilities through in-depth qualitative methods within prison settings. Although there is a growing body of forensic literature

focused on assessing and progressing the suitable adaptation of offending behaviour programmes to meet the needs of people with learning disabilities (Murphy *et al.*, 2007; Courtney and Rose, 2004; Novaco and Taylor, 2015), in addition to research based in secure forensic institutions (deVilliers and Doyle, 2015; Raggi *et al.*, 2013), these studies tend to have a clinical prerogative which lies beyond the scope of this research. However, in 2007-2008 the Prison Reform Trust published the *No One Knows* series of reports and briefing papers that sought to: identify the needs of people with a learning disability who enter the criminal justice system (Loucks, 2007a, 2007b); consult prisoners with learning disabilities about their experiences of, understanding of, and ability to cope with the justice pathway (Talbot, 2008); contrast the experiences of prisoners with and without a learning disability (*ibid.*); and, talk to prison staff about their experiences of working with this population (Talbot, 2007). Aside from this comprehensive study, people with learning disabilities' accounts of their incarceration remain largely unheard.

This section of the chapter seeks to: a) consolidate extant literature through the broad concepts of 'transcarceration', 'liminality', and 'vulnerability'; b) provide an account of what is known about this minority group while in custody; and, c) demonstrate the necessity for an in-depth study of the experience of prison life for this group. It does this across four subsections. Firstly, it critically examines key prevalence studies within the field along with an examination of the grounds on which these are based, given that much of the related literature and policy developments rely heavily on these. Secondly, it considers perspectives that explore the criminal justice pathways for people with learning disabilities from a critical perspective, which tend to focus on their liminality as citizens. Thirdly, it explores research studies that assume a 'liminal' approach and focus on the complex intersections, in various combinations, of learning disability and criminal justice. Finally, it examines perspectives which foreground the 'vulnerability' of people with learning disabilities while incarcerated. Given that so few sociological studies have been carried out with this group at such a unique intersection of two diverse fields of study, this section is pertinent in setting the scene for situating people with learning disabilities and the value of their own accounts of their prison experiences.

### 3.4.1 Prevalence studies

Although it does not imply that people with learning disabilities are more likely to offend than those without learning disabilities, it has been reported that this group are over-represented within the prison population (Bradley, 2009; Hayes *et al.*, 2007). However, despite better systematic approaches of identifying learning disabilities (Hayes, 2007; McBrien, 2003), as well as the politicisation of disability (Oliver, 1990) and the gradual expansion of the prison population within the context of actuarial penal technologies (Feeley and Simon, 1992), efforts to cast an accurate figure of people with learning disabilities in prison remain elusive. There remains a lack of standard practices of identifying or recording how many prisoners have learning disabilities although recent prevalence studies estimate that around 20% of prisoners in the UK have a learning disability (Hayes *et al.*, 2007); this figure is consistent with prison prevalence studies from Australia (Holland and Persson, 2011) and the United States (Petersilia, 2000). One of the UK studies, that of Rack (2005), argues that dyslexia is three to four times more common among prisoners than the general population.

Variances in method or tool of measurement risk skewing results or homogenising people with learning disabilities. The ways in which learning disability is conceived differentially by name, definition, and measurement may vary among jurisdictions, systems and studies; this demonstrates the incomparability of estimates of the prevalence of learning disability within the criminal justice system. Estimates for learning disabilities or learning difficulties amongst the prison population range between as little as 0.3% to as high as 30% (Myers, 2004; Mottram, 2007). Although psychometric testing offers scientific validation and allows a comparison to be made against the expected 'norm', IQ tests are less accurate at their limits and risk being either over-inclusive or under-inclusive of those who score on the 'borderline' or with 'mild' learning disabilities (see chapter 2 for further discussion). Moreover, the IQ cut off - which determines that which is and is not included as a learning disability - has shifted over time (Heber, 1961), and many prevalence studies have hastily relied upon evidence from 'screening' tools which indicate only the likelihood

of having a learning disability and is not definitive. The moving goalpost of inclusion is most evident at the cut-off limits, particularly as individuals diagnosed ‘on the borderline’ frequently ‘fall between services’ through strict inclusion criteria (Myers, 2004).

### 3.4.2 Pathways into the justice system

While there are difficulties in estimating how many people with a learning disability are in prison, other areas of study have focused on how this group ends up in prison. One of the most significant research studies around people with learning disabilities’ pathways into custody was carried out by Eileen Baldry, Leanne Dowse and their colleagues at the University of New South Wales, Australia (Baldry, 2010; Baldry *et al.*, 2013; Baldry *et al.*, 2015; Dowse *et al.*, 2009). The ‘Mental Health Disorders and Cognitive Disabilities’ (MHDCD) project used comparative big data to depict the ‘predictable and preventable’ pathways of people with ‘complex needs’ (Baldry *et al.*, 2015). The team compiled lifelong administrative data on a cohort of 2,731 Australians with complex needs who had been in prison; they accessed this data through all criminal justice and social service agencies’ records regarding every individual and their respective known aliases to generate the first dataset of this kind (*ibid.*). The de-identified dataset traced individual pathways into custody from the first known contact with police, housing, disability support, or any other service. They demonstrated that the pathways into the criminal justice system for people with complex needs are multi-factorial and multi-staged (Dowse *et al.*, 2009).

Baldry and colleagues argued that routes to prison are often confounded by the sense of being ‘betwixt and between’, where people with ‘complex needs’ inhabit a liminal existence (Baldry, 2010; Turner, 1995) which is never fully in the community and yet never out of reach of a governing institution due to the many structural disadvantages outlined in Chapter 2. Rather, this group occupy a transient space between the community and carceral settings, in their many forms (Cohen, 1979). As a result of the lifelong contact with various systems of support and governance, the MCDHD project presents people with complex needs as almost predisposed to criminal justice

interventions, and ultimately, cycling into the prison population (Baldry, 2010; Baldry *et al.*, 2013; Baldry *et al.*, 2015). This echoes Carlen's (1983) leitmotif of those who transition 'out of care, into custody' with childhood institutional care failing to prepare care leavers for non-institutional living, particularly as their lives were marked by poverty. Similarly, Arcus (2012) depicted the ease of the 'school-to-prison pipeline' for juvenile offenders with learning disabilities in the United States.

Spivakovsky (2013) argues that many people with learning disabilities are at risk of receiving a 'ticket' to prison in the form of community-based orders or bail with special conditions which can be confusing as well as controlling, intrusive and punitive. In 2014, she critically assessed the use of Supervised Treatment Orders as a penal technology to 'treat' people with learning disabilities in Victoria, Australia, who pose a risk of serious harm to the public. Arguing that coercive medico-legal technologies were being used to diagnose 'risk' and 'dangerousness' among a vulnerable group, she warns that the convergence of these fields blurs the boundaries of custody for people with learning disabilities in a way that it does not for non-disabled people (Spivakovsky, 2014a). However, as a critical legal criminologist, Spivakovsky (2014b) draws on Cohen's (1979) concept of 'magical legalism' to render unjust, discriminatory, and excessively punitive the supervision of people with learning disabilities beyond their release from prison.

### 3.4.3 Vulnerability studies

In contrast, many studies about people with learning disabilities have focused on their vulnerabilities and the challenges they face as they progress through the criminal justice system as a minority group. Murphy and Clare (1998) argue that the vulnerabilities specific to those with learning disabilities can affect the outcome of their court case, as questions are raised about their memory abilities in accurate recall and sequencing of events (Murphy and Clare, 1995, 1998). Murphy and Clare (1998) explain that some people with learning disabilities may have limited communication abilities and comprehension skills and, as a result, may: take longer processing information; be acquiescent and suggestible (Clare, 2003); and, try to appease other

people (Talbot and Jacobson, 2010). In arguing that some people with learning disabilities believe they can go home if they answer police questions, Murphy and Clare (1998: 180) also warn of the possibility of their giving false confessions. Their ability to give a testimony as witnesses in court has been called to question (Gudjonsson *et al.*, 2000), along with their capacity to understand court proceedings and knowingly enter a plea as an accused person (Murphy and Clare, 1998). Others have turned their focus from questioning the capacity of the individual toward the appropriateness of the Appropriate Adult scheme, which serves to support vulnerable people being questioned by police (Pearse and Gudjonsson, 1996; Bowden and Wilson, 2015). Although the particular vulnerabilities faced by this group are important to note, these accounts have, in large part, been carried out by clinical psychological researchers and contribute to wider socio-cultural debates that render silent and incapable people with learning disabilities.

As part of the Prison Reform Trust's *No One Knows* series, Talbot (2008) interviewed 154 people with learning disabilities and 19 people without across 14 prisons in the UK in order to listen to their accounts, perceptions and experiences of the criminal justice pathway. Over half said they felt afraid in prison, and were likely to: spend time alone; be unemployed; be bullied (50%); and, experience extremely high levels of depression (52%) and anxiety (70%) (Talbot, 2008: 61). Those with a learning disability were five times as likely as those without to have been subject to control and restraint techniques while in prison, and three times as likely to have spent time in segregation (*ibid.*). Talbot (*ibid.*) also demonstrated that many prisoners with learning disabilities were not in contact with their families while incarcerated, and many did not know: when their earliest date of liberation was; how to make a complaint; or, how to access or ask for healthcare.

A recent joint inspectorate report between HMI Probation and HMI Prisons (England and Wales) found that offender managers in prisons were extremely overwhelmed by the complex social and welfare needs of people with learning disabilities (HMI Probation, 2015: 7). The report also found there to be little evidence of contact with community-based adult support services during incarceration, which disrupted service provision upon liberation (*ibid.*). People with learning disabilities within

prison settings who were consulted through the inspection raised concerns about: staff understanding their individual needs; being able to adhere to the Incentives and Earned Privileges scheme; and, their own ability to understand what is required of them (*ibid.*). The prison-based interviewees found daily life in prison particularly difficult and brought up themes about feeling unsafe and being under formal supervision for self-harming (*ibid.*). The report found that a large sample of the participants had been disciplined for their behaviour, but may not have understood why (HMIPs, 2015: 8). The report, quite uniquely within this field of study, commended good practice in the way of some prisons' production of Easy Read versions of all paper documentation, particularly in the Orderly room, as a means of promoting inclusive and supportive measures. This echoes much of that which had been stated in Talbot's (2007) *Prisoner's Voices* study as well as Lord Bradley's (2009) exploration of the needs of people with learning disabilities while in custody. However, in-depth qualitative academic research is required to further qualify findings which render this group overwhelmingly vulnerable while in custody; to promote their needs, and to give voice to their prison experiences.

In spite of the gap in the literature, these key studies point toward the uniquely vulnerable social situation that people with learning disabilities occupy while in prison. While this chapter showed that the prison population, in general, experience traditional, new, and differential pains of confinement, existing research that highlights prisoners with learning disabilities as a particularly vulnerable population reveal the specific hardships and challenges that they face as part of their daily lives in prison. The marked absence of this group from research – both quantitatively and qualitatively – indicates that they remain a silenced population, and one which may experience the pains of confinement (Sykes, 1958) more acutely than those without learning disabilities (see chapters 6 and 9). Just as Crawley and Sparks (2005a, 2005b) refer to the 'institutional thoughtlessness' with regards to the structural exclusion of older prisoners from the normative prison regime, so too might this term be used to consider the institutional failure to adequately meet the needs of prisoners with learning disabilities.

### 3.5 Conclusion

This chapter has critically reviewed a range of research on prison life and the various approaches to understanding the institutional power arrangements that characterise, influence, and shape the interactions among the social actors that populate prisons. I began this by drawing upon the studies that formed the foundations of the discipline, particularly the work of Sykes and Goffman, in order to conceptualise the prison as a social system. I built on those texts by exploring the key debates in late-modern imprisonment, including the impact of the ‘softening’ of penal power and the specific painful experiences that this shift has given rise to. I explained the necessity and value of those prison studies that have sought to expand the understanding of prison life by appreciating the diversity of the prison population, but demonstrated the gap in existing literature regarding the accounts of people with a learning disability.

I showed that while there is significant psychological and psychiatric interest in the forensic criminalisation of people with learning disabilities and the therapeutic interventions that seek to reduce their likelihood of reoffending, these have largely excluded qualitative accounts from the group themselves. Similarly, although the Prison Reform Trust, the Bradley Commission, and the joint inspection by HMI Probation and HMI Prisons produced reports which shed much needed light on the challenges people with learning disabilities experience face while incarcerated, there was significant need to conceptualise and theorise these accounts through their relation to larger debates within prison sociology and criminology, as well as learning disability studies and sociology.

On the surface, prison sociology and learning disability studies have very little in common. However, it is not the case that people with learning disabilities are absent from prison sociologies, and vice versa, as this is a new phenomenon; I explained in chapter 2 that people with learning disabilities have historically been subjected to institutional control or governance, including different forms of incarceration, namely through the domination of the medical model which locates cognitive impairment as pathological. Earlier in this chapter, I used Goffman’s work to show

that his micro-level interactional studies speak to both fields in a meaningful way through conceptually rich tools such as the notions of ‘power’ and ‘stigma’, and the processes of sanctioning, labelling, and exclusion. These concepts open a dialogue between the two fields of study to explore in a nuanced, empirically driven, and theoretically grounded manner the prison experiences of this doubly ‘deviant’, marginalised, and excluded group.

Moreover, by highlighting the distinctive ways in which different groups experience imprisonment, I brought together Sykes’ (1958) notion that the experience of imprisonment is unique to each prisoner and sought to show that by looking beyond the majority experience different iterations of the traditional and ‘new’ pains of confinement can emerge. I showed in that different populations experience the pains of confinement differently; recent research on young women (Batchelor and Burman, 2009) and vulnerable women in prison (Hannah-Moffatt, 1995) indicates that the experience of imprisonment itself is deeply harmful, where some may find the experience distressing and seek coping mechanisms through risky sexual behaviour or self-harming (Scottish Government, 2011). Despite that very little research has been carried out with regards to how people with learning disabilities manage their daily lives in prison, Talbot’s (2008) work makes clear that this group are both deeply marginalized within prison populations and excluded from the structures to which they are subject due to being afraid, not understanding processes, or not having their specific and individual needs addressed. I outlined research that depicts justice involved people with learning disabilities as especially vulnerable due to the combination of the cognitive demands of the justice pathway and the specific impairment effects (Murphy and Clare, 1995, 1998, Talbot and Jacobson, 2010); the barriers to the full inclusion of this group can prevent them from engaging or understanding in the process. Without being fully supported to understand the process to which they have been subjected, Talbot’s (2008) study highlighted that some people with learning disabilities did not know their liberation date. This points to the notion that people with learning disabilities seem to be more susceptible to the pains of confinement, old and new, due to their impairment effects as well as inaccessible structures that serve to disable them (as outlined more fully in chapter 2).

The purpose of this chapter was to ultimately bring together two diverse, although respectively well-developed, conceptual and empirical fields of study and to demonstrate that they can speak to one another in a meaningful way. The aim of this thesis is to explore people with learning disabilities' experiences of imprisonment and to gain an understanding of the ways in which they make sense of this and give it meaning within their lives as disabled people. The accounts from this marginalized group are absent from prison sociological research just as narratives about offending and imprisonment are missing from learning disabilities studies literature. In exploring this phenomenon, this study seeks to address this gap by presenting the perspectives and meanings generated by this marginalised population, drawing attention to the differential ways in which they may experience imprisonment, and highlighting what the implications are of normative neurotypical expectations for prisoners under a 'soft' late modern regime of penal punishment where cognitive reflexivity is essential.

In the following chapter, I will outline the philosophical, theoretical and methodological orientations of the research alongside a thoroughly reflexive account of the research process.

## 4. Methodology

### Introduction

This chapter details the way in which I conducted my research with people with learning disabilities regarding their prison experiences, and provides a rationale for my methodological choices. Section one situates the research through an outline and discussion of the overarching research aim and objectives, along with an overview of the research design. In section two, I discuss the theoretical underpinnings of the study, explain the decision to use a Critical Realist approach, and address the conceptual challenges of conducting research and drawing from two fields of knowledge (criminology and disability studies). Section three then discusses the methods, outlining my justification for using qualitative research methods, and the suitability of using a flexible qualitative interview approach with people with learning disabilities and within prison environments. This section also details how I dealt with the complex ethical considerations of researching with people with learning disabilities in custody, and how I negotiated multi-site access from the Scottish Prison Service and obtained on-going consent from the participants themselves. In section four, I give a reflexive account of how the research was carried out, the ways in which I managed fieldwork-related issues, and how I adapted to individual communication needs as well as the demands of the prison environment. Section five details the ways in which the data were managed and analysed, and outlines additional measures taken to ensure anonymity of particularly high-profile participants. Finally, I offer concluding remarks about the overall process.

### 4.1 Research aim, objectives and design

This research aims to explore how people with learning disabilities experience imprisonment. As discussed in chapter 3, previous research suggests that partly due to the high levels of governance over their lives in the community, people with learning disabilities are at a high risk of ending up in the criminal justice system as accused or convicted persons (Baldry *et al.*, 2013, 2015). People with

learning disabilities are over-represented within the prison population (Mottram, 2007; Hayes *et al.*, 2007; Loucks, 2007a). When in prison, they constitute an especially vulnerable population as they often: feel afraid; experience high levels of bullying; worry that staff do not understand their needs; are unsure of how to access healthcare or make formal complaints; and have little contact with their families (Talbot, 2008). People with learning disabilities have specific anxieties about being liberated from prison (Ellem, 2011) as they may find themselves without continued welfare or social living support (HMI Probation, 2015). However, no existing sociological studies have spoken directly to people with learning disabilities while incarcerated about their prison experiences.

The research seeks to contribute significantly to knowledge about the subjective prison experiences of this particular group in response to the existing lack of academic qualitative research in this area. To achieve the aim, I set three key objectives: firstly, to examine how people with learning disabilities discursively account for their incarceration and make sense of this within the wider context of their lives and self-narratives. Secondly, the study sought to explore the key challenges faced by people with learning disabilities while in prison; to investigate how they adjust to the challenging demands of prison life and of being a prisoner; and to examine how prison, in turn, affects their sense of self and of self-worth. Finally, the study sets out to examine participants' overarching interpretations and experiences of the criminal justice pathway as a person with learning disabilities.

The study used a qualitative methodology to respond to the gap in knowledge about the prison experiences of people with learning disabilities. Qualitative research methods can provide a rich and nuanced account of participants' experiences, placing emphasis upon their views and perspectives by giving them the space and time to discursively account for their own experiences, and using their language and terms of reference.

## 4.2 Philosophical and theoretical underpinnings

This section discusses the philosophical and theoretical approaches that influenced the research design and implementation. It begins with discussion of the epistemological and ontological assumptions of critical realism which form the philosophical roots of the thesis; critical realism shaped my understanding of the concepts used in this study where I sought to avoid collapsing epistemology (our ideas about what exists) into ontology (what exists). A critical realist position requires methods that access the ways in which our ideas about reality are influenced and constructed, perception and meaning making, and which is theoretically grounded; this is why I drew on Symbolic Interactionism as a means through which to theoretically complement the philosophical underpinnings. The second sub-section below, therefore, explores the theoretical premises of Symbolic Interactionism which shaped and guided the methodological decisions to carry out qualitative research and to analyse data through a broadly grounded theory approach where the research implications were firmly rooted in the data (described later in this chapter).

### 4.2.1 Critical realism

Research is always guided by set of beliefs about the world (ontology) and about how we come to know about the world (epistemology), understand it and, in turn, study it (Bottoms, 2008). This set of beliefs is known as a ‘paradigm’ (Denzin and Lincoln, 1998: 26), ‘perspective’, or ‘model’ (Silverman, 2006: 3) and refers to the ontological, epistemological, and methodological stances that underpin a research project. My research is driven by a critical realist paradigm which amalgamates ontological realism with epistemological constructivism. Critical realism operates on two philosophical premises: firstly, it accepts that there is an external social reality. This means that critical realists believe that the social world exists independently of our theories about it (Phillips, 1987: 205); that there is a real world which exists, with which we interact and to which our concepts and theories refer. Secondly, critical realism rejects the premise that we can have any single ‘objective’, or correct,

knowledge of the social world. Grounded in epistemological constructivism, critical realism accepts that there can be multiple interpretations of the social world. As such, Williams (1999: 805; see also Shakespeare, 2006) argues that a critical realist perspective avoids collapsing the ontological (our beliefs about what exists) into the epistemological (our knowledge of and ideas about what exists).

The philosophy is associated with the works of Roy Bhaskar (1975, 1978, 1979, 1998; see also: Archer, 1995, 2000; Collier, 1989, 1994; Sayer, 1992, 2000; Lawson, 1997). Fundamental to Bhaskar's approach is the rejection of positivism's stance which beckons 'value free' research; he argues that studies of social reality are at the same time 'value impregnated' and 'value impregnating' (Bhaskar, 1998: 9). By separating ontology from epistemology, Bhaskar's approach avoids 'naïve realism', strong constructivism, and relativism, instead, arguing for the ontological autonomy of phenomena. This means that a critical realist approach argues that: '*phenomena exist whether or not we have concrete knowledge of them, and the existence of phenomena should not be confused with knowledge about them*' (Watson, 2012: 102).

Critical realism seeks to avoid 'naïve realism' which implies that the nature of social reality can be understood at its face value. Collier (1994: 64) refers to the 'flatness' of realist ontology; Williams (1999: 809) explains this through realism's notions of 'pre-existence of structures' and unilateral 'causal' explanations. These predispositions limit any attempt to understand the nuances and complexities which colour human social reality. Critical realism 'enables us to analyse critically the social processes by which structure and agency shape and reshape one another over time' (Williams, 1999: 809). Thus, it values both concepts as ontologically independent, albeit interrelated and continually interacting with one another. Collier (1998) argues that social phenomena can be explored through various levels of a stratified, or laminated, system, and each of these levels overlap and influence one another, yet, individually and together, provide a deep understanding of the issue at hand (see Table 1 and discussion in chapters 2 and 9).

Critical realism also rejects strong social constructivism which reduces social phenomena to '*just a theoretical interpretation or cognitive construction*' and,

therefore, denying its ontological reality (Bhaskar and Danermark, 2006). However, Bhaskar and Danermark (*ibid.*) state clearly that ‘weak constructivism’ is welcomed, wherein knowledge is formed through social interactions which can be multiple varied, but valid interpretations of the same phenomenon (Hammersley 1992: 51). By acknowledging multiple interpretations, critical realism can enable a more holistic analysis of social phenomena by engaging with material causation as well as the interpretations and meanings applied by those who experience it.

A central feature of critical realism is that it refuses to collapse the ontological into the epistemological stance (Bhaskar, 1989: 185; Bhaskar, 1975); doing so is deemed an ‘epistemic fallacy’, which describes the conflation between what reality is and our knowledge about it (Fairclough, 2005). Rather, critical realism holds that the existence and nature of reality are not socially constructed, but what we know about them is. Thus, the approach is useful when conceiving of crime by rejecting positivistic notions of inherent criminality while moving beyond the notion that crime and punishment are only constructions and not subjectively experienced (Matthews, 2014). By approaching social phenomena and human social experience as complex, multi-factorial, and interrelated, a critical realist approach would view the social phenomena of crime as a real, felt, thing but our knowledge about it depends on our relationship to it, and will never provide a complete ‘God’s eye view’ of it. This informed my decision to combine the approach with symbolic interactionism (described below) as a theoretical model in order to keep central the individual participants, their views and interpretations of the criminal justice system, and the meanings they applied to their experiences.

Similarly, a critical realist approach to understanding disability moves beyond debates about what impairment is and how disability should be defined (Watson, 2012: 102). Stalker (2012) advocates for Disability Studies to incorporate critical realism as a meta-theoretical approach (Bhaskar and Danermark, 2006): this includes learning disability as a social reality whose impairment effects are experienced differentially (Thomas, 1999, 2007), but which ‘embraces all causally relevant levels of reality’ (Stalker, 2012: 132). The benefit of a critical realist approach lies in the acceptance of multiple interpretations of social reality but the rejection of binary dualisms of

existence; instead, it encourages a nuanced interpretation of reality, material relations, and human social interaction based on stratification. As a flexible approach to researching social phenomena, it marks a compromise between accepting that there is a single reality but since it is experienced and perceived by individuals there are, and should be, multiple interpretations of this reality which will always be partial.

#### 4.2.2 Symbolic Interactionism

Symbolic interactionism emerged from the Chicago school of sociology and was based on the works of Cooley (1902) and Mead (1934), among others. Although it can largely be credited to Herbert Blumer (1969), who articulated and developed the work of his mentor George Herbert Mead, symbolic interactionism came to dominate the epistemological and theoretical traditions of the Chicago school scholars (Deegan, 2001). It assumes that the social organisation of society derives from the interactions between social actors, and focuses on the understanding of symbolic meanings those actors apply to social phenomena (Blumer, 1969). Guided by Chicago school belief that social phenomena should be studied within their own natural settings (Park, [1925] 1967), symbolic interactionists insist that social life should be studied through 'first-hand observation' (Blumer, 1969: 38).

Symbolic interactionism is a micro-level approach to the study of social phenomena; it is concerned with meaning, interaction, differential perspectives, and the self. It places the highest importance on the meanings that people attribute to the social world around them (Blumer, 1969). Symbolic interactionism is a bottom-up perspective guided by Blumer's (1969) three fundamental premises: first, people act toward things based on the meanings these things have for them; second, meanings are not inherent in objects, but develop from the interactions people have with those objects; third, meanings are attached through a process of interpretation, and this can change.

This process of interpretation serves as an intermediary between meaning-making and action, but social actors are always involved in the process of interpreting phenomena

and assigning meaning to things as they socially move through the world; the interpretations and meanings applied to phenomena determine action (*ibid.*), not social norms, values, roles, or goals. This is consistent with Archer's (1996) agency-focused perspective that structures are 'peopled' by social actors. Society is comprised at all levels of social actors who are always involved in a continual process of interpreting the world around them, deriving meaning from these interpretations, acting toward the social world based on those meanings. However, Denzin (1992) argues that the micro-level essence of symbolic interactionism lacks structure. Burawoy (2000) contends that the theory is too insular, arguing that there is little scope for an exploration of the role of power in social relations; however Jenkins (2012) recently produced a paper conceiving of Goffman's (1961) symbolic interactionist work of the micro-level interactions within 'total institutions' as an emblematic study in the interpretation and reproduction of power relations.

As a theoretical approach, symbolic interactionism is compatible with critical realism's philosophical stance due to the latter's emphasis on the importance of context in understanding social phenomena (Sayer, 1992, 2000). In common with the critical realist approach, symbolic interactionist approaches try to understand the distinct layers and interconnections that constitute the complex nature of social life (Hammersley 1989). Just as critical realists focus on the contextual nature of causal explanation (Sayer, 1992: 60-61), so too do symbolic interactionists locate at the centre of their work the situational contingency of phenomena and social actors' constant social involvement with their surroundings.

Moreover, symbolic interactionism's theoretical framework also serves as a foundation for the methodological principles of grounded theory (Glaser and Strauss, 1968; Strauss and Corbin, 1990). As discussed more fully later in this chapter, grounded theory relies on an in-depth familiarity with and micro-level analysis of data which is subject to a process of 'constant comparison' to allow generalisable themes to emerge from the data (Glaser and Strauss, 1968). Similar to symbolic interactionism's view of human social life as emergent and subject to change, grounded theory is rooted in the belief that theory can emerge from the data and develop further through continual interrogation of the data in relation to itself (*ibid.*).

In spite of criticism for encouraging 'introverted' sociology (Burawoy, 2000), symbolic interactionism offers theoretical relevance to micro-level social relations among the self, social institutions, and wider social domains, and adequately permits space to conceive of interpretation as a dynamic process of both the participants and researcher alike.

### 4.3 Qualitative research methods

I decided to use a qualitative research methodology for this study for several reasons. Qualitative interviews produce rich and detailed data, and encourage new or unexpected accounts to emerge; I believed that these elements were fundamental for this study given that very little existing research had been conducted in this area. One of the central features of the research design was to include the accounts of people with learning disabilities, and avoid excluding them from research 'about' them. I felt that qualitative methods were best suited to realise the aim and objectives of the study, while giving participants the platform to have their views and experiences heard. Moreover, it was essential that the chosen method would be appropriate for the participants themselves but also for the unique demands of the prison-based research site. This section will discuss the qualitative methods chosen for this study before justifying why these were deemed most appropriate for this study. Finally, it looks at the key ethical considerations that shaped the research design. The section to follow discusses the practicalities of the research in action.

#### 4.3.1 Qualitative research methods

Qualitative methodologies are a varied group of differing research methods which can provide an in-depth account of social phenomena that would otherwise be unobtainable by quantitative data (Silverman, 2000). Denzin and Lincoln (2011: 3) describe qualitative research as a 'situated activity that locates the observer in the world.' Silverman (2010: 9) explains that research methods should be selected in relation to the research task. Qualitative research methods are guided by an

interpretivist paradigm, committed to researching participants' perspectives, experiences, and interpretations of the social phenomena under study (Taylor *et al.*, (2016).

A qualitative research design is interested in phenomena in their natural settings, and seeks to make sense of the social world through participants' own frames of reference (Corbin and Strauss, 2008). As such, qualitative methods seek to avoid deterministic or causal accounts of social phenomena as 'things' that exist in the world and 'exercise external influence on people' (Durkheim, 1938 [1951]: 14). Qualitative interview approaches accept that knowledge and truth are created and not discovered as a pre-existing reality (Schwandt, 2003; Berger and Luckmann, 1966). Kvale and Brinkmann (2009) write that qualitative interviews can be metaphorically understood in terms of the researcher as a 'traveller' rather than a 'data miner' in that the researcher embarks on a unique journey with the participant; they listen to participants' views and perceptions and without 'mining' them for this information. They argue that 'data' does not exist prior to the interview; it is the product of the exchange between researcher and participant (Kvale and Brinkmann, 2009).

Qualitative methods can produce meaningful, embedded, and comprehensive research through their inherent interest in meaning-making and the ways in which people act and form opinions. Along with providing value to the subjective accounts of those who experience the given phenomena under study, qualitative methods are concerned with setting, context, and influence in order to make sense of human social life. Becker describes qualitative research as a 'craft' while Denzin and Lincoln (2011: 3) elaborate that the qualitative researchers' attempt to make sense of phenomena, within the context of their own setting, is best achieved when considered in terms of the meanings that participants may bring to them.

### *Qualitative methods: Semi-structured interviews*

A flexible qualitative method was chosen to acknowledge research participants as experts in their own lives; interviews were seen as the most appropriate ‘method of giving voice to various issues’ (Matteson and Lincoln, 2005: 660). Qualitative interviewing recognises participants as experts of their own lives, experiences, and perspectives (England, 1994), which is useful particularly when interviewing those who may feel excluded or oppressed. Due in part to the informal setup of the conversational style approach, (Fylan, 2005), semi-structured interviews were the most suitable way to carry out the interviews. This style of interviewing allows the conversation to flow, change, and follow tangents freely (Fylan, 2005: 65).

Semi-structured interviews are essentially conversations guided by a pre-determined interview topic guide (Fylan, 2005; see Appendices 7 and 8). The topic guide outlines the key areas to be discussed, in no particular order, over the course of the interviews, and are likely to alter between participants as conversations flow freely (Fylan, 2005: 65). Participants are given the space to discuss the topic and share their views, perspectives, and feelings, in their own terms while the researcher guides the interview and is able to probe responses further if necessary (Kvale, 1996). This style of interviewing can uncover new ways of understanding the topic as participants can bring up topics that they feel are important. For the approach to be successful, it requires the researcher to be present in the interaction and responsive to the participant (*ibid.*). Furthermore, by acknowledging participants’ expertise of their own lives, semi-structured interviewing can dissipate the unequal power dynamic that can emerge in a research exchange. It was essential to this study that the previously unheard voices of people with learning disabilities were heard, and centralised in the research process, stressing the importance of experience as a form of knowledge (Ramazanoglu and Holland, 2002).

### ***Multiple interviews***

Multiple interviews build a relationship of trust between the researcher and participants; it encourages rapport building and allows both parties to be reflexive in

the research process (Charmaz, 2003; Matteson and Lincoln, 2009). Participants can clarify comments from earlier interviews, and the researcher can revisit topics to better comprehend phenomena ‘within a limited time frame’ (Matteson and Lincoln, 2009: 660). This approach also supports the researcher’s ‘slow and deep immersion’ in the research environment (Beyens *et al.*, 2015: 67). Charmaz (2003) also highlights that multiple interviews can strengthen the data analysis process as the researcher constantly reviews the emerging data.

### *Researching in prison environments*

As discussed in chapter 3, there are complexities around researching within a ‘low trust environment’ such as the prison (Liebling, assisted by Arnold, 2004), particularly in gaining trust as an outsider (Jewkes, 2002; Sparks *et al.*, 1995; Rowe, 2014). Liebling (1999) reflects on prison research experiences which were: emotionally draining or harrowing; met with hostility and suspicion from participants; frustrating for participants; and constrained by external forces such as time, access, or funding bodies. Acknowledging the nuances of prison research experiences, Jewkes (2014: 69) adds that:

*But prisons can also be stimulating, exhilarating, and curiously life-affirming environments in which to do qualitative research, and emotional identification with prisoners and prison staff, like all research participants, is often a positive and powerful stimulus in the formulation of knowledge.*

To understand more fully the complexities of the nature of prison life and staff-prisoner relationships, Liebling, Price and Elliott (1999) adapted the Appreciative Inquiry approach to suit the prison environment. Interviews informed by Appreciative Inquiry seek to move beyond ‘problem-oriented’ questions where ‘the direction of the interview is already pre-determined, and so is the psychic dynamic between the interviewer and interviewee’ (Liebling *et al.*, 1999: 77). Rather, it is an empathic approach which begins with a grounded observation of the ‘best of what is’ or ‘what matters most’ to research participants, with a view towards envisioning ‘what might be’ (Elliott, 1999: 37). The approach encourages

a shift in the focus of interviewing from the ‘deficits and deficiencies’ of the participant towards their ‘accomplishments and achievements’ (Elliott, 1999: 49). Appreciative Inquiry does not attempt to conceal the ‘darker side’ of social reality, but rather, ‘deliberately seeks to include other realities’ (Liebling *et al.*, 1999: 76).

The Appreciative Inquiry method was originally developed to inspire organisational change and growth (Elliott, 1999); it was adapted for use in prisons by Liebling and her team (1999) who were also being informed by Matza’s (1969) centralisation of ‘appreciation’ and ‘empathy’ when researching ‘deviance’. Matza (1969) identified the contradictory nature of appreciation and empathy regarding deviant behaviour, and highlighted that both are necessary to fully comprehend phenomena and the nuanced, subjective, meanings applied by the social actors involved. He wrote that ‘only through appreciation can the texture of social patterns and nuances of human engagement with those patterns be understood and analysed’ (Matza, 1969: 15). Appreciative Inquiry research has in-depth qualitative origins and is grounded in the data (Liebling, 2014); by deliberately approaching phenomena in alternative ways, it seeks new ways to understand ‘the truth’ (Liebling *et al.*, 1999: 75). I felt that this principle in particular would be useful in mitigating some of the challenges of conducting interviews that may touch on sensitive or difficult topics and within such a harsh research environment as the prison; it was useful to have interview tools available to switch the framing of questions from the negative to the positive, particularly as a means to mitigate the potential upset or harm beyond the interview after I left the research site.

### *Interviewing with people with learning disabilities*

As discussed above and in chapter 2, people with learning disabilities are often excluded from research that concerns them. Qualitative research methods, such as interviews, can be inclusive when carried out with, rather than on, people with learning disabilities. Interviews can encourage participants with learning disabilities to realise the validity in their points of view (Atkinson, 2004) and acknowledge their expertise in their own lives and experiences (Stalker, 1998). While Goodley (1998)

maintains that there is no correct way to interview people with learning disabilities since they are not a homogenous group, flexible interview approaches can support individuals with learning disabilities to participate (see also: Walmsley and Johnson, 2003).

Although some researchers caution that there can be specific methodological challenges of interviewing people with learning disabilities, others have shown that this is not the case (Booth and Booth, 1996; Stalker, 1998; Goodley, 1998). Booth and Booth (1996) highlight four challenges that can arise during qualitative interviews with people with learning disabilities: inarticulateness; unresponsiveness to open questions; difficulty generalising or thinking in abstract terms; and, difficulty with time and temporal succession. They advise using direct questions without abstract temporal conceptualisation to overcome those concerns (Booth and Booth, 1996). However, Goodley (1998) whilst affirming that direct questioning can be useful, shows that at other times a loose conversational approach, which includes probing from the researcher, can be successful. While Lewis (2004) found that the format of questions can be more constraining than a narrative account, Booth and Booth (1996) found that reactive responses to specific questions were more successful than asking participants for long narratives of uninterrupted speech. Some researchers have successfully used props, such as visual aids, cue cards, or talking mats, to better support people with learning disabilities to talk about their opinions and experiences in interviews (Atkinson, 2004; Stalker, 1998; Swain *et al.*, 1998).

#### 4.3.2 Justification of methodological decisions

Given that the existing academic research regarding people with learning disabilities in prison has been driven in part by prevalence estimates from quantitative data and also from the account of the professionals who work with them (see discussion in Chapter 3), it was essential that my research design involved qualitative research methods which directly consulted the prisoners with learning disabilities themselves. Taking these various practicalities into account, I felt that a flexible approach was best suited for doing qualitative research with people with learning disabilities. The

flexibility afforded and encouraged by semi-structured interviewing allows participants with differential communication skills and preferences to express their views and perspectives. Moreover, semi-structured interviews are both empowering and pliable to respond to the needs of participants where necessary, while multiple interviews permit a slower pace or more time (Atkinson, 2004) and allow the participant and researcher to get to know one another better (Thomas and Woods, 2003).

I decided to give participants the option of completing the interview in one longer session or multiple shorter sessions in response to the potential barriers that longer interviews may present to some people with learning disabilities. As discussed later in this chapter in more depth, almost all participants opted for multiple interviews; these ranged in frequency between participants, although the average was three interviews.

I felt that the Appreciative Inquiry approach suited this study through its holistic regard to phenomena; I anticipated that participants would have complex feelings towards their situations or the research environment (discussed further below). To attend to this, I also included warm up and cool down sessions which bookended the interviews: the former let participants become familiar with me while allowing me to better understand ‘individual needs and styles of communication’ (Thomas and Woods, 2003: 81) ahead of the interviews so that I could adapt my style of interviewing if necessary. The cool down sessions served to offer closure and attend to the ethic of care by mitigating the misleading presumption of friendship that multiple interviews can imply to people with learning disabilities (Stalker, 1998). Despite that Booth and Booth (1996) suggest corroborating participants’ accounts with family members, I felt that this was inappropriate and would undermine the commitment to empowering participants as experts in their own lives.

#### 4.3.4 Some ethical considerations

It is imperative that research follows ethical guidelines. This study received ethical approval from the School of Social and Political Sciences Ethics

Committee at the University of Glasgow, and from the Research Access and Ethics Committee at the Scottish Prison Service Headquarters. It also followed the Code of Ethics for Researchers in the field of Criminology, outlined by the British Society of Criminology [BSC], as well as the Framework for Research Ethics set out by the Economic and Social Research Council [ESRC] (BSC, 2015; ESRC, 2015). Ethical considerations are relevant at all stages of the research, the following section outlines the ethical issues which arose during the research design; I will reflect on the ethical concerns which arose during and beyond fieldwork later in this chapter.

Firstly, although the interview techniques outlined by Goodley (1998), Lewis (2004), and Booth and Booth (1996) offer examples of inclusive and flexible approaches to researching with people with learning disabilities, these are often seen as contradictory to mainstream qualitative research approaches. For example, Booth and Booth (1996) and Goodley (1998) suggest that direct questioning, which avoids abstract temporal conceptualisation, can be a useful strategy. This is worth noting as there is a fine line between the researcher 'probing', which Kvale (1996: 61) explains as a way of asking for further description or explanation, and the researcher posing 'leading or loaded' questions which appear to push the participant in a particular direction (Bryman, 2008: 242).

Secondly, it is important to put participants at ease prior to the interview. Thomas and Woods (2003: 81) explain that research participants with learning disabilities can experience anxiety, fear, and lack confidence relating to their involvement. Moreover, the prison environment itself can be stressful and distracting, and the prisoner may experience prison in a particularly painful way (Sykes, 1958; Crewe, 2011b). The use of a 'warm up' session with introductions, a detailed explanation of the study and the participants' involvement, and time for questions can facilitate a feeling of comfort. Stalker (1998) warns that researchers who carry out research in participants' homes must be extremely careful not to be misconstrued as friends; arguably, this can be extended to prisons given that they are deemed 'total institutions' (Goffman, 1961; *cf.*: Baer and Ravneberg 2008). However, ensuring that the participant is always fully informed of their involvement and

being clear about role of the researcher can help maintain professional and appropriate boundaries between the researcher and participant (Walmsley, 2004). Similarly, taking time to ‘cool down’ beyond the interview exchange, without the dictaphone present, to ensure that the participant is also satisfied that the interviews ‘end well’ can facilitate a smooth exit transition (Wengraf, 2001).

A third ethical consideration during the research design was whether, and how to respond if, the interviews touched on sensitive topics and led, in turn, to emotional upset. I discussed the implications of this likelihood fully with my supervisors ahead of interviews and became familiar with supports and services available to the participant: there was a Listener service in each of the prisons which consisted of prisoners who were trained by the Samaritans to support other prisoners; and, Cornerstone staff and trusted prison officers could be identified by the participant for specific advice or support beyond the interview. My own supervisors and a key senior contact at Cornerstone were available throughout the fieldwork process for debrief sessions.

#### 4.4 Fieldwork

The aim of this section is to provide an account of the fieldwork process. All of the data were generated through multiple in-depth interviews with 25 adults with learning disabilities who were in prison at the time of interviews (21) or who had recently been liberated from short-term custodial sentences (4). The first section gives an overview of the fieldwork process and outlines the final sample of participants. Section two then discusses the ethical approval process given that this was deemed a ‘high risk’ research project, and addresses the key concerns and issues that arose during the project. Section three outlines multi-faceted gatekeeping and recruitment of participants, as well as the related issues I encountered. In section four, I reflexively account for how the interviews were carried out in the field and draw on extracts from my fieldwork diary to provide transparency about my own situated fieldwork experiences (Jewkes, 2014).

#### 4.4.1 Fieldwork process overview

The fieldwork was carried out between October 2013 and June 2014. I spent the six months ahead of fieldwork obtaining ethical approval from the University of Glasgow School of Social and Political Sciences Ethics Committee and from the Scottish Prison Service (SPS). I was fortunate to have a collaborative PhD studentship between the Economic and Social Research Council and Cornerstone – a Scottish third sector organisation who support adults with learning disabilities. I worked closely with one of Cornerstone’s Community Justice service areas, ‘Positive Tracks’, which provides tailored daily living support to people with learning disabilities who have recently been liberated from short-term custodial sentences. Cornerstone had pre-existing partnership arrangements with the SPS, which better enabled my access to the prisons.

Ahead of interviews, I developed a broad topic guide (see Appendices 7 and 8) and organised questions into three thematic areas corresponding to the stages of the criminal justice pathway for an accused person: 1) general discussion about life prior to first conviction; 2) arrest, court proceedings, and sentencing; 3) imprisonment, prison life, and hopes for the future. I gave participants the decision to complete the interview in one longer session or in multiple shorter sessions; all participants elected for the latter, however on occasion extrinsic or unavoidable circumstances prevented individual participants’ committal to the full interview process. Most participants’ interviews were completed in three sessions; the content of each interview corresponded to the three thematic areas identified on the topic guide. All interviews were bookended with a ‘warm up’ and ‘cool down’ sessions, discussed below.

A total of 72 semi-structured interviews were conducted with 25 men and women with learning disabilities over the course of nine months and across five research sites including four Scottish prison settings, and one supported living community setting for recently liberated people with LD. In line with the philosophical underpinnings of this research is the idea that people with learning

disabilities are not a homogenous group, and neither are prisoners. As such, I adopted a deliberately loose definition of learning disability in order to incorporate those ‘on the borderline’, people with Acquired Brain Injury, and those on the Autistic Spectrum (see Table 2).

<b>Learning disability ‘index’ diagnosis</b>	<b>Number of participants</b>
Formal LD diagnosis <sup>2</sup> (including Autistic Spectrum conditions)	16
Screened LD (indicator-only)	7
Acquired Brain Injury	1
Specific Learning Difficulty	1
<b>Total</b>	<b>25</b>

**Table 2:** Participants’ ‘Index<sup>3</sup>’ diagnoses.

Similarly, I did not stipulate any particular offender category and was open to meet participants with any conviction status. Table 3 shows participants’ conviction status at the time of interviews, however the six participants who were on remand at the time were all later convicted to custodial sentences of varying lengths (although only one received a long-term sentence). One community-based participant from the ‘short-term sentence (served)’ sub-cohort was re-arrested during interview proceedings and was held on remand at the last check (2013).

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<sup>2</sup> Formal diagnoses can only be given by medical professionals while screening can be completed by anyone fully trained to use the respective tool; those who ‘flag’ as likely having a learning disability or specific learning difficulties would then be referred to the relevant medical professional for a formal diagnosis.

<sup>3</sup> Given that people with learning disabilities tend to have multiple and over-lapping diagnoses (Kirby and Kaplan, 2003), the term ‘index’ has been applied here in reference to the ‘main’ diagnosis, identified by the participants themselves.

<b>Conviction status</b>	<b>Number of participants</b>
Remand	6
Life sentence (convicted)	2
Order of Lifelong Restriction (convicted)	1
Long-term sentence (convicted)	2
Short-term sentence (convicted)	10
Short-term sentence (served)	4
<b>Total</b>	<b>25</b>

**Table 3:** Conviction statuses of participants

The final sample comprised 25 adults with learning disabilities, 21 of whom were in prison at the time of interviews and four who had recently been liberated from short custodial sentences and were being supported in the community by Cornerstone (see Table 4). Admittedly, the sample was over-representative of women within the context of the present penal landscape in Scotland: women comprised 30% of the sample (8 women and 17 men), while (adult and young) women only constitute around 4% of the custody population (i.e. 361 of 7661 prisoners were adult or young women based on population statistics accurate on 11<sup>th</sup> March 2016 – SPS 2016).

<b>Pseudonym</b>	<b>Conviction status</b>	<b>Index offence</b>
Paul (M)	Order of Lifelong Restriction	Attempted murder
Charlie (M)	Life sentence	Murder
John (M)	Short-term sentence	Shoplifting
Jake (M)	Liberated - Cornerstone	Carrying an offensive weapon
Julie (F)	Liberated - Cornerstone	Wilful fire-raising
Alec (M)	Remand	Sexual offences - Rape
Simon (M)	Remand	Carrying an offensive weapon
Martin (M)	Remand	Wilful fire-raising
Grant (M)	Remand	Drugs – Intent to supply
Craig (M)	Short-term sentence	Assault
Robbie (M)	Short-term sentence	Theft
Lee (M)	Short-term sentence	Assault (police officer)
Shaun (M)	Long-term sentence	Aggravated assault (racial)

<b>Pseudonym</b>	<b>Conviction status</b>	<b>Index offence</b>
Drew (M)	Long-term sentence	Fraud
Brian (M)	Short-term sentence	Assault
Chris (M)	Short-term sentence	Drugs
Tony (M)	Liberated - Cornerstone	Robbery
Liam (M)	Liberated - Cornerstone	Aggravated theft
Ashley (F)	Life sentence	Murder
Chloe (F)	Short-term sentence	Breach of the Peace
Jane (F)	Remand	Assault
Karen (F)	Remand	Shoplifting
Leanne (F)	Short-term sentence	Assault
Nicole (F)	Short-term sentence	Breach of the Peace
Sue (F)	Short-term sentence	Assault

**Table 4:** Participant conviction information

## 4.4.2 Ethics

I anticipated a tricky and lengthy ethics application process due to the ‘high risk’ nature of the research, and so took great care to anticipate and address each potentially ‘risky’ element of the study. I applied for ethical approval as a phased process (see Table 5) from the University (discussed above) which I clearly indicated in a supporting letter addressed to the chief ethics officer at the University, and began by asking for approval to interview previously incarcerated people with learning disabilities in the community. I then approached the Scottish Prison Service Research Access and Ethics Committee (‘SPS RAEC’ hereafter) to negotiate access before applying for ethical approval to interview in prison from the University.

<b>Ethics application phase</b>	<b>Ethics body</b>	<b>Date of approval</b>	<b>Approval agreement</b>
Phase 1	University of Glasgow, School of Social and Political Sciences	29 <sup>th</sup> August 2013	Carry out multiple interviews with people with learning disabilities supported by Cornerstone, in Cornerstone’s office locations.  Carry out interviews with Cornerstone Community Justice team staff about service provision.  Approval to seek verbal consent from participants, with a third party witness, where necessary.
Phase 2a	The Scottish Prison Service,	28 <sup>th</sup> August 2013	Access to four prisons where Cornerstone had

	Research Access and Ethics Committee		<p>existing service provision.</p> <p>Carry out multiple, private, interviews with people with learning disabilities.</p> <p>Conduct research on an incremental basis, one prison at a time.</p> <p>Permission to bring a dictaphone into premises (access letter at each establishment from Governor-in-Charge).</p>
Phase 2b	University of Glasgow, School of Social and Political Sciences	17 <sup>th</sup> September 2013	<p>Carry out multiple interviews with people with learning disabilities in the four prisons agreed with the Scottish Prison Service.</p> <p>Approval to seek verbal consent from participants, with a third party witness, where necessary.</p>

**Table 5:** Phases of Ethical Approval

The phased approval approach was extremely successful as the University only highlighted minor issues of consideration related to Phase 1 of my application for ethical approval; these related to the recent reorganisation of the department for which the committee were responsible and required me to update logos on all written correspondence to reflect this change. My Phase 2 applications from the SPS RAEC and the University were approved without amendments. However before starting my fieldwork, Cornerstone and the SPS RAEC both required me

to complete additional training which they respectively arranged, and paid for, on my behalf. In 2013, I completed Adult Support and Protection Training as well as Risk Assessment Training with Cornerstone, and Personal Protection Training with the SPS.

I created 'plain language' information sheets (Appendices 1 and 2) and consent forms (Appendix 5) with specific information related to the location of interviews (i.e. in prison or in Cornerstone's offices). These were accompanied by 'Easy Read' equivalents (Appendices 3, 4 and 6) on which I consulted Cornerstone staff before circulating. During the initial 'warm up' meeting, I gave both 'plain language' and 'Easy Read' information packs and consent forms to all participants, and discussed the form of each version to allow participants to select the most appropriate version for themselves. I read aloud the preferred option with every participant. This process allowed me to include one participant who self-identified as 'illiterate', I read all written information and secured his verbal consent as agreed in my ethical approval arrangements (see Table 5, above). I used an on-going process of consent, although participants only signed one consent form before the first interview. Before each new interview, I reiterated the consent agreement and reminded participants that they did not have to answer questions without any explanation if they did not wish. This made sure that participants were always well-informed, but not overwhelmed by excessive paperwork. This also served to maintain boundaries in the research relationship as I spent a lot of time with participants.

There was a reasonable drop-out rate of participants, but most specifically among potential participants. While a few of these were obligatory due to arrest or movement to another prison, the majority of drop-outs occurred prior to or following the 'warm up' meeting where I introduced the research. I viewed this as a positive outcome of individual agency: I encouraged potential participants to decide themselves whether to take part in the research or not. Whilst there may have been other reasons for not participating, and from following up with potential participants, it appears that most who elected not to take part were enacting their agency.

I made sure that participants understood my anonymity procedures to keep their identities private. I explained that the consent forms they signed were the only record I kept of their real names, and that these were kept in locked filing cabinets, in a locked room in a secure building at the University that only I had access to. All other references to them would be through a pseudonym; I encouraged participants to choose their own 'fake name.' Some people had been wary of the dictaphone; I explained that only I would hear the recordings and the purpose of recording was to help me keep an accurate record of what we had discussed. Occasionally, some participants decided to talk to me without the dictaphone on; I did not draw directly on the content of those discussions in my fieldwork diaries to respect their wishes not to have it included in my study.

I provided participants with a limited degree of confidentiality and explained this during the 'warm up' session but also ahead of each subsequent interview session, as outlined in the British Society of Criminology's Ethical Code of Conduct (BSC, 2015). Confidentiality was always afforded unless participants informed me of their intention to harm themselves or others, or plans to commit new offences. I also explained that I would interrupt them if I felt that the limit had been reached. Some participants discussed previous offences which they had not been convicted of; these were usually petty offences so I decided not to act on this information. One participant, during our second interview, had shared that she had attempted suicide by hanging the previous evening. I was surprised that the prison officers had allowed her to meet with me. I stopped the interview and explained that it was my duty to make sure that officers knew about this incident to seek the appropriate care and support.

Due to the sensitive nature of topics, some participants became upset during the interviews. I offered to take a break, stop early and resume another day, or continue the interview without the dictaphone; this was sufficient in most cases. Some participants had shared information or concerns which I had to share with a staff member; I explained this to them and asked them to identify one staff member whom they knew or trusted. As fieldwork intensified, I had frequent

debrief meetings with one of my supervisors so that I could discuss issues that affected me.

#### 4.4.3 Participant recruitment

It was initially agreed that I would work closely with Cornerstone support staff and an appointed SPS operations officer in a managerial position within each establishment in order to identify potential participants from the former, and negotiate an appropriate time and space to conduct the interviews through the latter. However, as I was spending quite a substantial amount of time within each establishment, prison officers began suggesting individuals who may be eligible and willing to take part in the research project and the final sample quickly emerged through this practice. I did ‘warm up’ sessions with potential participants ahead of interviews, preferably on a separate day, to establish whether or not they were eligible to take part and to allow them time to decide whether they wanted to participate in the research.

In terms of inclusion criteria, the study required that the individual was in prison at the time of research, or had been recently liberated from custody, and had been identified with a learning disability. The former was straightforward however the latter required much more consideration and care. As discussed more fully in chapter 2, the conceptualisation of ‘learning disability’ is contested. This not only affects the terminology used (see Chapter 1), but also the way in which learning disability is identified; screening tools or diagnostic criteria may vary among practitioners and institutions. As I mentioned above, I used a deliberately loose definition of ‘learning disability’ in order to avoid inclusion or exclusion criteria at the margins and also extended its application to include participants on the Autistic Spectrum (including Asperger’s Syndrome) as well as those Acquired Brain Injury. Some participants had only discovered upon arrival at prison that *it was likely that* they had some form of learning disability; prison staff and Cornerstone support workers used screening assessment tools to indicate the likelihood of whether someone has a learning disability (Hayes, 2007). While the reliability of screening tools remains

problematic (see Chapter 2), it was important to have some form of identification where a formal diagnosis was not available.

### *Gatekeeping issues*

In terms of gatekeeping, the SPS RAEC made it clear from the outset that the research was subject to local management:

*'You should note that access is also conditional on individual establishments being willing and able to accommodate any potential demands that may be made on staff time and resources as a consequence of the study.'* SPS RAEC (pers. comm., August 2013)

To reduce my disruption to local regimes, I maintained contact with the SPS RAEC via email throughout the fieldwork to notify them of my progress, and to initiate access to the subsequent prison. I was then introduced to a local management contact and negotiated my access at this point; this was a smooth process throughout although access differed from prison to prison, as I discuss below.

Gatekeeping was an issue at times particularly as Cornerstone support workers did their own pre-screening of potential participants – this was not the case with prison officers. Although Cornerstone used the Hayes Ability Screening Index (HASI; see Hayes, 2000) as a screening tool to identify whether or not someone is likely to have a learning disability, and also relied on individual disclosure, they also determined whether or not inclusion in the research would adversely affect their service progression before referring any potential participants. Although this is imperative in terms of considering how the research may affect an individual, their situation and their growth, pre-screening practices can be seen as 'cherry-picking'. I found it useful to maintain good working relationships with Cornerstone staff, and reiterate that the research was not an assessment of their work, or the service provision in general, in an attempt to reduce their selection of only those potentially 'good' participants who may

‘have a lot to say.’ Extending similar professional courtesy to prison officers also helped with keeping track of where prisoners were, as this could be challenging at times.

#### 4.4.4 Interviews in practice

All data for this study were gathered from in-depth, multiple and semi-structured interviews between the researcher and incarcerated, and recently liberated, people with learning disabilities. This method was extremely successful in eliciting deep, meaningful, and reflexive views and perspectives from the participants. The majority of participants decided to spread the interview across multiple interviews, excepting four people. Two of whom had, in fact, chosen to do multiple interviews but could not continue after the first: one had been interviewed in the community, was arrested after the first interview and held in another prison beyond the scope of access; and the other person’s personal circumstances prevented further engagement. Only one person completed the interview in one longer session as he was being liberated the following day and one person chose not to return after the first interview. I was extremely flexible with my time throughout the fieldwork process to account for participants’ family and friends’ visits, court appearances, social work meetings, health appointments, wellbeing needs, and any other activities. On the whole, though, participants were keen not to miss the interviews.

#### *Inclusive research strategies*

As I used multiple short semi-structured interviews, I ensured that I spent time ‘warming up’ and ‘cooling down’ with those who participated in the research separate to the interviews. The main purpose of the former was to make sure that sufficient time was dedicated to explaining the research and obtaining consent from the participant and allowing them to ask any questions, however over and above this, I found this time invaluable in terms of getting to know the individual and their communication style. After this preliminary meeting, I

recorded initial thoughts and a few key points which we spoke about in my fieldwork diary so that I could relay this to contextualise our subsequent meeting; I found this to be a useful practice after each interview as it helped to maintain the pace, focus, and linear succession of interviewing more than once. Although I never had the topic guide visible during interviews, one participant requested that I print the research topic guide in a larger font and bring this along so that they could follow the focus of the narrative without going off-topic too much.

Some of the more specific, and subtle, communication preferences came to light when I listened back to the audio recording prior to the subsequent interview. I discovered that some participants preferred to narrate the story of an event in a temporal order without interruption, while others found this abstract style difficult and were open to specific time referents, such as ‘your first prison sentence’, ‘your most recent arrest’ or ‘Mondays’. I added my thoughts to the notes in my fieldwork diary and always decided the first question of the subsequent interview in advance, then adapted the rest of these later interviews to follow wherever the participant took me. This process of re-listening gave me time to consider the appropriateness of my questions, or style of questioning, and improve on my interviewing technique specific to that individual before meeting again. I found that some Appreciative Inquiry principles can enrich interviews and create an engaging dialogue between researcher and participants. I found it helpful to ask participants to reflect on the ‘better’ parts of prison life, many reflected on this through comparative methods as some contrasted: prison to community life; prison to secure hospitalisation; or, across prison regimes. Responses can be more reflexive and nuanced as participants explore their perceptions or experiences more deeply. The exchange with Brian shows that while he answered the question directed – ‘what’s the best part?’ - he reasoned this by exemplifying the conditions of the alternative – the ‘hardest part’:

**Caitlin:** [...] *I know it that living in a prison can be quite difficult – but what’s the best part of that for you?*

**Brian:** *Pfft... Probably [being] opened up all the time because sittin’ in your cell, you’re lookin’ at four, four walls, a shower ‘n a toilet. It’s bad! ‘Cause*

*you canny walk, it's probably the same size as this room [a small office] and if you're opened up you've got a big corridor you can walk up 'n doon or go speak tae someone 'cause you canny speak tae anyone [when you're locked up].*

**Caitlin:** *Is that the hardest part – not speaking to anyone?*

**Brian:** *Aye, no one tae speak tae.*

This interview technique worked well as participants invited me to understand their experience through their own terms of reference. By initiating conceptualisation of imprisonment in positive terms, the participants responded as such; this was an effective technique in order to move beyond the limited views of 'problems' and 'pains' (see Liebling *et al.*, 1999). I found that this was empowering for some people, as they were also able to reflect on positive aspects about themselves, of future imagined selves. However, I used this interview tool carefully and only when discussing life in prison which usually occurred during the third interview when I knew the participants better, and knew that some people would not respond well to this style of questioning. It was useful to have a tool available within the semi-structured format of interviews if, for example, the interview became particularly dark; it helped to use these kinds of questions toward the end so that the interview concluded on a more optimistic note.

### *Impact of research environment*

One of the most challenging aspects of the research was the inconsistency in access, despite the benefit associated with working within such a unique partnership synergy. The four penal establishments differed in their local management, entrance security procedures and ease of access with a dictaphone.

Location	No. of participants	Length of access	Local contact	Interview setting

Prison A	3	One month, permitted for longer	NHS nurse, due to registration (although not employment) as learning disability specialist nurse; Governor	Agents' visitation rooms.
Prison B	6	Three months, permitted for longer	First Line Manager, vulnerable unit	Therapy room reserved for counselling and physiotherapy.
Prison C	5	Two months only	First Line Manager, Links Centre	Dedicated interview room within Links Centre.
Prison D	7	Two weeks only	Throughcare officer; Deputy Governor	Various settings: a meeting room in Throughcare and Resettlement department; residential unit Recreation rooms; officer's office; and, doctor's room.
Cornerstone (community - based interviews)	4	Nine months (full research period)	Service manager	Meeting room in an office, but office was located in a high-rise block of flats and soundproofing was an issue.

**Table 6:** Local access arrangements, based on notes from fieldwork diary

The interview locations were often unsuitable or not conducive toward a productive or positive research experience for the participant. Most notably impacted were interviews conducted within the Agents Visitation booths in Prison A, the social work office in Prison C's Links Centre, and the doctor's

room in Prison D; participants held preconceived notions of each of these locations due to prior dealings. In those instances, it was imperative for me to set expectations and marshal boundaries efficiently, as I will discuss below. Some locations were noisy or suffered from echoes due to the room size or concrete interior; this disrupted the audio recording quality and, in turn, affected the accuracy of transcription. Some research sites were visible to other prisoners passing by; this concerned me in terms of potentially forcing the participant to disclose the purpose of their meeting with me to their peers.

### *Researcher Identity and Influence*

As with any piece of research, it is impossible to deny the researcher's involvement or placement within the study. Becker (1967) argues that it is not a discussion of whether or not we should take sides, but, rather, it is the dilemma of whose side we are on; it is impossible to remain impartial in social science research, and to do so would deny our own humanity. This section draws on fieldwork diary notes to reflect on my perception of the influence of my identity and presence throughout the fieldwork.

I often felt extremely conscious of my own gender within the masculine fields generated by men's prisons, however I rarely felt threatened or insecure. My perceivable identity as a young female rendered me non-threatening in such a control-centric environment. Liebling (1992) notes the various advantages for female researchers within men's prisons, including their perceived vulnerability. Although, when I was working with the female prison population these exact qualities – being young and female – meant that I looked just like many others there (Rowe, 2014). I was extremely conscious of how I presented myself in an attempt to make sure that I was not further contributing towards any power dynamics:

**Fieldwork diary extract 19/06/14:** *I'm trying to be extremely considerate about how I present myself to prisoners – not so much staff – as I worry that I seem 'in control/with power' – even little decisions, to me, like wearing a necklace or not, wearing plain t-shirts. I don't want my presence to be a reminder of what they don't or can't have.*

My role as a student was useful in neutralising power expectations. I explained my role clearly when I met potential participants, and was sure to describe what my role was not. I found that it was important establish clear boundaries and expectations, while presenting my research position in a relatable and non-threatening manner. Introducing myself as a student, rather than expert, allowed participants more opportunity to realise their expertise of their own experiences, lives, and social situation. Dressing informally also facilitated the communication of my student role, as noted in the fieldwork diary extract above. Equally, being a 'student' in a specialised area also seemed to aide dynamics with prison staff and Cornerstone support workers. Perhaps it was because it was not their role which was under study that staff were so willing to contribute their perceptions, share their knowledge and facilitate the progress of this study; the non-threatening role of 'student', rather than researcher, became valuable cultural capital in such a scrutinised space.

My involvement in the research was tested on occasion with regards to the pastoral duties of a social science researcher. Marshalling the boundaries of involvement was imperative due to the nature and intensity of the interview process: a level of trust had been established over a period of time and, retrospectively, there was a danger that certain interviews could have been moulded into counselling sessions. I managed boundaries effectively through precautionary techniques such as regularly reminding participants of my role as a researcher, the purpose of the interviews for my research study, and referring to the inclusion of multiple participants at different prisons. I used 'cool down' sessions to explain what would happen next with the study, reassure participants of their anonymity, and reiterate the data security procedures (Wengraf, 2001). Reminding participants of my role as researcher also facilitated successful

disengagement with some participants. This also reduced misleading expectations of friendship beyond the research exchange, which Stalker (1998) highlights as a risk when doing research with people with learning disabilities over a longer period.

## 4.5 Working with the data

The following section sets out how I practically managed and organised data during and beyond the fieldwork process. It will then explore the analytical approach I took to examine the data. This includes a description of the broadly grounded theory approach I drew upon to eventually build themes that emerged from the data.

### 4.5.1 Data management: Storage, transcription and biographical vignettes

Fieldwork generated a significant amount of data through the total of 72 recorded interviews, as well as the fieldwork diary notes associated with research locations, interviews and ‘warm up’ and ‘cool down’ sessions. I created password-protected computer files for each research site, which hosted further files for each individual participant. These participant files held their audio files, interview transcripts, typed fieldwork diary notes, and individual biographical vignettes (discussed below, and see Appendix 9).

I initially sought to transcribe interview recordings immediately or soon after their completion. Transcribing soon after the interview session was advantageous in terms of improved accuracy, annotating non-verbal responses, and supplementing unclear content with fieldwork diary notes. Moreover, I was familiar with participants’ speech patterns, communication preferences, and extra-verbal cues such as nervous laughter. This reflexivity informed my direction for second, or third, interviews with the same person and generally improved my interview technique for future interviews. However transcribing

soon after interviews became increasingly difficult to achieve as the research intensified quickly. When I visited Prison D, I was only permitted two weeks' access to the establishment. In order to meet the needs of participants, there were days where I carried out interviews with five individuals.

All interviews were transcribed verbatim in Microsoft Word documents. When I completed interviews with each respective participant, I collated all of their transcribed interviews and created a master transcript Word document comprised of their interview sets. As I mentioned above, the number and length of interviews varied across the sample. When participants' master transcripts were complete, I imported these into NVivo, a qualitative software analysis package. While NVivo boasts many functions to organise and examine qualitative data, I used the programme to electronically store and manage my data.

After transcribing the first interview with my first participant, Paul, I decided that it was more appropriate and authentic to transcribe with participants' dialect. This was in no way to undermine participants, but rather to avoid polishing their language use and communication. 'Translating' participants' Scottish dialect to more formal English resulted in punctuating continuous speech or correcting misspoken phrases or hesitations, and at times changed the original intended meaning. All participants were Scottish, and some had regional accents, however being Scottish myself gave me insight as to when a particular word would flag a specific region which could make the participant identifiable.

When I completed transcribing, I collated short biographies of each participant (Appendix 9). These allowed me to contrast my initial thoughts, updated fieldwork diary notes, and knowledge of the person from my own perspective. This emerged from the fieldwork process in an attempt to keep the individual participants at the centre of the research. By giving a brief overview of the individual with reference to broad identity markers embraces the heterogenic nature of the sample of participants without losing the individual to generalisations of character markers. The anonymised biographies provided individual background and demographic information that assisted my data

analysis and final write-up. These vignettes continually gave me perspective of participants' respective social situations, and the influence of their life experiences, as I analysed the data. The benefit of writing short 'biographies' of participants instilled a sense of closure and enabled me to marshal my own boundaries beyond the fieldwork, while realising the foundational commitment to give voice to those silenced and unheard.

In terms of physical security measures, all paper-based data has been kept in a locked storage cabinet in the University of Glasgow, in a room which is locked when unoccupied. Raw data and associated computer files are stored on a password protected computer and backed up on an encrypted USB. Participants were not identified, other than by pseudonym, in any documentation. Raw data, only available to the researcher, will be destroyed five years after project completion (i.e. January 2022) in compliance with the University of Glasgow School of Social and Political Sciences Ethical Approval Agreement.

#### 4.5.2 Data analysis

While NVivo was useful to organise and manage the raw data, I needed to critically examine and analyse the content in a more meaningful way. After a few mishaps with NVivo crashing, I decided to do this manually. Although this was time-consuming as interview transcripts were rich in content and fairly lengthy, the sample was relatively small so I felt that this was achievable. Moreover, manual analysis kept me close to the data and to the participants, and kept the data contextualised within the interview settings. I used a broadly grounded theory approach to data analysis by foregrounding the 'constant comparative' method outlined by Glaser (1965) so that the theoretical consequences of the research were rooted in the data (Glaser and Strauss, 1968). Through this analytical technique, I interrogated the data on its own terms (Dey, 1999) and developed theories which were grounded in the data. Grounded theory was outlined by Glaser and Strauss (1968) as an alternative to positivist approaches, and challenged the hypothesis testing approach by encouraging an

inductive analysis through the data (Strauss and Corbin, 1990) allowing theory to be developed from the data (Glaser and Strauss, 1968). Grounded theory permits a flexible approach to data analysis as Charmaz (2006: 9) explains that it is best understood as ‘a set of principles and practices, not as prescriptions or packages.’

I began the process of critically analysing the data as soon as interviews were transcribed: firstly, by reading and rereading transcripts as texts; and secondly, by reading the transcripts dialogically (Bakhtin, 1981) so that I could appreciate the text as a joint production of the interview exchange, and visualise the scene through the text. I spent three months (September 2014 – December 2014) immersing myself in the data in this manner, and this process highlighted ‘emergent’ themes (Charmaz, 2006). With those topics of interest documented, I then began the process of coding the data line-by-line; I broke down the text, compared differing and similar accounts, and constructed labels to categorise passages or segments of the text (Strauss and Corbin, 1990: 61; Charmaz, 2006).

Using this method, the data were examined and categorised into groups in a meaningful way (Charmaz, 2006); this allowed the development of themes to emerge organically from the data itself. I continued to interrogate the data by applying and reapplying codes; as the codes multiplied, I started to see patterns of linkages, similarities, differences, and connections among the data (Saldana, 2009; Richards and Morse, 2007). I then collated and labelled clusters of codes, which shared similar characteristics, into categories (Saldana, 2009); these became the coding framework themes driven by the data, for example: themes of ‘stigma’, ‘anxiety about liberation’, and ‘social isolation’ emerged among others. Eventually I reached a point of ‘saturation’ whereby no new themes or ideas were developing from the data (Glaser and Strauss, 1968; Birks and Mills, 2011: 9), although the later process of writing about the ideas, themes and theories that had emerged forced me to reconsider, refine and deepen my analyses.

Although the method originally encourages the researcher to take an impartial position, Charmaz (2006) recognises researcher objectivity as unavoidable. It was important to be aware of my own influence on the analytical method; the literatures I had studied before commencing the research influenced decisions I made regarding the research design and interview topic guides as Meriam (1998) suggests. My understanding of the phenomenon prior to fieldwork and my personal experience during fieldwork meant that it was impossible to be completely objective, however Becker (1967) holds that this does not necessarily hinder research if the researcher is clear about their beliefs and influences.

There were clear benefits of using grounded theory in this research, principally as there was no need to test a hypothesis; I allowed the empirical data to generate theory, and this was essential given that very little was known about how people with learning disabilities subjectively experience prison prior to my study. A grounded theory approach was compatible with the epistemological, ontological and methodological decisions, discussed earlier in this chapter, because of the flexibility, reflexivity, and centralisation of the participants' accounts they support. Being rooted in empirical evidence was an interactive procedure where I continually challenged, and was challenged by, the data. This meant that the analysis was driven by participants' accounts and perspectives; ensuring that participants' voices were heard was central in my commitment to the Social Model approach to understanding disability (Oliver, 1990). The flexibility afforded and encouraged by a critical realist approach (Bhaskar, 1975) supported the inductive nature of the constant comparative analysis. Similarly, use of multiple semi-structured interviews and the grounded theory approach were mutually beneficial as data from earlier interviews informed and influenced my technique in later interviews.

## 4.6 Conclusion

In this chapter, I have outlined the philosophical and theoretical underpinnings that shaped the decisions I made in designing the research as well as my approach to carrying it out. I described the research methods chosen for the study, and explained

why these were deemed most appropriate for researching with people with learning disabilities and within prison environments. I explained in depth my experiences within the field, and have been reflexive and transparent about the challenges I faced as a researcher. I have also included an appraisal of the unique partnership arrangements between Cornerstone and the SPS that facilitated the ease of access, from which my research benefited immensely. A common thread throughout this chapter is the need for and value of flexibility in social science research; this is the case methodologically, within prison settings, and with people with learning disabilities. Throughout the chapter, I have made it clear that I have paid the utmost consideration toward conducting ethical and moral research and the overarching research process was guided by a commitment to inclusive research principles. My experience of carrying out the research cemented my understanding that people with learning disabilities are constantly engaged in wider debates about their competence and capacity to speak for themselves. I have sought to ensure that this was not the case as far as possible.

The next chapter explores findings that emerged for the data regarding participants' pre-prison self-narratives. This serves to centralise the participants in the research and illuminate their highly marginalised and curtailed social situations.

## 5. Marginality and impressions of risk

As I began the process of analysing the data, ‘marginalisation’ and ‘being at risk’ emerged as strong themes. Many of the participants depicted their positioning within their home worlds, both socio-economically and socio-culturally, at the margins of society. They also cast themselves through a risk lens: pivoting between contradictory notions of being considered ‘at risk’ of harm as well as posing ‘a risk’ to society. Their navigation of overlapping socio-structural spheres of care and governance conditioned their feelings about themselves and of their self-worth. By building directly on critical realism’s ‘laminated’, or stratified, schema of the levels of social reality described in chapter 2, this chapter sets up the idea the participants in this study were subjected to different levels of marginalization, exclusion, and disadvantage in many distinct areas of their lives; this was a major research finding and features strongly throughout the data chapters, but is considered more fully in chapter 9. This chapter will focus on participants’ multifaceted and interlocking experiences of social marginalisation throughout the life-course, how this affects participants’ sense of self and self-worth, and, in turn, how they perceive themselves within criminal justice pathways through the lens of their institutionally-informed biographies of self.

This chapter sets up participants’ self-identified social situations as they began to disentangle their prison selves from their learning disabled selves; revealing in the process the extent and reach of their (often) lifelong institutional living and subjection to medical and juridical judgement (Spivakovsky, 2014a), materialist categorisations and structurally sanctioned social exclusion. This chapter thematically depicts their experiences of exclusion, social marginalisation as well as lives governed and disciplined by systems of justice, branches of it or care and treatment. This chapter is comprised of two sections which give an impression of a population rendered marginal, precarious, and vulnerable through their institutional contact and by virtue of their impairment. Firstly, the chapter explores social marginalisation and themes around being considered ‘at risk’ through a complex needs narrative; secondly, it explores a dominant theme around victimisation, clarifying their ‘at risk’ status; and, finally, it explores the ways in which participants made sense of their rights and

responsibilities as a ‘vulnerable’ population, and the supports in place to better facilitate their understanding. This is a unique insight into a doubly hidden, and ignored, population, about whom very little qualitative accounts have been gathered.

## 5.1 Social marginalisation and being at risk

This section seeks to shed more light on the previously unknown demographics of this group and, in particular, the social realities they face prior to incarceration. It begins by exploring participants’ pre-prison narratives which were largely shaped by social marginalisation and lifelong experiences of being ‘at risk’ in many forms. The second sub-section considers participants’ histories of abuse, neglect, and victimisation. It became clear that as these were major and unavoidable themes stemming from unmet multiple and complex needs were often seen as inescapable in the everyday lives of participants.

### 5.1.1 Social marginalisation and complex needs: *‘Oh, I’m just so complicated’*.

It was impossible to draw direct comparisons among the sample as their life experiences rendered them so unique in terms of defining characteristics such as: age; gender; impairment and the disabling barriers they face as individuals with unique impairment effects; experiences of stigmatisation and oppression; offending behaviour and frequency; and, carceral histories (for welfare or punitive purposes). With that said, however, the common characteristics participants did share typically captured, to some degree, their social marginalisation. This section will set out how participants characterised their living situations prior to, or between, their incarceration(s) using the lens of marginality to depict the socio-economic precarity faced, resigned to and considered ‘normal’. Thematically, this was raised so frequently throughout the course of interview sets with participants that it bears consideration in its own right. Drawing upon the respective indices of ‘multiple and

complex need' (Hamilton, 2010) this section will reveal participants' deeply rooted social disadvantage which renders them 'at risk' within liberal society.

Those referred to as having 'multiple and complex needs' usually include people who experience a combination of three or more of the following: mental ill health; physical, sensory and intellectual impairment (including developmental 'disorders' and acquired brain injury) and long-term health conditions; precarious housing or homelessness; problematic substance use; family dysfunction and contact with welfare and justice systems from very early childhood; and social isolation (Hamilton, 2010). All participants in this study could be described as having (unique combinations of) 'multiple and complex needs', and were living curtailed lives due to those overlapping conditions of socio-economic deprivation. Most of them appreciated and felt the negative impact of the complexities of their marginalisation; in one interview, Karen explained that it was so difficult to keep on top of everything in her home world, sighed and said, '*oh, I'm just so complicated a person!*' Similarly, they alluded to the inescapability of disadvantage within their families; just as their primary caregivers during childhood were trapped in cycles of poverty and social exclusion, so too were the majority of participants and their own children.

### *a) Precarious living arrangements*

Of the 25 participants, 17 people had been looked after children and spent their early and/or adolescent years in, or between a combination of: children's homes; welfare- and offence-based secure care; and residential schools; foster care; adoptive services; and one person lived in a locked hospital unit between the ages of 3 and 25. The remaining eight participants lived for the majority of their childhood and adolescence with their biological family, at least one biological parent, or extended family. Some of this group lived with their parents well into their adult lives, with two looking to be liberated from custody back to the parental home as their parents acted or were registered as their full-time carers. In terms of care provision other than parents, at least seven participants across the cohort reported having community based support: two received 24-hour in-home support; one registered her partner as her full-time

carer; two lived in supported accommodation prior to their incarceration; and two had outreach support workers. Homelessness was also very common among the group and many reported having to 'present as homeless' or live in hostels and half-way houses, upon liberation from custody. Some participants summarised the conditions of the poverty they faced by having to steal food for survival. Many faced, with striking levels of overlap and frequency, precarious housing arrangements, poor or inadequate social housing within multiply-deprived areas:

**Craig:** *I was homeless at 16 'cause the polis kept comin' up 'n [my mum] sent me tae stay wae ma da' 'n ma da' – I stayed in an empty bedroom wae just a mattress 'n floorboards – I just ended up gettin' ma own flat... 'N 'en I'm here [prison]. [...] I've had 3 hooses plus, well I've hud about 6 hooses, but I've had 3 hooses aff the housin' 'n, eh, I'm fightin' the noo tae keep ma hoose.*

This cycle of precarious housing and poor living conditions seemed to be so ingrained for some simply resigned to this reality and, as such, saw it be perpetually replicated throughout familial generations. Precarity has, for many, become a normal aspect of life in the community; this is consistent with literature that shows that people with learning disabilities are at a high risk of experiencing socio-economic disadvantage (Emerson and Hatton, 2008, 2010; Emerson and Baines, 2010).

### ***b) Problematic substance use***

Around 11 participants – that is, just under half of the cohort - discussed their addictions that spanned (or, in a few cases, combined) alcohol, marijuana, benzodiazepines, cocaine and heroin. Many of those participants also explained that their precarious living arrangements were predicated by their problematic substance use, or recalled the problematic substance use of their parents while they were living in their care. One participant described that his father's impoverished living situation was due to his alcoholism, and that he, in turn, struggled to maintain a house due to his own narcotic misuse which resulted in losing access to see his own child. Many of those who suffered from poor mental health also comprised the cohort with substance

misuse. However, those who were involved in gangs and, specifically, drug dealing and organised crime described the wealth they accrued from their involvement in such offending. For this small group, drug dealing often became a viable career option from as early as 12-years-old, dealing marijuana as well as harder drugs (such as ecstasy and benzodiazepines - 'blues') to school peers, on street corners or as a 'runner' for older gang members.

### *c) Exclusion from mainstream education*

Educational attainment was extremely low among the cohort given that only four participants left school with any qualifications, which is fairly typical among the wider population of people with a learning disability who tend to have poorer educational attainment than their peers (Emerson *et al.*, 2010: 26). Only one person studied, albeit briefly, at a further education college, whereas one participant reported that he had never attended school and was illiterate. A further three participants were so frequently excluded from school that they did not even complete their compulsory education which, in the main, affects pupils until age 16 in Scotland. In contrast to recent research (Scottish Government, 2014; Emerson *et al.*, 2010) which found that over 90% of children with a learning disability are educated in mainstream schools, non-mainstream education experiences were extremely common among the group: 11 attended residential schools either as a condition of their welfare-based care plans or as a consequence of school exclusion due to behaviour; a further six attended special education schools for children and young people with impairments. Very few participants undertook further or higher education, although a small number attended college in order to obtain high school equivalent grades. One person went to college to study a trade, but was excluded after receiving a very short custodial sentence, while another started to attend a short university access course but was arrested, held on remand, then sentenced to life imprisonment. Others in the group had engaged with further education while incarcerated, typically to attain basic literacy and numeracy skills or learn a vocational skill or trade:

**Tony:** *But at that time when I got my City 'n Guilds, it had HM prison on it, know? 'N I took [the certificates] tae employers when I came oot 'n they looked at them 'n said, 'I'll get back tae ye.' But I never heard nothin' so that put me right off because of the big stamp on the front ae' it: HM Prison<sup>4</sup>, you know?*

#### **d) Unemployment**

Although describing the system prior to prison education being delivered by local colleges, Tony stresses above the various barriers he faced in obtaining any work due to the stigma of having been trained while incarcerated. Finding, and maintaining, a job seemed to be a struggle for many participants who wanted to, and were capable of, working: only eight people had ever had a job. This is consistent with the general population of people with learning disabilities (Emerson *et al.*, 2010). Karen perceived similar barriers to Tony's in terms of finding work due to her perceived overnight classification as a disabled person:

**Karen:** *I got disqualified for being disabled for some reason in [a different town] and I came back tae [my hometown] and I got put on the schizophrenic book. Horrible, eh?*

**Caitlin:** *Can you tell me a wee bit about when [the doctor] disqualified you for being disabled?*

**Karen:** *I don't know why he called me that but he just put the- -The guy just puts a diagnosis on your illness and that's it, you're just disqualified from working everything. You can only do so much, know what I mean?*

Exclusion from the labour market, as Karen rightly discusses above, is the result of the material classification of difference (Oliver, 1990) and the socially constructed conditions inherent in the social exclusion initiated by segregation from mainstream

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<sup>4</sup> Educational certificates achieved in prison in Scotland no longer display the prison name, but either the logo of the partner education provider (ie New Lanarkshire College or Fife College) or the qualifying authority (ie Scottish Qualification Authority).

education, and, in turn, having been oppressed by normative markers of success (McDermott, 1993; Booth, 1998). Karen locates her experience of oppression in the power medical professionals have in assessing, classifying and excluding her from the labour market which she explains left her with little choice by to attain the same cultural goals as her peers through illegitimate routes: shoplifting (Merton, 1938).

### *e) Health inequalities*

It has been widely reported that people with learning disabilities face significant health inequalities (Emerson and Baines, 2010; Emerson, 2010; NHS Scotland, 2004). The majority of participants had multiple and overlapping health needs in addition to their learning disability diagnosis, impairment effects and related disabling barriers. Some, like Ashley, faced health inequalities due to their environments:

***Ashley:** I was gettin' maggots because of it- -because my carpet was gettin' rotten and it was goin' right through, the whole thing was just rotten so I was findin' maggots everywhere. My health deteriorated: I've got asthma, I've got hayfever and I've got dust allergy and I've got hunners of other allergies.*

A small number reported contracting long-term illnesses due to their social disadvantage and impoverished living conditions; some reported physical impairment as a result of violent victimisation; others explained that they had Acquired Brain Injuries (ABI) from alcohol or heroin misuse; and, many in the group explained, or suggested, that their mental illness stemmed from traumatising. Very frequently, and almost entirely across the board, participants admitted that their parents, primary caregivers and their own children also suffered from problematic substance use, long-term or terminal illnesses, as well as physical impairment or mental illness. In addition to intellectual impairment, some participants also had physical and/or sensory impairments such as cerebral palsy, sciatica, impaired hearing and vision, and epilepsy. At least 12 people – around half the cohort – discussed their mental illness: support, intervention, medication, or treatment, and how debilitating this can be.

### *f) Multiple diagnoses*

Physical and mental wellbeing as well as addiction needs often overshadowed the groups' learning disabilities in their immediacy or visibility. As discussed in chapter 4, the study adopted a loose approach toward learning disability definitions, meaning that those who would typically 'fall between services' were able and encouraged to take part in the research, such as those who have: only been screened for potentially having learning disability; an ABI (beyond the developmental years); specific learning difficulties (such as dyslexia) and developmental conditions (such as ADHD or dyspraxia); and Autistic Spectrum Conditions, including Asperger's Syndrome. This also meant that those 'on the borderline' were able to contribute to the study, particularly as it has been proven that dominant IQ testing is less accurate at its margins and may produce varying results under different conditions (Burton, 1995; Myers, 2004; see also discussion in chapters 2 and 4). There was a wide variety of impairment, but wider still were the experiences of this and the impact of impairment effects upon the individual in terms of their support need as well as the disabling barriers and forms of prejudice they face. For example, Paul - who has high-functioning Autism - experienced more exclusion and discrimination in his day-to-day life than Brian - who was diagnosed and self-identifies as having a learning disability - due to his skills of adapting to social situations, 'masking' the hidden impairment, and 'passing' as 'normal' (Goffman, 1963); this will be picked up more in chapter 7.

### *g) Prior justice system(s) involvement*

A 'complex needs' approach, like axes of multiple deprivations (Hamilton, 2010), incorporates involvement with the criminal justice system as an additional factor in addition to, or rather in combination with, the myriad inequalities outlined above. The vast majority of participants (21 of 25) had some form of contact with criminal justice systems for adults and/or young people as accused/convicted persons; seven of whom had also been subject to closed unit forensic hospital orders. The other four participants reported that their present custodial episode was the first contact they had ever had with the justice system as accused or convicted persons, although their

conviction status and index offences ranged wildly: two were on remand for common assault and willful fire-raising respectively; one was convicted to life imprisonment for murder; and one had just been liberated from an 8 week sentence for fraud (see Tables 2 and 3 in chapter 4).

Many had been subject to community based sanctions, however very few were able to abide by the conditions of such orders, particularly in the form of the spatial and temporal boundaries of exclusion zones, as well as staying away from their children and (formerly) significant others. Seven participants shared that their father (5) or brother (2) had been in prison, and three people's partners or (very recently) ex-partners were also serving time in another prison at the same time; there was some overlap between those with parents or siblings as well as partners in prison. This reveals the deeply ingrained nature of incarceration and state governance over and for some families who face extreme social marginalisation and spirals of exclusion.

### 5.1.2 Pervasive victimisation: *'They just gave me grief, constant grief, every day.'*

Having considered the numerous barriers experienced by the participants and the extent to which they face social disenfranchisement through their multiple and complex needs, rendering them in some way 'at' risk and warranting of protection or support, this section turns to themes depicting victimisation and traumatisation prior to imprisonment. Drawing conceptually from Fineman's (2008) universal vulnerability theory which argues that we are all inherently vulnerable, and that our vulnerability ebbs and flows throughout the life-course in response to changing social environments, this section explores participants' experiences of victimisation to show that this group, albeit as heterogeneous as it is, are at times cast as more vulnerable as a causal effect of their social marginalisation and 'at risk' status. This contributes to the extant literature which argues that those who have offended have often themselves been the victims of crimes (see: Godfrey, Cox and Farrall, 2007; Walklate 1992; Fattah 1993; Farrall and Maltby, 2003), yet the prevalence and extent experienced among this cohort suggests that this can also be explained by research which suggests

that people with learning disabilities are more likely than non-disabled people to be victimised (see Baldry *et al.*, 2010; Emerson, 2010; Emerson and Hatton, 2010). Below, I will highlight the breadth and frequency of victimisation throughout participants' lives firstly by drawing attention to its various forms as experienced by participants, and secondly by considering the conditions under which at least some of these experiences may be considered Hate Incidences (see Roulstone *et al.*, 2013).

Some participants revealed that their experiences of inter-generational socio-economic deprivation resulted in their abuse or neglect as children. Inherent in these deeply rooted cycles of disadvantage were stories of parental substance misuse or paternal incarceration coupled with poverty. Charlie made sense of his placement in a children's home and his parents' alcoholism through retrospective frames of reference based on his own struggle with heroin addiction. Many were placed in care as a result of child abuse:

**Robbie:** [...] *'Cause he was ex-army 'n he had a bad temper, he'd be havin' tae keep me off school for 6, 7 weeks 'cause ae' black eyes 'n stuff.*

**Caitlin:** *To make sure that no one-*

**Robbie:** *-Aye. I didny, I didny hate him for it or that, know? I know I should of but after that I asked tae get back intae care.*

Robbie and his sister both requested to be moved back to a children's home after being permitted to live with their father for a short while due to the level of physical abuse they faced. The abuse they experienced was so pervasive that Robbie described the care home he lived in as a child as the 'best days' of his life, as such the care system became a haven in providing physical and bureaucratic distance from his aggressive father. While others did not say this with so many words, it was clear that the care system, despite its faults, provided more protection to some than their home environment ever could, as, indeed, it is intended to do. Drew, for example, described the extensive physical violence his father subjected him to as a very young child; while he accepted his placement in care as a necessary safety measure, he also viewed it negatively because he was separated from his older siblings and placed in a hospital unit for people with severe learning disabilities. Equally, some participants were

placed in care due to exposure to traumatic events in the parental home as young children: one participant witnessed his father torture another man with a blowtorch, while others observed their fathers carry out frequent and often horrific acts of domestic violence against their mothers. Exposure to such insidious levels and forms of violence, in addition to having survived physical abuse and neglect, clearly accentuate this group's 'at risk' status. However some participants were similarly – albeit uniquely – abused, neglected, and traumatised as children and young people without receiving adequate care or protection:

**Ashley:** *I've got a lot of health problems because of the house, but I've also got a lot of health problems because my mum battered me as a kid. She abused me left, right, and centre and all ways, and my art therapist thinks my mum also sexually abused me before I can remember.*

Just as appropriate intervention was not invoked for Ashley despite her apparent need, this also transpired for many participants in being targeted and victimised without adequate structural protections in place. Leanne was bullied so extensively by her non-disabled peers after being moved to a local special school that she began self-harming and attempted suicide at age 15 to escape and prevent the harassment. Conversely, some participants faced even more insecurity and abuse as a result of their removal to care:

**Paul:** *They – the [residential school] pupils were... abusive: mentally, physically. The staff were abusive: mentally, physically and sexually. The whole fucking... building – the whole establishment was just a concentration of pure fucking evil, eh...*

In an emotive exchange, Paul recounted his time in a residential care home which was later closed as a result of a high profile police investigation into child sexual abuse carried out by members of staff. He recalled that the staff would drive the pupils through the red light district of the city, point toward sex workers and tell the children: *'this is what you'll do'*. Existing literature highlights the high rates of sexual victimisation among people with learning disabilities (Turk and Brown, 1993; Brown

*et al.*, 1995; Cambridge *et al.*, 2011); four participants reported that they were victims of sexual violence as children or adults, including one incidence of gang rape and another where a child was carried to term. Others were preyed upon and victimised over a longer period by partners:

**Caitlin:** *How did you meet your ex?*

**Sue:** *Walkin' aboot when I fell oot wae ma da', he took me up tae the hoose 'n asked me tae move in wae him. [...] I was married and divorced 'n I got dumped, so I did. I was in a relationship for 2 years, it wasny a good relationship; he was bullyin' me. It's hard in some relationships.*

**Caitlin:** *I'm sorry to hear that.*

**Sue:** *And then I had an old man and he gave me a overdose of drugs and I got a twitch and I dae that [demonstrates twitch], it was him that done it – he gave me too much tablets. There are bad people oot there, Caitlin.*

By 'friends':

**Jane:** *I got into trouble because I was hangin' aboot wae some, wae pals that I didny even know were- -They had asked me tae hing about them but I didny know they were junkies at the time 'n they asked me tae hing about wae them, I said no so they started pullin' me 'n askin' me tae buy them drink 'n I said no. So they just gave me grief, constantly grief, every day.*

By family members:

**Drew:** *They gie'd me £550 [benefits] in pound notes<sup>5</sup>; there was a pile o' them, know what I mean? And I took it home and my brother took it all off me and, eh, his wife- -Next mornin', I was sleepin' on the couch 'n she started diggin' cigarette ends in ma arms...*

**Chloe:** *My mam only wants me for my money [benefits], she said that before, she only loves me for one thing and that's my money.*

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<sup>5</sup> Issued upon his discharge from a forensic hospital after 25 years as an inpatient in a locked unit.

While Sue characterises her domestic victimisation as ‘bullying’, she seems to suggest that her abusive ex-partner targeted her because of her impairment; this meets the conditions of hate-driven incidences (Roulstone *et al.*, 2013). Similarly, Jane’s experience with the people she thought were her friends constitutes that which Thomas (2011) refers to as ‘mate crime’, is often only found in disability-driven hate crime, just as Drew and Chloe were respectively taken advantage of, and degradingly assaulted, by family members for their benefits money. The myriad ways in which too many participants in this study experienced physical, sexual, financial and emotional abuse throughout their lives, within a variety of contexts and under divergent conditions, is concerning to say the least. Given the frequency, severity, and perceived inescapability of victimisation among this group, it is important to draw attention to the pervasiveness of such experiences. Considered alongside their socially marginalised status as a group ‘at risk’ due to unique combinations of social deprivation, it is clear that their social situations are characterised by a higher degree of vulnerability (Fineman, 2008). However, when considered together the realities of participants’ experiences of disadvantage are so complex, and unique in combination, that a critical realist approach is useful to consider the layering (see chapter 2) of multiple, interacting and interlocking experiences of marginalisation and oppression (see also chapter 9).

## 5.2 Penalising vulnerability

The previous section explored the multiple overlapping, and interlocking experiences of social marginalisation prior to (or in between) incarceration, complicated further still by unique forms of pervasive victimisation and traumatisation in various social and private arenas during very early childhood, adolescence and adulthood. This section looks at the effect of ‘circuits of inclusion/exclusion’ (Rose, 2000) through a secondary deviation lens (Lemert, 1951; Becker, 1963) as participants demonstrated the communicative power of their court reports (‘rap sheets’), re-presenting their self-understandings as ‘risky’, ‘dangerous’ and ‘bad’.

They slide the spectrum of ‘risk’ just as easily they do the continuum of ‘vulnerability’; given that this group are radically marginalised, repeatedly exposed to serious harm and traumatisation throughout their life-course by virtue of their impairment; yet still find themselves within the criminal justice system as accused/convicted persons. This section turns to consider the confusing nature of justice pathways for those considered: at risk, but risky; and vulnerable, but extremely marginalised. The extent of this confusion can be broadly categorised into two domains: not understanding responsibilities and not knowing one’s rights. Firstly, the section considers participants’ (mis)understandings of their legal responsibilities as citizens accused of offences, and, in turn, reveals the disabling barriers which hinder their understanding; it then looks at participants’ (mis)interpretations of legal proceedings which often made them feel left out of decisions made about them, and let down by the institutions of care and control. Secondly, the section reveals the extent to which participants felt unaware of their rights as accused persons and, more troublingly still, as disabled people.

### 5.2.1 Anthropomorphising reports: *‘I’ve got a long, long history.’*

Strong sub-themes depicting secondary deviance (Lemert, 1951; Becker, 1963) and validation of self through professionals’ perceptions suggest that the fracturing of identities stemmed from clinical dominance over the lives of people with learning disabilities, as well as the forensic governance of mental ill health as a by-product of living in confinement. Participants casually referenced professional opinion through direct quotation, or inherited language, without identifying the source; for example, in a manner quite out of character, Karen stated that she could be *‘obstinate and stubborn’* when she did not get her own way and, in such cases, *‘I get locked up for an hour if I’m cheeky’*. The notion of the ‘looking glass self’ (Cooley, 1902) was also employed by Craig:

**Craig:** *Naw, I know, but... I suppose in a sense I was a menace to society, then they [criminal justice agents] have done their job, know what I mean?*

*Because they've removed me, know what I mean? But they've naw done me any favours, definitely not.*

**Caitlin:** *Is that something that people have told you - that you're a menace to society - or is that just something that you believe?*

**Craig:** *It's just a fact, innit? [laughs] It's been proven.*

This engrained mediation of self-understanding reflects the deep institutional enmeshing and social marginalisation depicted above, as Craig recognises the duties of justice procedures to protect society in fact also serve in reifying his social position as an undesirable deviant. As such, he not only anticipates the deviant label, but also incorporates this into his own self-making. This process of secondary deviance, under labelling theory, was very common among the research cohort in many settings, however appeared most consequential with regard to character judgements which confounded social work and psychiatry background reports, criminal records or simply expressed in passing by a clinician within a professional setting. Some participants anthropomorphised these records in such a way that they confounded more than simply an objective item, but rather as a powerful mandate which attests character annihilation upon those who are subjected to its content. My fieldwork diary includes various notes from initial conversations with potential participants who agreed to take part in the research potentially because I explained that I had no prior knowledge of their backgrounds, and should they consent to the research, the only knowledge I would have of their background was that which they wished to share with me, or not. For instance, Drew and Charlie, who had both spent the majority of their lives within total institutions and carceral settings, often referred to their 'records' or 'reports' as a third party operative where every institutionally over-seen interaction and experience was documented:

**Charlie:** *Well 'a wis actin' up, 'a wisnae goin' tae work or anythin', man, 'a wis gettin' intae trouble, 'a wis takin' reports [receiving additional punishment in prison] 'n aw' that, man, 'n they just hud enough ae' it, man. 'En they were like 'at, "dae ye want tae go tae [X forensic secure hospital]?" 'N 'a went, "aye." A couple of the nurses come up 'n spoke tae us 'n 'at, man, 'n 'a wis right intae ma sectarianism 'n aw' that, man, 'n 'a hud aw' ma walls*

*covered in sectarian 'hings, man, 'n they wrote that doon on ma report as well, man, that 'a wis a bigot 'n antiauthoritarian 'n aw' that, man. They says 'a didny like anybody that told me whit tae dae, like the staff 'n aw' that, man 'n they says that 'a hated them, know wit 'a mean? 'N 'a didny speak tae them right, 'a used tae always shout 'n swear at them 'n aw' that, man.*

**Drew:** *I couldny speak right when I first went in 'err 'n, eh, I 'hink I had a severe learning disability at the time – that's what I was put down as when I was young, when I was 7 and, eh, it was through the accident I had when I was 3 I was ran over 'n, eh, that's on my history as well, that's on my records as well.*

The fracturing and enforced reconfiguration of self-understanding rarely exclusively regarded disability, impairment effects or criminalisation, rather these concepts merged and the participants authored themselves in response to the socio-cultural and material processes of demarcating, reifying and communicating difference. There was nothing static about these processes; the goal posts constantly changed as participants made sense of difference within the varying and overlapping frames and fields of reference. Thus, the binary notions of disabled/non-disabled, cognitively impaired/neurotypical or with/without conviction with regard to self-authoring may be irrelevant in favour of a fluid continuum (Watson and Shakespeare, 2002; see also discussion of critical realism in chapter 2) of disability/impairment resting upon intersecting axes representing sentencing outcomes.

### 5.2.2 Interpreting responsibility: *'I never realised the severity of it.'*

The perception of not understanding what has been expected of individuals emerged as a major theme particularly during the first and second interview sessions. These were dedicated to setting the scene about participants' home lives prior to incarceration (first interview) and the events preceding their imprisonment (second interview), it was striking, although not entirely surprising, to note that many

participants found themselves in prison without fully understanding why they were there. However, as demonstrated earlier in this chapter, this group of participants fluctuate, with frequency, between being seen as vulnerable and dangerous. It transpired that their understanding of their social responsibilities become blurred due to the high levels of intervention and governance they experience in their lives; at one point almost all responsibility is removed from them to later be required to take full responsibility for their actions and offending behaviour (discussed further in chapters 8 and 9). John had explained that throughout his childhood, he was supported by youth crisis workers as he was seen as extremely 'at risk' due to his: having a learning disability; suffering from mental ill health; substance misuse from a very young age; exclusion from school; and, precarious housing situation as well as impoverished conditions. In response to his vulnerable status and history of youth crisis support, he was initially diverted from custody through an Early and Effective Intervention scheme for young people who commit minor offences (Fraser and MacQueen, 2011) and was issued a community-based order. However, John explained that as he struggled, for various reasons, to adhere to the conditions of his home detention curfew order which required him to be at home between 7pm - 7am, he was placed on a second curfew running between 11pm and 7am:

**John:** *Every time 'a wis drunk 'n aw' that, ma sister used tae always phone the polis on me 'n get me charged fur nothin' - - 'A wis on a curfew 'n they used tae no' let us in the hoose 'n aw' that 'n then 'ad get the jail for breachin' ma curfew.*

**Caitlin:** *What was the curfew?*

**John:** *Eh, in for 7 at night. [...] One time 'a hud two curfews runnin' at the same time!*

**Caitlin:** *How did that work?*

**John:** *'A don't know, 'a got a 7 tae 7 wan 'n then they gave me an 'arr wan fae se- -Eh, 'a hink it wis 11 o'clock tae 7 in the mornin' in case eh' 7 tae 7 wan ran oot. So 'a wis on two.*

The two simultaneous home detention orders in place not only seem excessive but also contradict the motivation to issue the order(s) in the first instance: John's

vulnerable status. Thus, while being an ‘at risk’ young person did keep him out of prison, diverted from a custodial route, the requirement placed upon him to be responsible for himself and his behaviour did not adequately take into account those issues beyond his own control such as his learning disability and impairment effects, complicated family issues, and his substance misuse. Similar contradictory expectations were not uncommon: for example, Drew, who had a severe learning disability and had been hospitalised for over 2 decades as a result, stated that he was ‘well-known’ to the police in his local area yet used to receive ‘pink slips’ with his court appearance date and time. In spite of his literacy problems, the inaccessibility of this format of important information which is implicitly accompanied with the threat of punitive sanction by non-appearance at court, arguably denies Drew of equal access to justice and places full responsibility upon him. Equally, Craig spoke about not fully understanding his court appearances and explained that he had never had these explained to him:

**Craig:** *I never realised the severity of it, I didn't, I just... Because I kept gettin' bail I thought, 'right, 'ats awright, I don't mind, I can do this. This is ma punishment, I'll sit in the polis station all weekend then I'll go tae court on the Monday 'n then they'll let me oot.' 'N I just thought, 'that's fine, I'll just keep on gettin' bail', but every time I was gettin' picked up, I was gettin' another breach a' bail added 'cause I'd breached ma bail 'n 'en that's when they started remandin' me because, because they remand you... They say, 'you've got this X amount of breaches a' bail on his record so bail's opposed because why would we gie him bail if he's naw gonnae...He canny be trusted wae bail.'*

Secondly, themes around responsibility transpired through discussions around ‘being trusted’ as participants felt that they were not trusted or had to take lengths to demonstrate that they could be. Like Craig, many others in the study with prior convictions discussed racking up ‘breaches’, missing court appearances and not adhering to community-based orders due to not understanding the conditions in place; they were made to believe that they could not be trusted in the community. They accepted responsibility for breaching their provisional citizenship because the justice

system places the onus on the individual, albeit without fully, adequately or accessibly explaining the conditions to the recipient. Although Julie was issued a community-based order ‘with special conditions’ in response to her harmful mental wellbeing which required that support workers visit her in her home twice daily; she found this intrusive, punitive and belittling. She was ultimately recalled to custody for failing to adhere to the conditions of her order, but felt more guilty for ‘letting the judge down’ and for placing support workers in danger because of her behaviour. Furthermore, participants felt that as their breaches and charges mounted, sentencers lose patience with those who cannot ‘be trusted’: Brian firmly believed that the sheriff who issued him with his first custodial sentence did so as a last resort; he was told nothing else could be done with or for him and that ‘a bit of time won’t hurt’ him.

Furthermore, participants expressed the agonies of having their capacity called to account. None of the participants mentioned having their ‘fitness to plead’ assessed, at which their capacity to knowingly enter a plea of innocence/guilt as a vulnerable defendant is determined. Although their capacity was assumed, participants discussed having ambiguous background reports compiled by social workers and psychiatrists they had never met. Thus, while they are urged to be more responsible for their actions, the justice system rescinds this in collating knowledge about them, placing the expertise of their own lives at the arms-length of unknown professionals. Trust and responsibility, therefore, operate uni-directionally with regard to background reports and deny accused people with learning disabilities the opportunity to account for themselves despite that the system, under the guise of the responsabilisation agenda, requires this post-conviction:

**Grant:** *I mean, the last time I got a social work background report, the guy says tae me, ‘aw, I’m gonnae put in that a custodial sentence wouldny really be any good tae you, that help would be advised, if anythin’, tae gie ye some guidance because you don’t seem like a person that wants to reoffend again compared tae some people.’ But yet, when I read the report, he put in for a custodial sentence, so he told me somethin’ completely different, you know what I mean?*

For some, the perceived lack of transparency involved in compiling these background reports was undermining, particularly as ‘expert’ opinions over the intricacies of their everyday lives and capabilities seemed so distant from reality. For others, this subjection was humiliating. The levels of state intervention in, and control and governance over, the everyday lives of this group as a result of their unmet and overlapping complex needs was staggering, but spoke to larger concerns about their abilities to look after themselves and any dependents they had. Participants spoke of having to show or prove in various ways that they could manage: this demonstrates the unique overlap between welfare and justice interventions in the lives of people with learning disabilities as they have to take lengths to demonstrate that they can ‘be trusted’, can manage, and are capable. Non-learning disabled people and those without conviction, as well as those who come under both of those categories, are not subject to such measured (and sanctioned) displays of responsibility and capacity. It is in this sense that the conflation of practices that seek to responsabilise can be seen to further disenfranchise people with learning disabilities, determining and at the same time as admonishing their vulnerability; responsabilising while expressing distrust in their individual and citizenship capacities. These riddling circuits which draw people with learning disabilities into the justice system due to their marginalised social positioning, while excluding them from decisions made about them presents questions not just about responsibility but also of rights.

### 5.2.3 Knowing about rights: *‘I just plead guilty and get the sentence right away.’*

Themes emerged which depicted participants not knowing their rights under two broad sub-categories which will be discussed below: firstly, their rights as an accused person prior to incarceration; and secondly, their rights as a disabled person. Some of the participants admitted that they had traversed the justice pathway so many times that they felt they intrinsically knew how the system worked, attempted to work it to their advantage, yet were still hazy with regards at least some of their rights in either of the aforementioned categories. Many participants’ awareness of their rights as accused persons varied vastly:

**Caitlin:** *How did you know your rights?*

**Ashley:** *From the telly, I knew from that all they could ask me was my name and my address and my date of birth and that was it, I had nothin' - -Need, I didn't need to say nothin' else to them, they didn't need to know nothin' else and the fact my lawyer wasn't there I wasn't willin' to gie much up.*

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**Charlie:** *'A didny huv a lawyer present or anythin', man, nothin' man, 'cause a didny know you were allowed one 'n it wis wan o' ma first ever times [being questioned by police], know wit 'a mean?*

**Caitlin:** *Yeah, and they never told you that?*

**Charlie:** *Naw, they didny. They just battered in, man, 'n a went like 'at, "Aye, 'a done it. Bla, bla, bla."*

Above, Ashley admitted that everything she knew about her rights she had learned from television, others with prior accusations and/or convictions were also aware of the rights Ashley mentioned above, although most admitted that a lawyer, or in one case an Appropriate Adult, had advised them of this. This is by no means exclusive to people with learning disabilities, however the normative presumption that every accused person will know their rights in that role is incongruous; this is especially visible as people are encouraged to take responsibility for themselves and their behaviour, without adequate support or appropriate adjustment to do so. Whereas the second example above reveals, perhaps, a more serious breach of rights as Charlie explained that the police questioned him during a murder trial without a lawyer present. Although he later had 2 years reduced from the tariff (or 'the punishment part') of his life sentence as a result of an appeal on this basis, this breach of rights placed Charlie in an extremely disadvantaged position as a result of his marginalisation: he was without sufficient economic means to hire a lawyer, and, due to his cognitive impairment, was encouraged by police to admit his guilt. Despite this, Charlie was one of the very few participants who appealed their conviction as most felt that appealing was: a 'waste of time'; would ultimately increase the time they would have to spend behind bars due to administration or error; or, they simply felt they had 'crap' publically appointed lawyers. Thus, many (convicted) participants refused, or felt incapable of or unsupported, to appeal their case after verdict had been

passed; others were unaware that appeal was an option. Again, this is not unique to people with learning disabilities, the lack of transparency in appeal procedures could raise serious questions about rights. This is further complicated by some participants' choice by their own volition based on prior experience to 'plead up':

**John:** *[S]ee once the courts know ye? They just remand ye aw' the time, but noo if 'av done somethin' 'n 'a go up tae court 'a just plead guilty 'n get the sentence straight away. 'A canny be bothered... bein' put on remand 'n waitin' about, rather just get the sentence 'n get it 'err 'n done wae.*

John describes the process of entering a guilty plea early, before going to trial, to be seen to be taking responsibility for his actions but in effect his lawyer was bargaining for a reduced overall sentence. Another participant further illuminates this by stating that he has been persuasively encouraged by his lawyer to 'plead up' early to a list of charges, many of which he was not guilty of, to barter for 'time'. Another claimed he had served a custodial sentence after an acquaintance had used his name at the point of arrest: due to gang allegiances and hierarchies, he was obliged to 'take the fall' and 'plead up' to this charge. Very frequently, participants were only made aware of their rights having been breached after the fact and by another party, and often in speculation. The general sense of resignation to sentencing outcomes reveals the reach and impact of unequal power relations between the institutions which govern, control and punish and the individuals subjected to their decisions and technologies therein.

Secondly, themes around not knowing one's rights as a learning disabled person accused or convicted of an offence, prior to incarceration, further reveals this groups' inherent disenfranchisement from the interactions and decisions made around and about them. One of the most dominant strands of this theme was present in its absence from the research: reasonable adjustment and inclusive practices were simply not in place for vulnerable people accused of an offence. To be sure, very few participants were offered an Appropriate Adult (AA) while in police custody; fewer still knew what an AA even was. When they did not proffer that an AA was present while in police custody, I asked whether or not one was offered or present, often participants were unaware that such support was available to them:

**Caitlin:** *Were you ever offered anything called an Appropriate Adult?*

**Grant:** *Nope, is this a new thing?*

Others were put off by the name ‘Appropriate Adult’ and assumed that this was for children:

**Caitlin:** *Was there ever a time that they’d asked you if you wanted an Appropriate Adult to be present?*

**Tony:** *Naw, I ‘hink ‘cause I’m over 21 noo, believe it or naw [laughs].*

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**Caitlin:** *It’s sometimes called an Appropriate Adult, did you ever have one of those?*

**Simon:** *Naw, ‘cause when ‘a wis younger ‘a didnae get in trouble.*

Or, more specifically, for children and victims of crime – note that this participant has been anonymised further still due to the inherent sensitivity of the exchange:

**Caitlin:** *Has anyone ever been there that’s not been a police officer or your lawyer?*

**Participant:** *Nope.*

**Caitlin:** *A social worker or anything like that?*

**Participant:** *Nope.*

**Caitlin:** *So there’s this thing called an Appropriate Adult, have you ever heard of that before?*

**Participant:** *Oh, aye, I’ve had one ae’ them, aye.*

**Caitlin:** *Can you tell me about that time?*

**Participant:** *Eh... See when I was 11, I got, I got raped when I was 11, right? And they took me tae the copshop ‘n aw’ that ‘n aye, I had tae get Appropriate Adult then.*

The exchanges above demonstrate that people did not seem to know what the AA scheme was, nor that they were entitled to it, and, in fact, the title of the scheme is

misleading and demeaning. The scheme linguistically and ideologically demands that adults with additional support needs, such as learning disabilities, are treated as children; they are, by virtue of the role title, deemed inappropriate as adults, or simply not quite adult and incapable of asserting oneself and one's needs. Furthermore, despite being a right for all people with learning disabilities while in police custody, only two participants proffered that they had been offered an AA: Nicole was told that it would take more than 24 hours for the AA to arrive and so waived her right to this; Karen felt that she was led to believe that her AA was an advocate for her rights, rather than an impartial facilitator (Bowden and Wilson, 2015). Thus, the inconsistent systematic fluctuation between vulnerability and risk materialises once again.

It could be argued that the AA scheme was only offered to participants (as adults) when impairment was obvious - that is: visible - or when it was overshadowed by mental health wellbeing needs. This is confounded by a trend wherein many participants agreed part of the role of police officers in the community was mental health triage. In this light, officers were often first responders to psychotic episodes, relapse or the result of abusing alcohol or drugs either in addition to or in lieu of prescribed medication. Participants who experienced policing in this way tended to afford officers with respect as they were seen in a caring capacity; for some participants, this was their only receipt of care in certain situations and at certain times of their lives. The learned response that came with police officers taking people to a place of safety when a crime had not been committed extended into people accepting that, occasionally, they were locked up 'for their own good' when a crime, offence or disturbance had occurred. Whereas others in the group regarded the police with hostility, and others frequently 'racked up charges' during arrest procedures by resisting arrest or assaulting police officers as they did not understand what was happening or were afraid:

**Sue:** *Yeah, well what happened was, I know it's naw right, but what happened- -I was daft: I hit the policeman, I kicked him and they arrested me and they took me to [the police] station ten times and then they brought me to*

[prison]. *I shoulda learned for that, shouldn't I, Cait-, Caitlin? I thought they were takin' the hoose off me and I kicked one o' the psychiatrists.*

Therefore people with learning disabilities who come into contact with the police face being further pigeon-holed as a vulnerable, at risk, population while being seen as dangerous (see also Spivakovksy, 2014a). This is highlighted further as they proceed through the justice pathway and find that accessible, or Easy Read, documentation is not available and additional support such as the AA scheme is not consistently made available. In terms of rights, it may be in the best interests of the individual to disclose their diagnosis to police or lawyers to ensure that support which is available is, indeed, made available. However, this raises questions about having to disclose: at this stage, then, people with learning disabilities are tasked with proving their capacity as adults through a normative lens.

### 5.3 Conclusion

Given the breadth and multi-directional inter-generational extent of precarity faced by the majority of participants in this study, their social marginalisation cannot be ignored. The embedded nature of their socio-economic disadvantage forces them to live at the margins of society, where their multiple and complex needs are not sufficiently met, reflects the myriad ways in which the participants have – at some point – been rendered ‘at’ risk and, in turn, inherently ‘vulnerable’ (see Fineman, 2008). The multiple and overlapping intersections of oppression the participants faced, both in their daily lives in the community and in the ways they struggled to understand and comply with the Criminal Justice System, reveals the deeply curtailed nature of their lived realities. The inconsistent regard for and treatment of this group throughout their contact with the various systems of care, governance and control problematises, and exacerbates, the group’s vulnerable situation as people with learning disabilities. As they are shifted between being deemed less and more vulnerable, the message conveyed by such totemic, overarching, social structures is blurred; the participants frequently felt let down by the support and services which they sought, and began to see themselves as a ‘problem to be dealt with’. The dualistic

narrative of good/bad became ingrained in their self-formations, spanning their depiction as 'at risk' to dangerous and untrustworthy; this, many people, started to internalise and permit influence to their moral career (Goffman, 1961).

The next chapter explores the ways in which participants came to understand and apply meaning to their incarceration within the wider context of their lives.

## 6. Adjusting to prison life

The previous chapter situated participants' pre-prison self-narratives within a complex discourse which depicts them at one point as extremely vulnerable and at risk, and at another as highly dangerous and risky (Spivakovsky, 2014a). The chapter also outlined the wide ranging forms of social marginalisation, unmet complex needs and experiences of victimisation and traumatisation which the participants experienced throughout their lives; rendering them a group 'at risk'. It then queried the 'risk' label further by considering their subjection to wider risk-assessment agendas, placing them under the gaze of over-arching institutions which care for and/or govern their lives; recasting them as 'risky' individuals. These character representations, insecure in their pliability, portray preconceived notions that people with learning disabilities lack the necessary capacity to account for themselves and their views; this chapter, and those to follow, will demonstrate that this is not the case.

In seeking to explore how participants adjust to prison life, this chapter will draw upon their experiences of incarceration not as a single event, but as part of their wider contexts, in order to resist preconceived binary notions of imprisonment being 'bad' and liberation being 'better' as has been often the case in previous literature in this area (Talbot, 2008). This chapter explores extremely contradictory notions which emerged from the data through themes around prison representing: a place where people felt 'safe' while also being routinely victimised; a temporal stasis where people felt 'stuck', but also offering varied opportunities toward respite, self-care, and self-improvement. It is in these contradictory themes that the nuances around people with learning disabilities' symbolic adaptation to prison are best revealed; this is neither a single narrative nor all that dissimilar to those without learning disabilities. The chapter will explore: firstly, how participants generate meaning about their incarceration; secondly, the ways they apply these meanings and adapt to imprisonment; and, finally, how they use these interpretations to navigate a system which is inherently structurally discriminatory against people with learning disabilities.

## 6.1 Reconfiguring purpose of prison

This section will explore themes that depicted participants' reconfiguration of the purpose or meaning of prison within the context of their own lives and biographies. It was surprising just how common these renderings became across the sample, with very few participants accepting prison exclusively as a retributivist penalty communicating wrongdoing (Duff, 2001). This section has been split into two subsections that discuss: prison as respite and prison as a deep freeze. While these themes may not be exclusive just to prisoners with learning disabilities, it is important to acknowledge how this group made sense of their incarceration before considering the uniqueness of their symbolic adaptation to normative prison life.

### 6.1.1 Prison as a safe haven: *'Sometimes I need the jail.'*

Of the two themes, the strongest was around the concept of prison as 'a bit of respite away from everything'. This transpired in various senses and meanings of the term 'respite' with some participants using the word or its meaning directly, and others depicting it by contrasting the instability of their lives in the community. In this manner, it is important to consider 'respite' as a concept comprising a spectrum of less to more respite-like. There were numerous narratives from participants who suffered from problematic substance misuse, which focused upon the immediacy of detoxification inherent in being incarcerated:

**Tony:** *I think, like, keepin' yourself fit [was the better part of prison]. Goin' tae the gym 'n keepin' yourself fit 'n... 'cause you're no oot drinkin' all night, it's healthier for you, innit?*

**Caitlin:** *Is that something you weren't really doing on the outside?*

**Tony:** *No, you're oot late, int ye? Parties, wakin' up here, wakin' up there, full a' drink. Then you get in the jail and you get a healthy lifestyle because you're restricted tae whit ye can dae, innit? That's the only reason it's healthier [laughs].*

**Caitlin:** *So did you feel better?*

**Tony:** *Aye, you feel better in yourself 'cause you're no' abusin' alcohol 'n things like 'at 'n drugs, know? You're a lot fitter. Some, some days in the jail are okay as well...*

As one of the oldest and most 'prisonized' (Clemmer, 1940; see chapter 3) participants, Tony's narrative renders positive the incapacitation effect of imprisonment; having a healthy life was impossible with alcohol and drugs readily available. For Tony, then, being in prison takes care of this or, rather, prison takes care of him. John and Chloe, below, share similar experiences regarding the destructive impact of their substance misuse on their wellbeing:

**John:** *But 'a feel good when 'a come tae jail 'cause 'en 'a'm aff the drink. 'A'm aff the drink 'n 'a feel better... 'n 'a'm healthier instead of ootside drinkin' every day 'n no' eatin', 'n ma mental health just gettin' worse...*

**Chloe:** *I'm aff the drink [inside], eh, and I'm eatin', I'm takin' care ae' myself 'cause see ootside? I just hit the drink and I don't gie a fuck basically.*

The binary comparison of being healthy and taking care of yourself, vs abusing substances or 'letting yourself go' was present in many participants' neutralisations of the pains of confinement based upon Sykes' (1958) deprivation model (see chapter 3). In this sense, the deprivation of access to substances becomes a positive element since its abuse corrodes participants' social relationships, disrupts their mental wellbeing and physical health, and places them in dangerous and risky situations. For some, being confined in the most literal sense was precisely that which afforded the source of safety in refuge; that is, the structure and routines of prison provided stability and consistency, unlike the reality of living with an addiction. Beyond this, participants often referred to self-care as the reason they 'feel safe' inside and when questioned further about these feelings of safety or security within prison, participants discussed ideas around having 'time out':

**John:** *It's just, like, in... in the jail 'a feel safe for some reason, 'en when 'a get ootside 'a just feel... pft, too many people aboot me, man. Just canny get*

*on in the ootside world... Then 'a just come tae jail tae get peace and quiet, a bit of respite away fae everythin'...*

Many participants echo John's statement, capturing the essence of respite in the form of space and time to recuperate from 'everything.' Others relay that prison offers 'breathing space', 'quiet time', 'down time', 'head space'. This dependable respite was a source of safety, security and contentment, as will be discussed further in chapter 8. Furthermore, contentment was attributed to feeling secure within a total institution when regarded in comparison to the insecurities, unknowingness and continual disruption, which confounds life outside for many participants, and some people expressed that they 'needed the jail' at that point within the context of their lives. Alice Goffman's (2012) recent ethnographic work with young black men 'on the run' from the poorest communities in Philadelphia, US, offers one interesting explanation as to why many people opted to give themselves up, knowing that they would go directly to prison, when they were well-experienced in evading their open warrants: the fear of something worse happening to them outside amidst gang warfare. The respite prison may offer some people from the chaos of their home worlds is considered life saving, and prison a safe haven; the extracts below strengthen (Alice) Goffman's (2012) claim:

**Robbie:** *Sometimes people wonder why I keep comin' in jail 'n that but sometimes I need tae... Because if you start getting that far downhill outside, you're either gonnae end up in serious trouble or you're gonnae end up dead or somethin'. So you come into prison to sort your head out.*

**Craig:** *See to be honest? I don't know what it is that I crave from bein' in prison, I dunno if it's the time that I get to spend by myself and think about things and assess things, and just kinda re-group 'cause I was, I was really goin' off the rail before I got the jail. I know I seem like a quite a normal guy, who's, like, level headed 'n 'at, but I really wasn't 'n I needed, I needed the jail... I've sa- -Like, see if I've tae say that tae ma mum? She'd be like 'at, 'you're mental! How can you need the jail?' [laughs] but I did, that was it, simple: I needed the jail. I, I knew what tae expect from it and I knew it was*

*gonnae help me and I knew that I don't think there was anythin' else that coulda helped me at the stage I was at in my life, because, eh, if I never got the jail when I did I dunno where I would be... Really, I don't, man, I don't know if I'd be dead or, or if I'd of done somethin' a lot worse or I really don't know.*

Here, Robbie and Craig both depict how prison can save them from themselves, offering respite in the form of stability in the face of the complex issues they needed to escape from and which they cannot access in their home worlds. Despite the fact that neither reported having spent any time in secure forensic units or psychiatric hospital by elective admission, Robbie and Craig have adopted language from clinical psychology through a pathological model (Rose, 1985; see chapter 2), for example 'sort your head out', 'think about things and assess things' and 're-group'. In these inceptions, respite is rendered in a reparatory sense – time inside is seen as 'time out'; being removed from the threat is both punitive yet pastoral. The necessary element that both purport to – that they 'needed the jail' – while troubling, was present in many participants' dichotomous accounts of life inside and life outside, and was revealing of how dependent they have become on this 'time out', or, indeed how dire life outside really was. This theme captures a dangerous element of imprisonment which draws upon Cohen's (1985) notion of the criminal justice system's 'mesh thinning' and 'net widening', which serves to draw more people in and extend governance beyond the prison walls in various ways as discussed through participants' prison pathways in chapter 5. The idea of prison as a form of respite shifted for some to the more extreme end of the spectrum, as the punitive element of incarceration is dissipated and transformed into something more dependable, reliable and beyond the short-term.

### **6.1.2 Prison as a deep freeze: *'I'm stuck in the jail!'***

This section will discuss the ways in which participants relied upon Sykes' (1958) deprivation model (see chapter 3) to render their incarceration as a disruption in their lives. In this sense, participants focussed on life outside and viewed their time in prison through a lens of feeling 'stuck in the jail' and with their 'head over the wall'.

This transpired most clearly in two ways where one was to do with missing out as life outside passed by, and the other where people could not understand their sentence and felt trapped. The former presented among participants with families, and particularly those whose close relatives suffered from long term or terminal illnesses, and was discussed as having your 'head over the wall.' The literal element of feeling 'stuck in the jail' arose from their focus on family life and family matters as they continued outside; imprisonment simply put their life on hold as these participants felt deeply incapacitated as care-givers or active family members. Whereas the latter feeling of being 'stuck in the jail' arose particularly among those who were on remand awaiting trial, and referred to the indeterminacy of their incarceration, however this was also clear among some people who felt apathetic toward their custodial sentence due to the slight impact it had upon their lives.

As a diverse group, the participants held various familial roles which meant that their incarceration impacted other people in their lives; for many participants the hindrance to being an active family member while incarcerated was the most difficult factor, and led them to focus heavily on outside life while neglecting the daily toils within prison. Having a relative in prison is not only emotionally traumatic for families, but also carries large financial costs for the duration of the sentence, which is difficult to manage (Dickie, 2004). Some participants discussed, of their own volition, how they managed the guilt, or shame, which arose from this emotional and financial toll on family members (see also chapter 8). Other participants discussed the ways in which they attended to these emotional and financial costs accrued by their family as a result of their imprisonment by contributing from the inside. One person felt that he actively contributed to his family's costs from inside by advising his father on which horses and football matches to place bets. While some of the men discussed the symbolism of the visit room as the place to put on a brave face, the 'good denims' and an ironed sweatshirt for family to see for themselves that their father, son, brother or friend was 'coping just fine', to dissipate their worries. This 'putting on a face' correlates strongly with Goffman's (1959) dramaturgical concept of 'front stage' and 'back stage' behaviours which follows that social interaction is guided by behaviour which we put 'on' for others and that which we do privately, behind closed doors. The 'front stage' within this 'total institution' may, of course, occur in all interactions with any

other person, however the participants spoke about the visit centre as a peripheral space for which some made an 'extra' effort to ensure that their 'front stage' was believed by their visitors (Goffman, 1959; Goffman, 1961). However, when a close family member became ill, participants found that the techniques some had previously implored were simply not enough; they felt trapped and helpless as they experienced the difficulty of distance and incapacitation:

**Alec:** *I phone her every night tae see if she's awright... It drives ye nuts if you're in here 'n your daughters in and oot the hospital wae cancer, it does my heid right in. I should be oot there lookin' efter her... but I'm in here.*

Later, and despite being on remand at the time, Alec asserted that he was 'stuck in the jail' and his daughter's treatment progress became his conversation topic of choice as he was 'fed up' with thinking about his pending court case. His avoidance may have reflected how helpless he felt with regards to the court case itself, of which he vehemently denied the charges, however he channelled these feelings of guilt exclusively into not being able to be a 'normal' father to his daughter when she needed him. The traditional and new pains of confinement (Sykes, 1958; Crewe, 2011b) around incapacitation may be understood upon a spectrum; for some, like Alec, when dealing with illness or bereavement of another person, these pains become more acute and all encompassing. So much so, that under these conditions, participants were more quick to attest to the unfairness of their situation; for example, after an incident at her work party, Nicole received additional punishment which included temporarily revoked privileges, but directly blamed the officers for her mounting anxiety about her family:

**Nicole:** *The staff aren't gonnae let me use a phonecall tae phone 'n see if he's awright so I'm sittin' worried because of what's happenin' wae my da'; I've just found out my da's got dementia on Saturday 'n obviously I've naw heard anythin' fae ma man so it's kinda...*

The second sense of feeling trapped, or 'stuck in jail', emerged through discussions about exclusion, isolation and loneliness within prison. This operated in formal

circuits for some participants as they were held in units for prisoners who were deemed vulnerable by virtue of at least one of the following: having a learning disability or mental illness; having committed/been convicted of an offence (i.e. sexual or violent victimisation of vulnerable or ‘straight peg’<sup>6</sup> citizens such as children, women or elderly people) which would warrant retributive repercussions through prisoner culture mores; having enemies in prison; or, having debts to other prisoners which cannot be repaid. The intricacies of these ‘vulnerable units’ will be explored further in chapter 9, however this was thematically relevant in terms of making sense of imprisonment as inclusion within such units often resulted in exclusion from mainstream activities. While one prison site had a dedicated ‘day care’ service for prisoners deemed vulnerable, who were living apart from the mainstream prison population, the three other sites did not offer this; Chris, who was incarcerated in one of these three prisons, explained that by being held in the vulnerable unit meant that he could not attend education, enter a work party or exercise as frequently as he would have liked as he was ‘locked down’ for the majority of the day. This also impacted on their rights:

**Lee:** *By the time we [prisoners in the ‘vulnerable unit’<sup>7</sup>] get out, by the time we get out at night it’s 5 o’clock, know what I mean? Lawyers are shut, know what I mean? So I’ll need tae say tae somebody else that’s in my hall that’s got the same lawyer as me, ‘tell my lawyer that I want tae see him’ if he get’s tae see him that is or I would phone my sister, know what I mean? But she’s, she’s not got the number so it’s just murder.*

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<sup>6</sup> A ‘straight peg’ is Scottish prisoner argot denoting someone who is not entangled with the criminal justice system and, as such, is not seen as ‘deserving’ of victimisation.

<sup>7</sup> I am using the term ‘vulnerable unit’ broadly to protect the identities of participants so that specific ‘units’ or practices cannot be identified. They refer to any segregated living or daytime activity regime which is dedicated to protecting and responding to prisoners with additional support needs who are deemed vulnerable and unable to cope with the demands of the mainstream population and regime. I have included prisoners who are ‘on protection’ as a result of having enemies in the prison and have been or are at risk of being victimised. But, in this broad conceptualisation, I have not included offence-based segregation (for example, for sex offenders in mainstream prisons).

Other participants, like Lee, felt that being segregated from the mainstream while in prison functioned as an additional punishment despite that these practices were invoked to protect people who were deemed vulnerable; many people felt pacified and, in turn, became passive. A sense of apathy toward incarceration emerged thematically among many of those who felt excluded through such segregation practices; although they were, in turn, deeply isolated within prison, this mirrored the emptiness of their lives outside:

**Caitlin:** *Did you have that [people looking out for you] before in the [vulnerable] unit?*

**Chloe:** *Nope... I just felt in the other unit that they were pickin' on me, know what I mean? But fuck them, I don't need them. They're no' your pals at the end of the day. They're associates...*

**Caitlin:** *If you need someone to talk to in here, who do you talk to?*

**Chloe:** *... Naebody really.*

**Caitlin:** *What about the girls in work, do you talk to them?*

**Chloe:** *Naebody really, naebody really, nope.*

**Caitlin:** *Do you phone anybody?*

**Chloe:** *Nope.*

**Caitlin:** *Do you get many visits?*

**Chloe:** *Nope. I don't get nothin', nae letters nae nothin'. It doesny bother me but.*

For Chloe, and others, the emptiness and isolation that she experienced in prison was identical with that which she felt in and from her home world. Recent research demonstrates that people with learning disabilities leaving custody have extremely small social networks in contrast to those without learning disabilities; this is reduced further still with the passing of time (Murphy, forthcoming). Prison, in this sense, was seen as a stagnant period, where time was simply being run down before returning to much of the same in the home world; the relativity of comparison was a key indicator that for some participants, life outside was no worse than life inside prison. Without much distinction between inside and outside, the carceral walls become porous and fluid; incarceration reaches beyond penal boundaries and its permeability neutralises

the impact of that which punishment seeks to communicate. Some participants came to view their imprisonment with such apathy that it denoted little more than a false awakening, or a mundane pause during an equivalent home world reality.

## 6.2 Meaning making and symbolic adaptation

A symbolic interactionist approach follows the premise that action is dependent upon meaning; people assign different meanings to things based on their life experiences; and, meaning can change or be influenced (Blumer, 1969; see chapter 4). In accepting that people act in response to the meanings they attach to actions or interactions with others, with institutions or with themselves, this section now turns to observe the ways in which participants discursively situated themselves within prison in response to the meanings they give to penal punishment in the context of their lives at the time of interviews. Building on the previous section which explored two dominant meanings attributed to incarceration: prison as a haven or a bastille, this section explores how participants realise these meanings and attach these to the ways in which they adapt to imprisonment. Selves have identities which are psycho-historical formations, developed over a person's life-course (Holland *et al.*, 1998: 5). As such, given that identities are pliable in spite of their durability, prison time is subjectively experienced in accordance with an individual's self-perception at that given time, based on their overarching life experiences (Cohen and Taylor, 1972; Armstrong, 2016). In order to consider this more fully, a balance between classic prison sociological constructs must be sought between Irwin and Cressey's (1962) 'importation' – where a person's behaviour inside is informed by the social characteristics, values and attitudes they carry, or import, into the prison with them – and Sykes' (1958) 'deprivation' – which implies that imprisonment is painful due to that which is taken away, or deprived, of the prisoner. This section attempts to strike this balance in order to thematically consider time as experienced by participants: firstly, it explores how they mobilised the meanings they attributed to incarceration; secondly, it considers the symbols which mark their social adaptation to imprisonment.

### 6.2.1 Doing time, making meaning: *'I don't wanna be here havin' grey hair.'*

Participants revealed the fluidity of time while incarcerated as an important element in understanding their incarceration, particularly as time could be: fast or slow; big or small; or, productive or wasteful. Imprisonment marks, or is marked by, a specific time within participants' wider life-worlds and its subjective understanding through relative frames of reference facilitates a symbolic interactionist reading of the ways in which they attach meaning(s) to imprisonment. This section will explore the theme of time firstly by exploring time as found while incarcerated and rendered this productive, before then considering those attributions of prison time as waste.

There were two dominant strands through which participants 'found' time: in one sense, through keeping busy: learning new skills or uncovering talents which may either improve the time inside or provide opportunities outside; and, another, through improvement of their health and wellbeing - while this is similar to aspects of seeing prison as respite, it moves beyond the incapacitating element to conjure aspirations of a better self. These conjurations of prison time correlate strongly with the reconfiguring of prison as safe haven, discussed in the previous section. At any given time, participants attributed various meanings to their imprisonment; this was most obvious among participants who struggled with substance misuse in the community and benefitted from the immediate detoxification incarceration offers in the absence of those substances. These people felt that prison served as respite from the cycle and effects of substance misuse, as well as a dedicated space and time to improve their health and wellbeing by re-configuring a sustained life without dependency upon alcohol or drugs. Robbie captured the essence of this fluidity, stating: *'I don't want to be out there with an addiction before I leave the prison.'* Prison became an opportunity for respite from the urgency of addiction and criminogenic need (Andrews, 1995).

Time as found also encapsulated the opportunity for self-improvement within the context of understanding confinement as a firmly set period with the desire to make

the most out of that time. For some, this meant improving their general, physical and mental health and wellbeing while for others this was grounded in productively overcoming the pains of that confinement (Sykes, 1958; Liebling, 2011). Participants concentrating on self-aspiration tended to draw upon an understanding of the rehabilitative model of punishment, granting the purpose of their 'time' to fit neatly with the Good Lives Model of prisoner rehabilitation (Ward and Brown, 2004; see esp. Robinson, 2008):

**Grant:** *I'm always prepared for sentences in any matter because you never know, you really don't know, the judge could see the papers 'n go, 'I think I'll gie him a bit a' rehabilitation.' Do you know what I mean? 'Cause 'ats the way I see prison, it's just a rehabilitation; ye learn stuff in it, do you know what I mean?*

Grant rooted his understanding of prison as a form of rehabilitation in his interaction with decision makers, and, as such, attended any classes, activities, in-reach projects or extra-curricular activities which were on offer as a means of productively spending as much time as possible out of his cell. He explained that this made for 'fast' time which was marked by the time elapsed between his cell door being locked and opened; any reduction of this was positive, meaningful and productive. Some participants, like Grant, were consistently involved in creative prison activities, education, and artistic projects and dedicated their time toward something larger than their respective self-projects. Creative endeavour, for many participants, outwardly demonstrated that their time was not being wasted: Alec hand-crafted personalised matchstick boxes to hold cigarettes or lighters to give to his 'jail pals' and family; Charlie hand-made teddy bears for his nieces and nephews; Leanne painted to better understand herself and her feelings; Grant played guitar and sang to the other men in the vulnerable unit in the evenings; Robbie was building a hand-drawn portfolio of gothic artwork which he hoped to tattoo on people with similar interests; and, Ashley worked in the bike repair shop which made her feel valued in her technical abilities to renovate a bike in disrepair for the benefit of an unknown other. Time, then, became productive within the interactions participants had with themselves and with other people. In this way, time and creativity allowed people to apply more productive

meaning to their incarceration. However, this could arguably be understood through Goffman's (1961) concept of 'primary adjustment' to imprisonment as participants comply with the structured notions of purposeful activity and systematically cooperate with the regime, its expectations, and its internal award system of 'Incentives and Earned Privileges' (Liebling, 2008).

The traditional and anticipated 'pains' of confinement (Sykes, 1958) were psychologically repudiated in a number of ways: unpleasant prison food was re-constructed as a means of losing weight; others could not afford cigarettes from the prison canteen, and vowed to quit smoking; and, many felt that while the allotted time for visitation was much too short, it was important to wear their 'good denims', or visit the hairdresser, to make an effort with their appearance for family and friends. In this way, participants were actively ascribing a positive aspect to challenging conditions and making the most of their time for their own growth as well as the perception others held of them. Rendering such negative experiences into something potentially beneficial to their overall wellbeing revealed how participants came to view the time-limitedness of imprisonment as a dedicated and time-limited period for self-improvement.

Just as some people found time and made the most of it by filling it with activities or programmes which prevented them always being in their cell or on their wing, or worrying about life outside, for others time was a burden or waste. Time was seen as wasted in terms of detriment and deterioration. Grant, for example, explained that he felt he had the option of not 'festerin' or 'rottin' away' inside by engaging with as many activities and programmes as possible:

**Grant:** *You're behind your door most ae' the time in here, somethin' like- - They say 23 hours a day, but ye get education 'n stuff so if you're goin' tae yer education- -Maist ae' them don't, I've seen that, maist ae' them just sit in their peter 'n fester away, man.*

Those who identified strongly with the sentiment that prison was a deep freeze, preventing them from 'getting on' with their home world lives, often viewed time as

something to be run down otherwise it would run them down and ‘fester’ them as Grant depicted above. The passage of time was subjectively felt as long and painful, mirroring the findings of Cohen and Taylor (1972) and Rowe (2011) respectfully, despite the length of sentence; Brian, who had always been convicted to serve very short sentences, demonstrated that time takes a different character while inside:

**Caitlin:** *This is a short sentence, what’s the longest sentence you’ve had?*

**Brian:** *About 8 months.*

**Caitlin:** *So all quite short sentences?*

**Brian:** *Long enough! [laughs]. The whole, whole 8 months I done.*

Brian’s emphasis of ‘the whole, whole 8 months’ revealed that this was particularly painful for him. Similarly, age came to be a distinct characteristic in drawing meaning from incarceration, and the concept of ageing inside rendered prison a waste of time, painful and difficult for some people. This, again, correlated most strongly among those who viewed prison as a ‘deep freeze’, or a bastille, as life outside passed them by while they were ‘stuck’ inside. While only five participants were (only) in their early- or mid-fifties (with the oldest participant aged 56), they each referred to themselves as ‘older’ or ‘getting on’ and were concerned about getting older while incarcerated:

**Caitlin:** *You said it was difficult fitting in here.*

**Karen:** *It was, being an old lady and being an old woman but you’re naw that old! A lot of people say, ‘you think you’re old but you’re naw that old.’ But, see I don’t wanna be here havin’ grey hair and wakin’ up one mornin’-...*

Karen, for example, exclaimed that she did not want to be an ‘old lady’ in prison full of young women, just as Tony and Simon did not want to become older or more frail or vulnerable within the men’s institutions. In this sense, time was embodied and visualised through imaginations of future, older, selves contrasted with younger peers; it was, then, seen as deterioration and, thus, wasteful. These participants felt that the passage of incarcerated time was written on the body as they perceived it to deteriorate, or show the signs of ageing:

**Drew:** *They're gonnae try 'n give me another chance tae get back oot in the community 'n see how I settle in this time. I've got a lot, a lot, a' previous convictions, know what I mean? But that can change because I'm gettin' older and older all the time, now I'm 54 this year comin' so I'm gettin' too old to commit these kinds of crimes noo, know what I mean? And, eh, I can hardly run, know what I mean? So... I canny run away fae the police, know what I mean? So I've just got it out of my head, no more crimes for me, know what I mean?*

Others spoke about getting older in prison through the lenses of generativity and 'growing out of' an offending mentality as other factors in life become more important, like starting a family or getting a job (McNeill and Maruna, 2007; Maruna, 2001). Charlie stated that he had grown out of gangs while inside prison; whereas Robbie resigned to the idea that his future would probably involve prison, and anticipated that he would continue to cycle through the prison system as he aged. Doing time encapsulated this sentiment among participants and mobilised the notion of having multiple, context-contingent, overlapping and sometimes competing identities, which were influenced by experience. Moreover, the meanings were constructed, sustained and realised as a result of social interactions – both interpersonal and with the institutions of care and control themselves – over the life-course of the individual, forming their psycho-historical formations of identity (Holland *et al.*, 1998:5) as well as 'parliaments of selves' (Mead, 1934).

### 6.2.2 Symbolic adaptation: *'I feel safe in here.'*

Given that meaning attribution is a subjective process based on experience, this chapter has, thus far, tried to demonstrate the processes through which participants give meaning to their custodial experiences. This section will consider how participants apply these meanings in order to adapt to imprisonment. Meaning attribution can be extremely adaptive and pliable (Blumer, 1969), and pivots upon one premise of the symbolic interactionist approach: meaning can change and be

influenced by interactions (Blumer, 1969). Building on the various established adaptations to prison life (Sykes, 1958; Morris and Morris, 1963; Goffman, 1961; see also chapter 3), this chapter sets out that adaptation can be dynamic and fluid. Participants' perceptions and understandings could change in accordance to the meanings they attributed to being incarcerated at that given time within their wider lives; this could, of course, change or be changed by experiences and interactions. This section will consider themes depicting the extreme forms of primary adaptation to imprisonment: 'maladaptation' and 'structured acceptance' respectively.

Struggling to adapt to imprisonment occurred most commonly among participants who struggled to understand why they were in prison in the first place. This varied across the cohort, however one participant in particular seemed to misunderstand remand entirely, and as a first-time prisoner, Jane was annoyed that no one could tell her when she would be able 'to get home to get on' with her life. As she could not understand why she was in prison nor how long she would remain there, Jane adapted poorly to the demands of imprisonment as she focused on life outside which she felt she was missing out on. A related sentiment arose among those coming toward the end of their custodial sentence as they became anxious about release; this emerged as a fairly strong theme as over half the cohort – 13 participants - expressed some form of anxiety about going back to their home worlds. People were, on the whole, anxious about: where they were going to live; having large debts and low or no income; returning to detrimental places or tempting situations; re-establishing familial contact; and, the stigma of having been in prison. For some, this mounting anxiety disconnected them from the immediacy of their lives inside as they began to focus more explicitly on life outside; this is referred to as having one's 'head over the wall' in prison argot. Furthermore, when participants could not understand their sentence, they were unable to apply meaning to their imprisonment which would, in turn, affect their adaptation therein. Paul did not understand what the punishment part or release procedure attached to his Order of Lifelong Restriction meant:

**Caitlin:** *Did you understand [your sentence judgement] when you were in court?*

**Paul:** *Emm... naw. I knew- -I had a... vague understandin' of it. I was under the impression that I would do- -I got given a 2 year 8 month tariff with an Order for Lifelong Restriction and I was under the impression that I would do 14, no, 16 months, a year and four months.*

**Caitlin:** *Yeah, the half<sup>8</sup>?*

**Paul:** *Yeah, eh, like everyone else and then they would let me out and then I'd be on licence for the rest of my life. But no one told me I had to do the full thing, eh, the full 2 year 8 month and then go up for parole!*

**Caitlin:** *When did you find that out?*

**Paul:** *After I done the year and four months [laughs] I packed my bags and I rang the buzzer and I said "when am I gettin' out?" They were like "what are you talking about son?" So I was confused why- -I was also on... a fuckin' pretty severe overdose of medication when I went to court, so I was [sedated] the whole time when I got sentenced. Eh... but I felt fuckin'... I felt awright, I felt like I'd won a watch! I got 2 year 8 month for stabbing somebody! I thought that was a bit drastic at the time and I was like 'at "is that all?"*

Thus, Paul adapted poorly to imprisonment as he was under the impression that he would only be there for a short while; he had not prepared himself for the possibility that he would be incarcerated for a long period and felt failed by the various agents he interacted with who had not adequately explained his sentence under terms which he did understand. Similarly, Sue discussed the care she received in the community and revealed how she had difficulty making sense of being in prison; she stated that they did everything for her and had a sleepover rota for her house. She explained, '*you've got to get by yourself in here, you don't have any carers in here and I was used to them.*' Sue questioning overlapping care provision in custody is valid, and highlights her barriers toward successful adaptation within prison – that the care she needed was simply not available:

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<sup>8</sup> Under the Prisoners and Criminal Proceedings (Scotland) Act 1993 and the Management of Offenders etc (Scotland) Act 2005, all prisoners (except 'short term sex offenders') sentenced to less than 4 years in custody are unconditionally released after serving exactly half of their sentence time within prison.

**Sue:** *I've no' seen them fae I moved in here. They've naw been up, no, no I don't know if there's somethin' wrong. [...] I've no' seen them for 4 months, for 5 months fae I've moved in here in February, is that something wrong that they're no' comin' up tae visit me?*

Sue directly asked me for information on her situation despite that she was convicted and had served previous custodial sentences – this occurred in many interactions with participants, particularly those on remand, as they were not receiving this information from anywhere else. However, Sue's understanding of when she 'moved in here', suggests her conceptualisation of her present situation as something more permanent despite that she was serving a short-term sentence. While some participants struggled to adapt to prison, others were more accepting of their incarceration, and others still were even open to it and what it can offer them. Structured acceptance of imprisonment occurred particularly among participants who were more 'prisonised' (Clemmer, 1940) such as those with 'long histories' of incarceration, serving very long sentences or who saw prison as a 'hazard of the job', or institutionalised and were able to invoke and apply meaning drawn through similar frames of carceral reference. Craig captured this well:

**Craig:** *I feel safe in here and I don't, I don't know if, like, see all the things that are put in place tae stop ye from comin' back? They, they, they end up bein' the things that are – not the things that you come back for – but... I don't know how tae explain it, there's things put in place tae stop ye comin' back from prison...*

Craig felt that he benefitted immensely from the supports he received while in prison by contrasting their absence in his home world. This absence, he hints, may be the reason for his volatility in many aspects of his life outside, which ultimately push, or drive, him back towards the certainty which ensues through incarceration; the permanency of the presence of support inside sustained his own stability. Moreover, participants frequently reverted to binary comparisons between life inside and life outside was present amid discussions of self-improvement; prison offered many participants the dedicated and focussed time to try things, which were unavailable to

them in their lives outside. For example, those who struggled to find or sustain legitimate employment were able to gain qualifications and experience in vocational trades that were recognisable outside; an opportunity many participants expressed that would typically be unobtainable in the community. Drew had experience of various non-technical prison work parties, including kitchen work, cleaning and gardening, yet his only work experience in the community was with learning disability day centres (which have since been subject to funding cuts and cease to exist). At the time of interviews, Drew had a job in the recycling department of the gardening work party, which proved to be a great source of pride:

**Drew:** *But you only get the gardens here, you must be a low-cat before you go back tae work in the gardens 'n I've been a low-cat for over 2 year noo and I've been in the gardens for recyclin' for 2 year.*

**Caitlin:** *Do you enjoy that job?*

**Drew:** *I love this job, know what I mean? It's one of the best jobs I've ever had oot all my sentences because it's, eh, one o' the jobs it's like recycling is a good thing, know what I mean?*

Not only did holding this position warrant a sense of pride in successfully maintaining a low-category status, but Drew also focussed on the benevolence of recycling as giving something back. Through non-discriminatory work party allocation, Drew felt valued for his contribution to the prison community; this was largely absent from his life in the community, and resulted in his stealing for survival. While imprisonment may induce a cycle of dependency for some, it also encouraged social involvement, inclusion and appraisal, which may never be present outside for this group of participants due to stigma around convictions and impairment. However, re-configuring the meaning of imprisonment into something positive, beneficial, and structuring carries its own 'pains': participants became dependent upon prison as a lens through which to view their best selves. As such, they became hyperadaptive to incarceration by allowing their worlds to shrink and be contained within the prison walls: success markers mirrored institutional success markers such as: 'pissing clean' for random Mandatory Drug Testing (MDT); passing in-cell contraband searches; obtaining well-paid and highly sought after prison work party jobs; being permitted

supervised home leave (long-term prisoners only); behaving in accordance to the prison rules and not being placed ‘on report’ to receive additional punishment; and, maintaining a low-category status. The social sphere also shrank and social interaction within prison became extremely important for many participants who were more hyperadaptive to imprisonment. Karen and John both explained that ‘making friends’ or ‘meeting new people’ in prison better facilitated adaptation to their incarceration, Simon depicted the importance of feeling part of a group:

**Simon:** *Bein’ let oot tae go tae groups ‘n ‘at ‘n bein’ let oot tae dae ‘hings, ‘n tae work alone ‘n bein’ left tae work... ‘N bein’ put in other people’s cells, lettin’ us sit in wae, like... See somebody along a bit? Lettin’, like, three of four ae’ us sit in ‘n get a dub up [be in each other’s cells when units are locked down] ‘n just aw talkin’ ‘bla bla bla.’ Where we could be sittin’ rollin’ a skin taegether [laughs], naw but they show trust.*

Participants who were more amenable toward prison became enveloped within the micro social sphere offered within the prison, and exclusion – or the threat of exclusion - from this sphere would impact severely on their adaptation; this stemmed, for many, from the meanings they attached to prison as it’s size represented a more manageable social terrain. Structured acceptance of prison followed for many, particularly as a result of being better able to navigate the insular prison social sphere. However, arguably, adapting too well to imprisonment is, in and of itself, a more extreme form of maladaptation. For some people, the clear boundaries, dependable routine, and a socially meaningful existence through interaction strengthened the less negative meanings attributed toward imprisonment. Instead, they acted toward it simply as a social institution, without hostility, which could provide the time to ‘sort your head out’, ‘regroup with yourself’ and get back on track. For some people, that track was prison.

## 6.3 Routinisation of oppression

Prison, by its very purpose, is punitive and highly disciplinary (Foucault, 1977). All prisoners therein are subject to the same elements imposed through punishment which is achieved, according to Sykes (1958). However, this section will argue that some prisoners are at risk of experiencing some of these punitive elements of punishment more acutely as the social structure of incarceration invokes a routinisation of oppression and ‘daily denials’ (Watson, 2003) for prisoners with learning disabilities. While some participants found life in prison easier to manage when contrasted with the many demands upon them in the community, others highlighted the inescapability of those same everyday barriers they faced while incarcerated. This sub-theme firstly reveals how formal structures inherent in imprisonment not only oppress people with learning disabilities, but also places them at further risk of exclusion from and victimisation among prisoner communities. Secondly, the chapter moves on to explore the dominant sub-theme of being bullied in prison, however, explores this through the archetypal character of bullying experienced by people with cognitive impairments and how the participants in the study managed this.

### 6.3.1 Normative expectations of prisoner’ everyday lives: ‘*A jail’s a hard place tae cope wae.*’

One of the strongest themes around adapting to prison life was about the reliability of the structure of the daily regime as something both distinct and absent from life in the community. Prison relinquished participants of most responsibilities they held in their daily lives in the community and, for many, the respite or ‘breathing space’ this offered was a welcome by-product of incarceration. With that said, there are still some expectations placed upon all prisoners in terms of managing their daily lives which they must take responsibility for. These expectations have a normative character, in that the same standard is expected of all prisoners without individual need being taken into account. The research has shown that the normative expectations placed upon all prisoners can adversely impact the lives of prisoners with cognitive impairments in two ways: firstly, the discriminatory nature of these daily expectations was

unavoidable and, as such, deeply entrenched disablism in the structure of the system (Watson, 2003); and, secondly, the consequences of these barriers to *doing* (Thomas, 1999) placed prisoners with learning disabilities at further risk of harassment, victimisation, social exclusion and unnecessary segregation from mainstream prison society.

Firstly, all prisoners are expected to manage their behaviour in regulation with the formal prison rules and should a prisoner break these rules, they are placed 'on report', or reported to the Governor-in-charge to receive appropriate sanction. Only one participant discussed the prison rules overtly, despite the fact that everyone was subject to them and encountered them on a daily basis. When participants explained why they 'crave' or prefer the structure which prison offers them, this was often in reference to the consistency and reliability afforded by the stability in regime and order. Some participants felt 'safer' in prison due to the unpredictability and turbulence of life outside, while others felt that the threats they perceived were more contained, or, perhaps, containable due to the disciplinary regime. Drew, for example, regarded the use of CCTV in prison as security feature that reduced the likelihood of his being assaulted by other prisoners. Meanwhile, Nicole expressed frustration at the amount of rules by which prisoners must abide and her difficulty with learning these:

**Nicole:** *There's so many fuckin' rules in here!*

**Caitlin:** *How do you find the rules – do you feel like you're still learning them?*

**Nicole:** *Sometimes aye 'cause you're naw allowed tae dae 'iss 'n you're naw allowed tae dae 'at, 'n you're naw allowed tae dae 'iss; I'm like, 'fuckin' ram your rules up your arse!' To be honest.*

**Caitlin:** *Do you just find the rules out by word of mouth?*

**Nicole:** *Word of mouth, aye. You'll ask the lassies or you'll ask the staff but the staff kinda... Don't go into the full thing. [...] They don't have the time tae sit 'n tell you the rules. Obviously you've noticed when it's daft you've got tae... Do you know what I mean? It's stuff that you'll pick up but if, for a first timer you're like, they don't know anything! They don't know no' tae be cheeky tae staff, so they'll be cheeky 'n get put on report 'n I'm sittin' in front*

*of the Governor sayin', 'I didn't know this!' 'N the Governor's like, 'why did you now know that?'*

Nicole's frustration arose from the impossibility of knowing something which had not been explained. Yet while the official Scottish Prison Rules (2011) are available to all prisoners upon request, the complex language of statutory legislation makes them extremely difficult to comprehend. This means that the regime which both maintains order yet grants warrant for further sanction places some prisoners at higher risk of additional punishment through its inaccessibility; the disciplinary structure of custody is furthermore discriminatory and oppressive to people with cognitive impairments. Inaccessibility while incarcerated was a dominant theme in the study, and was expressed particularly through the difficulty people had with the paper-based request form system. Request forms are required – depending on the prison and regime - if any prisoner wishes to: arrange a visit; see a doctor/dentist; lodge a complaint; order medication; repeat prescriptions, or manage their finances by purchasing approved items from the prison 'canteen' or 'shop' such as hygiene products, tobacco, or snacks. These forms were often seen as confusing and were a huge source of frustration as they were forced to confront their respective impairment effects – for some people that meant that they struggled to count, read or manage money:

**Nicole:** *I canny count, I canny add up my maths, I've never been able tae add maths up so I just end up [laughs], like, it gies you the quantity, right, Malteasers, I 'hink they're about 40p, 45p, aye, so it gies you how much they are, the quantity you want – three – and then it's total.*

**Karen:** *I have to get the officers [to help] because I have a mental, emm, backward thing and I can't count. I can count money, yeah, but I canny count the bloomin' shop sheet thing that they give me, it's really difficult.*

**Chloe:** *I fill it, I fill it oot mysel' but I canny count. I can count but I canny count very well so I go down and ask the officers to help me oot.*

These examples show the ways that oppression can be experienced as participants felt that their respective impairment effects were highlighted as a result of daily tasks; the disadvantage faced by people with learning disability is inherent in the inaccessible structure of the system which has been designed by and for people without learning disabilities. The participants who struggled with these form-based systems tended, then, to act in extra-normative ways and this often carried a heavy price tag or risk: some people asked prison officers for help. However among dominant prison culture, being seen to ask officers for help runs the risk of being labelled a 'grass' [snitch], so in an effort to avoid officers, some participants would ask cell-mates or 'jail pals' to help with their forms, and revealed the institutionally structured disablism participants faced:

**Drew:** *I get somebody tae gie me a hand wae [forms], know what I mean? But, but well it used tae be the guy next door tae me, he used tae come in and gie me a hand wae ma referral or ma medication repeat prescriptions 'n 'at, know what I mean? 'N, eh, he still, he still does it for me, know what I mean? Because I went intae his peter this mornin' efter yesterday's carry on 'n, eh, I said tae him, 'I'm sorry for shoutin' at you 'n, eh, you did trip me up.' 'N he said he was sorry as well, so he told me no' tae worry about it, forget it happened, know what I mean? He was only daein' it for a joke he says.*

The guy next door who helps Drew with his forms also bullies, verbally degrades and physically assaults him 'for a joke'. This unlikely benefactor, the neighbour and bully held power over Drew beyond the exchange: by helping with his forms, he bought Drew's compliance, but in turn corroded his psycho-emotional wellbeing (Thomas, 2007; Reeve, 2014). Medication was often the target; Drew told me that the prisoners on his wing often said that he was 'running a chemist' with the variety and amount of differing medications that he needed. Also, his prison medication was issued weekly in pill strips which he found difficult to manage: in short, Drew was seen as an easy target for theft or coercion. Other prisoners who seemed to be more benevolent offered to help with his medication arrangements but he told me that these offers often turned quickly into threats given the relative value of some of his prescribed pills. Another participant described a similar experience:

**Karen:** *Well some of them are pretty demandin' and bullyin' and sayin', "oh I want a bar of chocolate, put that doon on your shop." Well you know me, I'm soft, I just write it doon 'n that, you know? I'm like that, I'm too soft, you know?*

It was no secret that Karen needed to ask officers for assistance with her canteen sheet when it came to calculating the cost and managing her personal finances. The social world of prisoners is extremely small: everyone knows everyone else's business (Crewe, 2009); everyone knew that Karen felt that *'a jail's a hard place tae cope wae.'* Although learning disability is largely an invisible impairment, its effects can become visible when confronted with inaccessible material (Stalker, 1998); Karen's peers could see that she had difficulty counting and managing her finances and this made her the target of coercion and, ultimately, the victim of financial abuse by non-disabled prisoners. This would meet the criteria of being a hate incident as her victimisation has been motivated by virtue her impairment and its effects. Cycles of exclusion that push people with learning disabilities into risky social interactions emerge from structural barriers not attending to the needs of people with learning disabilities, nor to the consequences of this inequality. For many participants, experiences of oppression and structural discrimination were not isolated incidents – they happened daily and routinely (Watson, 2003). They occur within a social structure that affords more power to certain groups to the disadvantage of others.

Unavoidable forces of discrimination and disablist power relations which are deeply entrenched in the social structure of prison seem to place people with learning disabilities at risk of harassment and victimisation, and social exclusion while incarcerated and at the same time that these can be internalised. Restrictions on people with learning disabilities' full social participation within prison conveys strong cultural messages about who they feel they can be, or become; this becomes more complex, yet more dangerous, as 'soft' power (Crewe, 2011a) in prison permits the purpose of incarceration to be understood as more pastoral than punitive (Foucault, 1977). As will be returned to in chapter 8, the insulated social world (Goffman, 1961; Crewe, 2007) of prison becomes familiarised, internalised and seems to be more

manageable than the vastness of their precarious home worlds; while this is far more complicated than simply stating that the outside/inside are bad/good in such binary terms, many participants revealed that more routes to care were available inside and even through the ‘pains of confinement’ (Sykes, 1958). The Howard League (2015) recently presented evidence to claim that women who face multiple disadvantage and victimisation should not be criminalised as a means to receive support; neither, therefore, can prison be a precursor for people with learning disabilities to receive care or support.

### 6.3.2 Harassment, bullying and fear: *‘They’ll just no’ leave me alone!’*

While this research has demonstrated that many participants actually felt safer and more secure in prison than they did in the community, experience of harassment, targeted victimisation and bullying by other prisoners or prison officers was reported by around two thirds of participants, yet the respective individual incidences were, for some, innumerable. This is an important finding since the Prison Reform Trust (Talbot, 2008) reported findings from a national research study with 154 prisoners with learning disabilities and difficulties who were interviewed regarding their experiences of the criminal justice system. Over half of those interviewees reported that they had been bullied in prison, yet not even one person reported this from the comparison group of non-disabled prisoners (Talbot, 2008: 44). To follow, I will demonstrate mechanisms participants employed to make sense of their experiences of harassment and victimisation while incarcerated by combining disability studies and criminological understandings of victimisation within prison communities driven by disability prejudice. This section attempts to reveal participants’ understandings of the manifestation of discrimination which was so inescapable and regular in their everyday life through bullying and harassment, which, for some, became so ‘normal’ that it was considered something they had to ‘just get on with’.

As described in the previous section, participants were fluid in terms of making sense of the purpose of their imprisonment; incarceration became a disruption to their

everyday lives, for some, when it impacted upon the psychological or financial wellbeing of their family (see Loucks, 2007b). For others, prison became intolerable when they had difficult experiences among the prison community. One of the strongest superordinate themes of the research was around social interactions within prison, with many people reporting that they actively sought out ‘jail pals’, or ‘associates’, to feel included by people within a community-in-like. This was most striking when participants revealed how socially isolated their lives were both inside and outside, with some participants stating that they sought any social interaction at all, although this often manifested within relationships with professionals to which a social element was attached – this will be discussed further in the proceeding chapter. The detrimental effect of loneliness and social isolation among the participants was often considered less unpleasant than being bullied or picked on by those ‘jail pals’. For some, being the target of bullying, ridicule and harassment was such a common experience that it was just part of their daily lives, while others felt that they experienced periods of more intense bullying which usually died down if unacknowledged. Chloe experienced the latter over the same period as our interview exchanges, however explained that it was ‘different this time’: the hiatus did not seem to be on the horizon, and her harassers would not let up:

**Caitlin:** *You looking forward to [getting out]?*

**Chloe:** *Aye, I am noo ‘cause I was get- -Somebody was makin’ a fool of me yesterday ‘n I was pure breakin’ ma heart, aye, ‘n I told the officers ‘n, aye. They’ll just no’ leave me alone!*

As the bullying Chloe faced began to escalate beyond occasional bursts of more intensity, she shifted towards, yet resisted, the former group wherein bullying was viewed as ‘normal’. For some, this ‘norm’ was omnipresent in the everyday within an already oppressive macro-structure, yet proved to be corrosive to participants’ self-conceptions, or psycho-emotional wellbeing (Thomas, 2007: 72; Reeve, 2012). Being unable to avoid bullying within prison compelled some participants to consider this within the wider context of their lives more generally; Paul, for example, casts his gaze inwards to consider what it was about him that attracted bullies:

**Paul:** *That's something I could never figure out, I just couldn't figure it out, eh... still can't. I don't know what it was about me that made them want to... eh... bully me so badly.*

Following a 'hearing' with the Governor-in-charge after being assaulted by another prisoner, Drew places the blame for his victimisation in the fact that the assailant thought that he was 'a wee bit backward' and, in fact, conceived of this as the root of much of the targeted verbal attacks he faced on a daily basis:

**Drew:** *[...] I didn't retaliate, 'n 'ats why the Governor gave me a not guilty 'n he telt the Governor he was goin' tae apologise tae me 'n he did apologise tae me for hittin' [me] because he knew I was a wee bit backward. That's what he thought, know what I mean? He said I had, eh, prob- -Eh, mental problems, know what I mean? But a lot of the prisoners in here knows that I've got mental problems 'n some ae' them call me 'dafty' 'n some 'ae them call me, eh, what do you call it? Eh, eh... It's a word called 'spastic', know what I mean? 'Spastic', they call me a 'spastic', eh, some ae' them call me 'dafty' 'n, eh... That's prisoners, know what I mean? Every day I get called 'at, know what I mean? It just goes through one ear and through the other 'cause it doesn't dae nothin' for me noo, know what I mean? I just ignore it, some of them call me, some ae' them call me, eh, 'ya effin' dafty' know what I mean? Eh... Called me a 'mongo' as well, I get called 'mongo', eh... every time when I come tae prison I get picked on, I get names called, everythin'...*

Nicole had a similar experience:

**Nicole:** *I had a lassie oot there, it was at, eh... At, eh... Exercise time – I couldn't find the right word there – exercise time, she came up tae me 'n says, 'see if I behave like 'at, I'd be put right oot the fuckin' door, so why is it any different for you?' I was like 'at, 'it's no different for me,' – 'the staff treat you differently.' I was like, 'no they don't, they treat me just like you.' We got into a huge argument and the staff were like 'at, 'woah! That's enough!' – [she*

asked the officer,] *'how come she gets fuckin' everythin'?' I'm like, 'I don't get anythin'!' – [she asked me,] 'what's the matter? Are you a spastic?'*

Meanwhile, Ashley vividly described one incident in which she was assaulted in prison, expressing her victimisation not only as a result of the violent attack, followed by having her breakfast stolen, but more so at the dismay of having her personal officer watch and allow for this to happen:

**Ashley:** *My PO leaned on a hatch, he was standin' in the pantry daein' breakfast and he actually leaned on the hotplate and watched this lassie smashin' hell oot me, knockin' me oot unconscious [laughs]. And I wake up, lying on my side, like that, in the foetal position, my knife's still in my hand, my milk's disappeared, my toast has disappeared, but my bowl's still there. My bowl and my cereal but they gave everythin' else away the fly staff bein' staff. I wake up and I'm in this massive pool of blood and I'm on my side, my nose is just pourin' like a tap pourin' blood and then that's only when my PO decided to get off his ass and decided to stop starin' at me.*

Regardless of the circumstances, Ashley's perception of this incident is one which renders her powerless and yet unworthy of assistance. Shakespeare (1994) argued that people with impairments are not only disabled by material discrimination (as discussed in chapter 2), as considered through the disabling barriers inherent within the normative expectations of prisoners, but also by prejudicial attitudes and actions. This is important as Hate Incidents, argue Chakraborti and Garland (2012), are not driven by 'hate' – that is, the hatred of the individual victim – but rather by prejudice towards an element of their identity. Moving the conceptualisation of bullying towards that of Hate Incidents, which happen to occur within total institutions, allows further exploration of the interpersonal, and institutionally ingrained, 'Othering' and exclusion of people with cognitive impairments. In the complex social interactions described above is power - more specifically, the perceived lack of it as a result of prejudice, discrimination and oppression. As such, enforced reliance on other prisoners or prison officers, and the risks associated respectively, may have a further incapacitating effect. In this sense, it is simply insufficient consider the material

discrimination without also exploring the prejudicial impact present in interaction or embedded within a social structure. The frustration inherent in these processes of oppression – be it direct or indirect - contribute further towards the distinct character of adapting to prison life for prisoners with learning disabilities.

## 6.4 Conclusion

This chapter has attempted to demonstrate how the maladaptation to prison life by some people with cognitive impairment may be experienced as punitive, discriminatory and oppressive. The potential and actual harms related to the normative expectations of everyday life in prison reaches beyond the scope for this group than it would for a non-disabled prisoner. And, while segregation from the mainstream is intended to protect ‘vulnerable’ prisoners, the system of labelling, categorising, and demarcating contributes towards exclusion and, in turn, further dependency upon the structure itself.

When we consider this in terms of the process of deinstitutionalisation and normalisation it is clear that prison has become the last resort. But individual need has been silenced by the risk assessment agenda, namely incapacitation of risk to the community and the warehousing of threat to civil order, so this process of ‘locking up and locking away’ has left this group inhabiting such a liminal existence within the system and between various other systems, particularly as highlighted in the previous chapter. It is also worth considering that for many the oppressive nature of society means that they fear being outside, not inside, and this contributed further towards the feeling of being ‘stuck’ outside, as frequently as being ‘stuck’ inside. This is obviously a complicated process, but it does contribute towards continued practices of containing and controlling the lives of adults with learning disabilities both within and beyond prison.

The next chapter explores the symbolic meanings that participants attributed to their experiences of incarceration and how this situates within, and shapes, their wider narratives of self.

## 7. Suspended Identities

This chapter will explore the symbolic relationship(s) between the penal institution and the situated self which transpired through two important themes: identity work and managing difference. As explored in more depth in chapter 4, the self is contingent upon external material and social environments, and is formed through a process which is never complete (Mead, 1934). Bakhtin's 'self-authoring' approach (1981) further complements Mead's (1934) vision of the subjective 'I' imprinting upon the objective 'me' insofar as the self 'authors' the inner world in response to its experiences of the outer world. As such, interactions within the penal sphere (outer world) affect the sense of self (inner world) as it enters, responds to and negotiates itself within the institution. Shakespeare (1996) argues that through the concept of disability identity, wider social relationships between the individual and society may emerge.

Prisons are viewed – at least discursively - as transformative spaces (Pike, 2014) where those incarcerated are encouraged to take time out, think about their actions, and consider future behaviour. At the same time, incarcerated individuals undertake intensive and, often, compulsory offence-focussed programmes or rehabilitative interventions toward detoxification, recovery, and self-improvement. Imprisonment, therefore, harbours an expectation of self-transformation (see chapter 6), and carries that identity and sense of self are pliable in nature, albeit sensitive to their environment. The 'looking glass self' (Cooley, 1902) framework facilitates an understanding of the subtle processes of identity work as selves are formed through the perception of others, particularly its third premise which states that selves are developed through the imagined judgements of others regarding our appearance and comportment.

The first half of this chapter situates themes around identity work within the suspended penal reality and explores the impact of formal and informal socialisation upon participants' self-understandings. This builds on findings from the previous chapter regarding participants' symbolic adaptation to imprisonment. The chapter

then moves to discuss themes around feeling different and managing difference through various information management techniques. Overall, this chapter seeks to provide an in-depth account of the nuances of day-to-day prison life for people with learning disabilities and the ways in which this shapes, interrupts, challenges, or inspires self-conception.

## 7.1 Identity work

Drawing from Symbolic Interactionist concepts, this section explores identity and self-perceptions as revealed through the 'looking glass' of social interactions with others, the institution, and with oneself (Cooley, 1902; Mead 1934). Despite the limited range of discourses available in terms of projecting social identities while incarcerated, the participants engaged with identity work in the social realm by creating or reinforcing their self-images within the context of their prison situation. This section draws on Goffman's (1961) discussion of the 'mortification of self' within 'total institutions' as a means to officially socialise entrants, but also refers to those less than official processes which will be referred to as 'informal socialisation.' This section explores participants' situated expressions of identity, and their external identity work, through themes depicting official and informal socialisation while incarcerated: it begins by addressing the socialising impact of formal prison structures; then, discusses the degrees of social interaction among informal prisoner networks. Both official and informal socialisation within the context of the transformative expectation of imprisonment can be explored through a symbolic interactionist lens.

### 7.1.1 Formal institutional engagement

This section explores themes which capture participants' formal institutional engagement through which they depicted their social selves within the structured domain of prison life. In his seminal work on institutional life, Goffman (1961) explored 'official socialisation' through three stages: role dispossession; de-individuation; and, mortification of the self. This ties strongly with the previous

chapter's focus on meaning-making within carceral settings – those who tended to view imprisonment as a haven, and punishment as rehabilitative, were the same people who approached their 'official socialisation' openly: casting off former self-understandings to generate new, transformed, selves. Drawing together de Beauvoir's (1949) approach to identity - as something we become - along with the symbolic interactionist conceptualisation of identity and self (see chapter 4), themes depicting participants' identity work can be understood through official socialisation in terms of: work and mastery; visits and the presentation of self; and, engagement with formal institutional activities.

Participants who were more officially socialised with the carceral mores seemed to find their incarceration experience less painful than those who were more socially detached. This ranged from attending education or work placement to receiving visits from family, facilitated by the prison. Grant, who had many years' experience in various prisons and was incarcerated in an overcrowded adult male prison, explained the extent and reality of disengaging from formal activities:

**Grant:** *You're behind your door most ae' the time in here, somethin' like - - They say 23 hours a day but ye get education 'n stuff so if you're goin' tae yer education- -Maist ae' them don't, I've seen that, maist ae' them just sit in their peter [cell] 'n fester away.*

Grant contrasted his highly active, officially socialised, prison life with the emptiness of 'most' other people, who sit behind a locked door and wait for time to pass. He lived in a unit specifically designed for vulnerable prisoners and included a day service that provided: adapted education, health and wellbeing classes; smaller work placement opportunities; and daily arts, music, and crafts activities. His reference to those who 'fester away' in their cells, with minimal institutional engagement, allowed him to situate himself as more engaged with structured activities by contrast; this supports findings from chapter 6 which highlighted Grant's conceptualisation of prison as rehabilitation. Thus, his alignment with active institutional social engagement may imply that he sought to expand his access to more social identities in order to deepen his sense of self. Increasing his access to socially available discourses

through formal activity affirmed Grant's internal self-identification through his external social identity. Other participants tapped into those additional discourses of selfhood through prison work placements:

**Drew:** *But you only get the gardens here, you must be a low-cat before you go back tae work in the gardens 'n I've been a low-cat for over 2 year noo and I've been in the gardens for recyclin' for 2 year.*

**Caitlin:** *Do you enjoy that job?*

**Drew:** *I love this job, know what I mean? It's one of the best jobs I've ever had oot all my sentences because it's, eh, one o' the jobs- -It's like recycling is a good thing, know what I mean?*

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**Paul:** *The job, I know - most trusted position in the jail. Eh...*

**Caitlin:** *Do you wanna tell me how you got the job?*

**Paul:** *Hard work. I was – I worked – they head-hunted me essentially; they seen me working out in the corridors. The corridors get buffed, the buffers maintain it, but the buffers canny get right up against the skirtin' so there was a brown line the whole way doon and, eh, would have circles at the corners 'n that. So I went round with the square pads, square buffin' pads, so I buffed the dirt out myself by hand. They were asking if I could get brought over and I would work, fuckin', cleaning the hall, cleaning the cell.*

As Drew and Paul both perceived their prison jobs as highly trusted or sought after, they felt that those in management positions recognised them and deemed them trustworthy; this in turn instilled a sense of pride in their work. Drew's work party allocation required that he had maintained a low security classification for more than 2 years, while Paul's position was based within the civilian (although still secure) areas of the prison; both positions required a level of trust, and both participants internalised this positive regard. Some contrasted those work opportunities available within prison to the complete lack of job prospects prior to or beyond incarceration; being able to contribute towards something bigger – as comes across in Drew's narrative about recycling being 'a good thing' – cemented their sense of achievement, self-worth, and inner identities as valued social actors playing meaningful social roles.

Others acknowledged their selfhood through the performance surrounding the visit room:

**Craig:** *Aye, he was meant tae come up yesterday but he never [laughs]. I phoned him on Friday 'n I says, 'dae ye want tae come up on Sunday, 10 o'clock in the morning?' 'N he's like 'at I don't know what I'm doin' the morra night but book it 'n 'en I'll see, phone me in the mornin' 'n I'll see.' So he must've went oot on Saturday night, fair play tae him. It's just annoyin' 'cause, eh, I get ready 'n 'at I put on ma [prison] t-shirt 'n ma good denims 'n 'at, eh, done ma hair 'n aw' that, but it's naw- -I had a feelin' that he wisnae comin' but I just didn't want them tae open me up 'n say you have a visit 'n I wisnae ready.*

Craig bound his disappointment that his friend had not visited him with the redundant effort he took in his physical presentation that day: he deliberately wore his 'good denims' and clean shirt, and tidied his hair for the occasion. Similarly, other people went to the barber or hairdresser ahead of a visit from family or friends, whereas a couple of participants stated that they would wear a sweatshirt in the visit room to hide the extent of their visible self-harming wounds and/or scars from their loved ones. In any case, many participants presented well-maintained selves to the outside world to protect their family from the 'dirty' side of prison (Paul) and convince them, in turn, that they still took care of themselves despite their circumstances. Those participants, therefore, empathised with the secondary pains of confinement experienced by family (Foster, 2017; Sykes, 1958) and sought to reduce that pain by using the visit room to present themselves as pain-free. Others took this further by distancing themselves from their home worlds: Liam, a first-time prisoner, refused to let his family visit him while serving his four month custodial sentence; Robbie tried to keep it a secret from his children that he was in prison again; and, Lee hid his imprisonment from his mother. Meanwhile, Karen's reduced family contact while in prison further illuminated her loneliness and social isolation at home:

**Caitlin:** *Are you still in contact with anyone on the outside?*

**Karen:** *Eh, my boyfriend.*

**Caitlin:** *Do you phone him?*

**Karen:** *No, he's not allowed to. There's an interdict but we still meet up and we still talk, but we haveny been talkin' for a while because of the court, I have tae keep away with- -Away from him just now, it is hard but I do keep away from him. Difficult times, I'm on my own oot there most of the time but I have my relatives and they stay in X area.*

**Caitlin:** *Does anyone come and see you in here?*

**Karen:** *No they don't bother, it's too far. It's too far, know what I mean?*

Despite the contradictions above, Karen perceived that seeing her family was curtailed by her incarceration; she socially situated herself as being isolated and self-reliant in her home world and revealed the socially distancing effect of being in prison. Karen's informal social interactions were shaped by the power and reach of her formal engagement, or official socialisation, which interferes with her inner identity crafting; the geographical distance between the prison and her hometown also presented an emotional distance. Similarly, Charlie explained the effect of his experience of formal social curtailment:

**Charlie:** *The only people 'a talk tae is the people in the jail, know wit 'a mean? 'A don't run about in gangs any mer' so that's a good 'hing.*

Charlie's official socialisation overlapped with his informal social engagement and constricted his social reach; this also impacted the availability of discourses and his situated and external social identities. His internal self-understanding was moulded, and he generated a new social narrative.

Of course many of the incidences mentioned above may be equally experienced by prisoners without learning disabilities, however the data provided in chapter 6 depicted participants' home worlds as particularly bleak; for example, very few ever had paid, or non-compulsory voluntary, work. Recent research carried out by the Scottish Consortium for Learning Disabilities (SCLD, 2016) found that as few as 7% of adults with learning disabilities were in paid work in contrast to around 73% of the population without learning disabilities. Thus, paid work opportunities while in prison

offered participants much needed experience, gratification, and a sense of self-worth which was absent in their home world. Although Goffman's (1961) concept of 'official socialisation' raises serious questions about the sustainability of selfhood within 'total institutions' through the deprivation lens and asks how 'inmates' maintain a sense of self in the absence of social roles, it falls short by assuming that 'inmates' held valued social roles before they entered such institutions: the participants in this study who were more officially socialised in accordance with institutional activities, such as work, education or creative opportunities, asserted their sense of self as valued social actors playing meaningful social roles. Furthermore, the visit room facilitated participants' understanding of their social identity as some sought to shield their families from the pains of their custodial confinement (Sykes, 1958) while others shielded themselves from their families' secondary pains and, ultimately, became even more socially disenfranchised and isolated.

### 7.1.2 Informal socialisation

It quickly became clear that informal socialisation while in prison was both a major theme in the research and factor in determining how painful the punitive experience of incarceration was for the individual; participants with lower levels of social engagement with their peers seemed to find their prison term much more difficult than those who were more social with their peers. Using an Appreciative Inquiry approach particularly within interviews discussing prison life (see Liebling *et al.*, 1999; chapter 4 for more detail on this technique) meant that the interview questions departed from a more positive stance. I asked participants outright to share what they believed to be the 'better part' of living in prison; many met me with a response around the benefits of social interaction:

**Karen:** *Emm, what's my favourite thing [about being in prison]? The meals, rec[reation time], and gettin' out for the walker's bus, and exercise. Exercise, talking to people, meeting new people, seeing different things. I like if I meet someone interesting I can talk to them, you know what I mean?*

**Caitlin:** *Yeah, you've made some friends haven't you?*

**Karen:** *Yeah, I like that. If you meet someone that you really like and get on with, it makes you feel better and you get on alright.*

Having company and socialising with other people were clearly such high points of Karen's account that her experience of prison could almost be mistaken for a social club rather than a punitive carceral space. However, when this is considered alongside the emptiness of her social life in her home world, it becomes clear that Karen has better opportunity to meet new friends, or socialise with people in general, within structured carceral settings than without. This supports Murphy's (forthcoming) startling discovery that recently liberated people with learning disabilities return to extremely empty home worlds with social networks of around seven people they talk to or socialise with, which constitutes a network just a fifth of the size of those without conviction or learning disabilities. In line with Karen, others including John, Simon, and Charlie, also highlighted that 'meeting new people', 'talking' or 'getting to know people' made their incarceration more pleasant. Simon explained that he especially enjoyed spending time with other prisoners in each other's cells, talking and playing cards, and felt that officers showed trust and respect when they allowed this to happen. In this sense, social interaction normalised the experience and allowed participants moments to assert their social selves, which was an opportunity denied to many of the group in their home world environments. This normalising function extended through participants' humorous anecdotes that served to positively collectivise their prison experience, creating shared moments that transcended the situation. Two participants serving longer-term sentences discussed their enjoyment of hiding intimate and sexual relationships with other prisoners from officers or their peers:

**Participant A<sup>9</sup>:** *I think the manager had suspicions but she never was able to catch us 'cause she caught me in X's room... X 'n me were talkin', it was breakfast and I was a pantry worker so I got to access other units a hell of a lot, I was sitting on the chair and X was on [their] bed and the manager's just*

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<sup>9</sup> Additional steps are taken here to ensure anonymity of participant and gender identifiers.

*stormed right in and looked at me, looked at X as if tae say, 'what have you been up to?' And we're just like, 'ha ha, you didn't catch us!'*

This participant's jovial intimate relationship with another prisoner reveals their validation of self; the private social interaction, and having something to hide and worth hiding, reflects the participant's sense of self-worth through their sexual citizenship (Anderson and Kitchin, 2000: 1167). Participant B concurred with Participant A in stating that sexual intimacy in prison affirmed their sexual identity, yet also referred to those private experiences as 'therapeutic' and somewhat comforting. This participant also foregrounded the public act of hiding their relationships from other prisoners, emphasising the purpose this serves in breaking the mundaneness of everyday prison life; Participant B's account of the excitement in hiding relationships from officers, rather than peers, seemed to concur with this. Thus, intimate relationships affirmed the situated self within carceral settings in the same way it may for non-disabled prisoners serving long-term sentences or situated selves in the community. Moreover, sexual intimacy – despite being seen, from the institutional perspective, as a deviant activity within carceral spaces - provided a source of empathy, shared experience and validation of selves as sexual and desirable; access to sexual identity and a sense of sexual worth is often denied to disabled people (Shakespeare, Gillespie-Sells and Davies, 1996), not to mention people with learning disabilities within liberal settings as well as closed institutional settings. While only two participants discussed intimate relationships, many of the more 'prisonised' (Clemmer, 1940) participants spoke about their platonic 'jail pals' and centralised these interactions as the crux of their day-to-day prison life. For some this represented an available group of people to play pool or ping pong tournaments with; passing the time in a more 'normal' way. Others focussed on the strategic benefit of having 'jail pals' in reference to having familiar faces from their home world greet them on the inside, or the provision of 'back up' in a fight or (legal and extra-legal) material support:

**Grant:** *I came up tae the hall 'n as I was comin' up tae the hall I seen a few ae' ma pals in 'n in the end up there wis about 15 ae' us in here at one point 'n I wis like 'at, 'fuckin' awrite boys!' Know? 'N they're like 'at 'n talkin'*

*away tae us, 'ye need anyhin', just gie us a shout Grant, we'll sort ye oot 'n 'at if need anyhin'.' I was like 'at, 'nae bother boys, cheers.' ... I had a couple a' boys lookin' oot for me, they just knew me.*

Grant determined his social positioning through the respect he received from his friends while inside; this reduced the painfulness of his incarceration experience but simultaneously reflected his view of self as someone worthwhile of 'looking out for' and having a known reputation which commanded such respect. The 'looking glass self' (Cooley, 1902) facilitates an understanding of Grant's situated self within prison environments: he asserts himself as privileged and valued through the prison in-group loyalty structure (Ugelvik, 2014). However, having 'jail pals' (Martin) was not for everyone:

**Martin:** *It's your time in here so it's what way you do time: either you want tae be the main man or if you just want tae go about it quietly, you just do your time, walk out and put it tae the back of ye 'n get on wae yer life; that's what I want tae do.*

Martin, a first-time offender, deliberately detached himself from dominant prisoner culture by claiming that he wanted to put the experience behind him when he got out. In so doing, he revealed that he felt different from his fellow inmates:

**Martin:** *Let's just say, there's some I wouldnae walk along the same street [as], but 'at doesnae... 'Ats no' a bad thing, but I'm no here tae get a career out of it.*

In fact, informal socialisation further disenfranchised Martin as he became isolated to inoculate himself from others and the contamination of their stigma (Goffman, 1963) and did his time 'quietly.' Others employed this technique of 'keeping the head down' (John) to dissociate themselves from being seen as typical prisoners (as will be discussed more fully towards the end of this chapter), but it was also used by those who had: fears of being sexually or physically victimised; financial debt to other prisoners; or, enemies from their home worlds. In isolating themselves, those

participants viewed and worked on an imported sense of self; the situated self reflected through the looking glass presented by the (imaged or historic) home world was deemed far superior to the image of self mirrored by fellow prisoners or the institution itself. Having been incarcerated for the past 17 years, Charlie supported the notion of keeping to oneself and noted the impact of televisions in prison on the social lives of prisoners:

**Charlie:** *It's aw' change noo 'cause a' the tellies, everybody's in their ain cells watchin' telly so ye hardly get everybody congregatin' about, man.*

While official and informal socialisation within prison environments can be dealt with as separate experiences, it is impossible to disentangle these entirely due to the nature of their power. In Charlie's experience, the introduction of televisions into prisoners' cells was a dispersal tactic by the institution to diffuse gangs; he later explained that he no longer identifies as a gang member, but would rather be doing his own thing and viewed as an individual. Informal social interactions were, therefore, shaped by the power and reach of official engagement.

## 7.2 Feeling and managing difference

Building on the previous section's focus on identity work, this section looks in depth at the ways in which participants relayed feeling different and the techniques they developed in order to manage this perceived 'Other' status. It draws on strong themes of 'difference' and 'stigma' which emerged from the data. The first section is theoretically complementary of a combined approach toward importation and deprivation models regarding imprisonment, as discussed more fully in chapters 3 and 4, and explores participants' renderings of feeling, or being made to feel, different. The second section moves directly on to explore the related stigma management strategies which participants' drew on in order to preserve their sense of self, or to protect themselves from negative regard. Finally, the section concludes by looking more closely at instances where participants welcomed the creation of 'difference'

marking in order to present further hierarchies of difference and render themselves ‘not as bad as’ someone or something else.

### 7.2.1 Feeling different

Participants discussed feeling different by drawing comparisons to non-disabled people, other prisoners or to former imaginaries of themselves (i.e., ‘I used to be...’). In the latter case, a sense of self arguably exists prior to incarceration and is ‘imported’ (see Irwin and Cressey, 1962) while being subject to ‘deprivations’ (see Sykes, 1958) within this environment (discussed more fully in chapter 3). This section will explore how participants internalised the process of being ‘Othered’ across two intersecting axes of stigmata: impairment effects with respect to the related barriers to being presented through direct psycho-emotional disablism (Thomas, 1999, 2007; Reeve 2012, 2014); and criminalisation. The pre-conceived notion of self was brought into question for participants in distinct ways: being diagnosed (or screened) with a cognitive impairment in adult life; being imprisoned for the first time in adult life; or, recognising the normative element of dependency within total institutions. The former two overlapped for five participants who were diagnosed (or screened) with a cognitive impairment for the first time during their first prison sentence as adults; for example, Martin felt that he became a person with an impairment and conviction overnight, although felt that his diagnosis legitimatised his impairment effects (Thomas, 1999) by acknowledging that his needs were misunderstood as officers and prisoners *‘just treat you as if you’re a normal prisoner’*. Sara Ryan (2013) found that being ‘formally’ diagnosed with Autism in adult life permitted self-acceptance, as well as official recognition, of difference; while this was the case for some participants, it was more common that those who had a learning disability diagnosis from childhood were more likely to incorporate this into self-identification: ‘my disabilities’ (Nicole); ‘I have a backward thing’ (Karen); ‘I used to have ADHD’ (John); ‘I wasn’t working, well, because of my disability’ (Lee). In a similar sense, those who had prior experience of imprisonment were more likely to self-identity as a ‘prisoner’, ‘criminal’ or simply someone who had broken the law:

**Tony:** *It's when you're comin' oot the box [prisoner transport van] you put one hand out 'n 'en he [transport officer] cuffs hisself tae you 'n they open yer door up. So there's no chance ae' runnin', naw unless you want tae take somebody wae ye [laughs]. You push the hatch tae check that.*

**Caitlin:** *Is that what you do?*

**Tony:** *Aye, well everybody tries it I 'hink [laughs], you know? It's yer prisoner's duty, innit? Tae try 'n escape [laughs].*

Despite that Tony was not in prison at the time of this interview, and that he had not been in prison for over twenty years prior to his most recent custodial sentence, he still identified as a 'prisoner' within these frames of reference due to his being 'brought up wae prison'. Likewise, Craig referred to himself as a 'criminal' when discussing the people he came to associate with - 'people just like myself' - when living in hostels following liberation as his frequent short-term sentences consistently resulted in homelessness. While the internalisation of difference was unique to individuals, the resultant feeling of being different was certainly present. Most notably, participants used comparative techniques to present self-understandings of being othered, or just made to feel different:

**Nicole:** *I do have some qualifications but I don't have the kind that a normal person would have.*

Participants deployed techniques of negotiating perceived difference in various ways depending on their perceived, and internalised, status within the social sphere of prison. Just over half of the participants spent the majority or entire duration of their present or most recent sentence segregated from mainstream prisoners as a result of their vulnerable status or as a form of protection, although a further three participants lived in separate units based on their security classification (all of whom were medium category) and another two for their type of sentence (both serving long-term sentences within a prison which caters for all sentence types). Since prison is constituted as a total institution (Goffman, 1961) insofar as it is a single place of work, residence, learning and 'play' under a single authority, removed and closed from the rest of liberal society, the social characteristic of the encompassing carceral

setting is that of a shrunken, limited realm of interactions. For those 18 segregated and separated participants, the limited shrunken social world was imposed with further boundaries to potential interpersonal interaction. However, this boundary also provided a safe haven for some segregated individuals insofar as the pressure to assimilate with dominant prisoner culture was alleviated. It also granted protection in being among others with equally blemished characteristics (Goffman, 1963) through the assumption of sameness without having to take lengths to pass or conceal difference:

**Ashley:** *But I still don't understand who I am, I feel like- -I feel like I'm in the wrong body sometimes, I feel like I'm on the wrong planet sometimes, I do feel like an alien sometimes. I feel like I'm just totally out of place so when I come across somebody what's just as out of place as me but not in the same way, I'm like, 'yes! I've found an equal... of sorts.'*

Ashley negotiated feeling different through the symbolic relationships she held with others-in-like within the separated, shrunken social setting. In being able to neutralise difference in this way, she deployed what limited agency she had available in order to maintain a sense of self by depicting hooks of sameness with peers. This strongly supports Rowe's (2016) ethnographic work depicting the 'tactical' approaches that women took to counter some of the pains or constraints of imprisonment. However the prison environment imposed restrictions upon how, or to what extent, participants could mask or conceal their impairment; notwithstanding, being segregated and placed within a vulnerable unit predicates an assumption that the individual, too, is vulnerable. Such was the case with Grant, who explained that it was uncommon to disclose such information to other prisoners and that he could only suspect his cellmate within the segregated unit to have a similar impairment because they both struggled to fill in request forms. Some of the men who lived among the mainstream population ratified this behaviour, explaining that they chose to conceal these facts about themselves because: a) it was difficult to talk about; b) it was important to be seen as self-reliant; or, c) the information would spread like wildfire. Whereas Karen explained that her strategy to conceal her impairments was simple:

**Karen:** *I just try to copy other people really because I've got this mental health, I try to watch what they're doing and then I decide I'll do that an' all.*

For many participants like Karen, the choice to conceal a hidden impairment was a pragmatic one relating to surviving prison, particularly for those who were deeply concerned with adhering to dominant prisoner culture (see Crewe, 2007). Some participants actively resisted the vulnerable label imposed upon them in response to their impairments and, in turn, restricted their full participation within social settings:

**Chloe:** *She just put me in the motor, I says, 'gonnae put the handcuffs on me?' – 'Oh, we don't really want tae handcuff you.' I said, 'gonnae put them on me?' That's crazy, innit?*

**Caitlin:** *Was that because you didn't want to be treated any differently?*

**Chloe:** *Aye.*

**Caitlin:** *Did you just want to be same-*

**Chloe:** *-I, I want tae be the same as everybody else, you know?*

**Caitlin:** *So if she didn't put the handcuffs on you, you would of felt that she was being different with you?*

**Chloe:** *Aye.*

In confronting the institutional responses to physical and cognitive impairments Chloe demonstrates the omnipresence of stigma, and internalises this difference; by exclaiming that she wanted '*to be the same as everybody else*', she acknowledges that she was not, at that point, treated the same as everybody else. Being treated differently is a form of direct psycho-emotional disablism as the interpersonal social 'barriers to doing' undermine the disabled person's self-esteem and, in turn, disrupts their sense of self through inherent 'barriers to being' (Thomas, 1999; Reeve, 2012, 2014). These barriers reinforce negative cultural predilections toward prejudice of the Other, and lead to internalised oppression as the disabled individual comes to regard themselves as Other (Reeve, 2014). Hence, the imagined stigma 'outside' impacts upon the internal sense of self; in Chloe's case, above, the social barriers inherent in being treated differently by the police bring to the fore that she is different and she internalises these sentiments of being 'out of place' (Kitchin, 1998).

Internalised difference also externally impacted self-understanding in terms of stigma related to conviction. While participants expressed feeling different with regards to this form of stigma regarding having conviction(s), stigma regarding the types of offences attributed to the conviction were dominant. Participants serving short-term sentences – regardless of sentencing history - were principally concerned about their recently ‘spoiled identity’ (Goffman, 1963) adversely affecting work and education opportunities; negating social housing worthiness; and, in shaming themselves, their family and friends in their social interactions with others. This latter sub-theme was especially strong with those who had been convicted of fire-raising in how they believed people would react to crime category:

**Martin:** *...the court I go tae it's an open court, so it's like people from the public come in 'n sit or people that are comin' with their lawyers are standin' at the side, and they hear what you're up fur 'n the first thing they're probably thinkin' is, 'fire-raisin'! Ya bad bugger!' You know?*

Like Martin, the stigma corresponding with this particular offence category left another participant feeling that his prior conviction for fire-raising nullified him of worthiness for police protection, and another as undeserving of public housing. In each of these cases, individuals render themselves underserving of full citizenship beyond conviction and internalise this Othering as warranting of self-authoring through a negative lens of social positioning: being a ‘bad bugger’. Of course, non-disabled people convicted of the same offence may face the same stigmatising processes of social castration but they are not held with the same intersecting regard of stereotype and prejudice due, in part, to the self-fulfilling prophecy of forensic research epitomising the ‘over-representation’ of people with learning disabilities carrying out predominantly sex-related or fire-raising offences (see *inter alia*: Lindsay 2005; Clare *et al.*, 1992). Feelings of difference were internalised by participants in the intersection of offence type and disability status, with the social character of stigma embodying the imagined reaction by dominant social groups; thus, a fracturing of self-understanding occurred as participants began to anticipate rejection from such

dominant social groups, internalised the process of being differentiated, and created new social identities based upon this expected social castigation.

## 7.2.2 Stigma management

As discussed in chapters 2 and 3, Goffman (1963) outlined that stigma is best understood not as an attribute but rather as residing in social relationships and responses of others. Participants in this study were faced with a potential double stigmatisation: firstly found within the relationship between themselves and the prison institution as prisoners; secondly in relationships with their peers, wider society, and with themselves as disabled people. The section to follow is concerned with participants' dual stigma management techniques as prisoners with learning disabilities, and although participants experienced stigma uniquely this was a strong theme among the data. Themes have been organised below in two strands: reactive and proactive information management techniques. The pre-existing relationships individuals have to their stigmatising characteristics, and their wider social connotations, determined their acceptance of their social situation (Goffman, 1963: 19); participants varied in accepting their social situation and accordingly determined their characteristics as less or more stigmatised in response to this acceptance.

### *Reactive strategies*

Participants invoked reactive information control strategies regarding their perceived stigma in a number of ways, two of which will be discussed below: some concealed and/or avoided the source(s) of their perceived stigma, while others selectively disclosed their perceived stigma. These techniques convey further information about their relationship to wider discourses regarding the characteristic they perceive as stigmatised. This ranged in response to: the negative cultural perception of having a learning disability in general; the exclusive reality having a learning disability within a custodial environment; or to being in, or having been in, custody.

The flexible interview technique (see chapter 4) gave complete ownership to participants to disclose information as, when and if they deemed it appropriate: one participant on remand did not fully disclose what he was accused of; two people did not discuss the nature of their convicted offences while being recorded on tape; and four people would not discuss their learning disabilities while being recorded. Giving people the choice to disclose or not disclose was a key research decision, however this effort was frequently thwarted by prison officers or support staff who revealed the information outside of interviews. While this contributes further to the undermining of people with learning disabilities and their ability to account for themselves, it is also revelatory of the devaluation model of incarceration. For some participants, their impairment and its effects were off the cards for discussion and I respected this decision. However, while this marked absence of information may be analysed in a multitude of ways, it can be discerned that those participants relied on avoidance tactics in their daily lives. The stigma of having a learning disability was, for some, exclusive to the intimate, private inner realm of self-authoring. Julie, for example, was assessed for learning disability during her first custodial sentence:

**Julie:** *Obviously they woulda thought that there wasnae really, like, on that side anythin' wrong but I dunno, I 'hink they just thought that I needed it [an assessment], so...*

Julie's rejection of impairment was associated with the medical model of disability and the limiting biological explanation of something being 'wrong' with her, with the impairment being viewed as a problem inherent within her. By denying the need for the assessment, Julie reveals that her pre-existing conceptualisation of self had not incorporated a stigmatic impairment and was unprepared for this biological (cognitive) change in self; this demonstrates the value of using critical realism's 'laminated' model of exploring social reality at different levels (as demonstrated in Table 1, and in chapters 2 and 9). The denial of impairment, then, pivots between Julie's prior self-conceptualisation and culturally-informed understanding of learning disability as a 'blemished characteristic' or 'spoiled identity' (Goffman, 1963; Shakespeare, 1994). Some people compared themselves before and after their formal diagnosis, for example Ashley was diagnosed on the Autistic Spectrum during the

court proceedings of her first conviction and felt frustrated by the amount of change she was going through as a young adult:

*Ashley: It's a condition I would never put on my worst enemy, I'll tell you that, and I think 'cause I'm, 'cause I was [young], I think if I got my diagnosis as a child I would love it. I'd learn to accept it but 'cause I was [young], I was on remand, or pre-trial stage or whatever it's posh name is, emm, my age, my life experiences were against me.*

Ashley's claim that had she been diagnosed with Autism as a child she would accept her condition revealed her turmoil in constitution of self largely emerged from her prior knowledge of both prison and Autism of which she only had experience from film and television, and which were confounded by stereotypical and stigmatising cultural depictions. Building upon Hevey's (1991) claim that disabled people are 'dustbins' for the disavowal through non-disabled people's fear of human frailty, Shakespeare (1994) demonstrates that the cultural representations of disabled people reflect non-disabled people's fear of vulnerability. In Ashley's case, informed by cultural representations of impairment – and in the same breath, criminalisation and imprisonment - which project negative or lamentable aspects to the (culturally-created) Other; it is no surprise, then, that her reconfiguration of self upon receiving her diagnosis and conviction was shrouded with confusion and frustration. Stigma was not unique to identity formation based upon impairment; it was also inherent as participants discussed disability.

Participants had less opportunity to completely conceal or avoid their incarceration, however some selectively managed to hide this from certain people: Lee had not told his mother he was in prison, but did not mind his siblings or friends knowing, and Robbie did not care who knew he was in prison so long as his children never found out. This selectivity spoke to the shame Lee and Robbie attached to their incarceration, whereas Brian was more selective about disclosing his learning disability as he was concerned about the reactions of others:

**Brian:** *I feel embarrassed tellin' people 'cause a lot of people- -My girlfriend and my mum knows, not a lot of other people know, like when I was workin' people didn't know.*

**Caitlin:** *Is that something that you've always felt or was it when you came out of care?*

**Brian:** *It's just always felt like 'at 'cause it's hard for me tae tell people stuff like 'at. I just don't like daein' it.*

**Caitlin:** *It's a hard thing to talk about. Are you worried that people will look at you differently?*

**Brian:** *Or act different tae me.*

**Caitlin:** *Okay.*

**Brian:** *Probably, probably some people wouldn't 'n 'en you've got other people that probably would 'n then you're stuck in the middle.*

This was a significant exchange between Brian and myself as he only broached the subject at the very end of our second interview; i.e. the third time we met each other where we had already spent 2 recorded hours, and a further unrecorded hour, together. This was not unique as Paul elected to discuss his own learning disability at the end of our final interview, and others similarly withheld discussion until later in the interview process. This suggested that some participants preferred to get to know me before discussing such personal matters. Yet, Drew and Charlie both suggested I consult their 'history' or 'records' with regard to their learning disability, suggesting that their personal matters were routinely made public, and often without their knowledge or consent.

### ***Proactive strategies***

While participants who used reactive information management strategies about their perceived stigma were attempting to neutralise an existing narrative regarding their learning disability and/or incarceration, those who were more proactive with information about those discreditable characteristics sought to own the narrative (Siegel *et al.*, 1998; Le Bel, 2008). One such strategy saw some participants pre-

emptively introduce their learning disability diagnosis very early in interviews, and as such took charge of the timing of such disclosure and dictated which language they wished to use in reference:

**Nicole:** *I've never been tae mainstream school before because of my mental health and my learning disability.*

**Karen:** *Then I went onto secondary in Y but they found out that I was havin' difficulties and they pushed me back there again so I did the rest of my school at the adolescent unit.*

**Drew:** *I couldny speak right when I first went in [the children's home] 'n, eh, I 'hink I had a severe learning disability at the time.*

**Lee:** *I wasn't supposed to go to a mainstream school, eh, but I've got something called Cat's Eye Syndrome [...].*

**Leanne:** *When I was in primary school it was a ordinary school and then when I got tae primary 7 that's when they told me I had learnin' difficulties 'n 'en I went intae first year at a special needs school.*

Pre-emptive disclosure of learning disabilities provided the scope for participants to gain control over their own narratives; to acknowledge this, I mirrored the language they introduced. For example, some participants – like Drew and Karen - preferred to use the term 'learning difficulty' (see discussion in chapter 1) while Nicole and Lee preferred to use medical terminology – Foetal Alcohol Syndrome and Cat's Eye Syndrome - to notate specific impairments; whenever this topic emerged I used their preferred terminology. By owning the narrative, participants gave the impression that they had come to terms with their diagnoses while reducing feelings of being stigmatised; Nicole used possessive pronoun 'my' to refer to her learning disability and mental illness and reclaimed ownership of her impairment from the medical, public and governable realm. By pro-offering the information, participants protected

themselves from third-party exposure, which was a very common occurrence as I noted during fieldwork:

*Officers have been really open about individuals' histories, offending pathways, health needs, and prison personalities. I've overheard and been included in many discussions about prisoners' needs, of their crimes, of a recently returned escapee, and discussions about keeping prisoners apart. Officers commenced many of these discussions with me while I waited between interviews.*

*I have been 'warned' about almost all of my participants on their aggressive behaviour (towards staff and prisoners), suicidal tendencies, and grievances with others. Also warned about their 'touchy feely nature' and being prepared to use PPT [Personal Protection Training] when necessary.*

**Fieldwork diary excerpt, 17/06/2014**

Some participants attempted to pre-emptively disclose their offence by detailing the circumstances in an attempt to mitigate, neutralise or humanise their conviction or convicted status. This was especially true of the participants who were serving longer sentences, and particularly those serving life sentences; Paul, Charlie and Ashley – all sentenced to life or an Order of Lifelong Restriction – each set out the circumstances of the incident that led to their conviction at length and in detail. Charlie used proactive information management strategies to mitigate the negative stigma associated with the charge of murder and with being a life-sentenced prisoner, and distanced himself from the incident:

**Charlie:** *Basically, aye 'cause it wis a gang hingmy 'cause we wur aw' in 'eh hoose at the time, man, 'n all sorts a' fights broke oot 'n 'at, man, 'n then that happened. The stabbin' happened, man, then the guy died.*

Similarly, two young male participants who were convicted of domestic violence charges spoke reductively about their offences in an attempt to neutralise the stigma associated. I noted in my fieldwork diary that gender performance and expectations might have influenced both Grant and Craig in their respective decisions to downplay

the violent elements of their domestic charges as I represented the victim role as a young woman. Likewise, Alec – who was on remand at the time of interviews - took advantage of the opportunity not to discuss the details of the accusations against him during the interviews and simply referred to them as *'just as another domestic'* [charge] and when asked about his case progression, he explained, *'court? I'm sick of listening to court!'* Alec's on-going court case was extremely high-profile and the details of which were later revealed extensively through the media where he was blasted as a 'beast', 'multiple rapist', and 'monster.' However, despite the lack of control he had over this, Alec had used pre-emptive measures to mitigate the negative stigma by taking ownership of the flow of discreditable information during our interviews.

It became clear that participants were used to having their experiences and identities undermined, exposed and used against them. Some people used interviews as an opportunity to inoculate themselves from anticipated negative stigma and consequentially prejudicial treatment by concealing, or avoiding discussion, about their 'blemished' characteristic, while others mitigated negative stigma by taking ownerships of the narrative. Use of these reactive and proactive stigma management techniques rely heavily on participants' pre-existing relationships with themselves, their peers and wider society with regard to how much they accept their perceived stigmata.

### **7.2.3 Forging further hierarchies of difference: *'You realise you're an alter boy when ye see half ae' them!'***

For many participants, the materialist process of categorising, demarcating and differentiating was so ingrained in the co-construction of self, as considered in the previous section, that they applied the same criteria in much the same fashion in their own self-making within given social contexts. This process of comparison as a means of reifying the sense of self emerged from the research as a fairly strong theme across the board. While some participants' self-narratives were so deeply rooted in a

negative self-perception that drawing any interpersonal comparison revealed low self-esteem, others actively utilised this as a source of self-building. In acknowledging extant social or cultural hierarchies, participants became active agents in forging further hierarchies of difference to depict that there was always another Other inhabiting a 'less than' situation to their own. Hierarchies of difference were deployed with regard to drug use:

**Alec:** *That woman! Drivin' me nuts! Aye, she's on drugs 'n I don't take drugs – it's a lot of a difference – I'm on drink 'n she's on drugs, it don't work.*

To stereotypical disablement:

**Drew:** *Noo there's a lot of people in the prison 'ats got learnin' difficul- - They're even sendin' people that's blind, that's got nae legs, eh, on wheelchairs, eh, intae prison 'n 'ats no' right! Know what I mean? Because they've shut aw' they hospitals doon 'n 'en, eh, before they shut them doon you had respites, know what I mean? Tae gie your family a break – closed aw' them doon as well!*

To support need:

**Karen:** *He's generally a not well person, worse than me, I would say he was definitely worse- -I don't want to talk about him.*

To crime category:

**Martin:** *I'll be honest, aye, ye get a lot of time tae think in here, you're right. As I was sayin', I'm naw in here for murderin' somebody thankfully, umm, I'm naw in here for other crimes. It's a serious crime I've done and, touch wood, it'll never happen again, but unfortunately it did happen, it was out of my control...*

To other prisoners:

**Tony:** *You realise you're an alter boy when you see half ae' them, know? Eh, then you get tae know them 'n then before ye know it, I'm leavin' X-city 'n goin' up tae Y-city or goin' tae Z-city wae people I met in there; expandin' ma empire kinda thing [laughs].*

Or, to immoral drug dealers:

**Grant:** *...I got offered [a bad batch of ecstasy] so I did, he wis giein' me, what wis it? A thousand fur £200, a thousand a' they eccies fur £200, I mean ye sell them a tenner a piece, yer fuckin' rollin' in it! I was like 'at, 'for 'at price? Nah thanks, there's suhin no right wae them, man. They're either shite or they're fuckin' dodgy. No thanks, I don't want them.' ... Nae chance I widnae like that on ma conscience, no chance...*

Each of these narratives depict the speaker utilising their sense of agency to self-identify and resist symbolic inscriptions of deviance (Lemert 1951; Becker, 1963); these techniques, bound with tropes of difference, forge further hierarchy in order to evade the lowest perceived social rung within a given field of reference. In recreating discourses based upon distinction and difference, participants again demonstrated how deeply they internalised the forms and processes of social exclusion in both formal practices, through structural categorisation, identification and demarcation, as well as informal structures of stigmatisation and marginalisation. By discursively embodying the practice of demarcating to evade social disenfranchisement by 'blemished characteristics', participants invoke that 'capacity to achieve desired and intended outcomes' inherent within the will of agency (Goffman, 1963; Giddens, 1984: 15). In fact, forging hierarchies ran deeper particularly for Simon, who had so frequently served many short-term custodial sentences that his became a 'life by instalments' (Armstrong and Weaver, 2013), for whom the hierarchy of power relations within segregated units for vulnerable prisoners were, in fact, a source of mobilising social positioning:

**Simon:** *I've been giein' them bits a' tobacco 'n the officers are like 'at, 'gie 'em nuhin!' 'N I'm like, 'it's ma tobacco! I'll gie 'em it if 'a want!' 'N I says, 'it's oor association, so if 'a want tae gie them ma roll up, 'a can gie them a roll up.' 'N they're goin', 'gie them nuhin.' They wid rather somebody sat wae nuhin 'n 'a find that... 'A find that hard. [...] 'Am too kind.*

**Caitlin:** *Do they want something back or do they give you something back?*

**Simon:** *Naw, but 'a suppose if when they did huv some 'hin, 'a could say, 'aw, 'a wis good tae you? Remember 'at?'*

While expressing his dislike of prison officers interfering with daily social interactions with other prisoners, Simon explored themes around reciprocity within prisoner culture and revealed his investment approach: that one day he might be in need of tobacco, like many other prisoners who were not as financially secure as he, so in giving tobacco to those in need, he secured repayment at a later date. In any case, defying officers' informal orders, or suggestions, in the public domain affirms Simon's self-positioning as a con and distinguishes his social positioning among his peer group as more 'prisonised' (Clemmer, 1940). Thus, social hierarchies underpinning dominant prisoner culture – even in segregated units for those considered vulnerable - oversaw webs of reciprocity (Mauss, 1954) where highly 'prisonised' individuals can make use of material goods with potential exchangeable value as a means of accruing capital to ultimately mobilise their social situation; this is also explained through Goffman's (1961) secondary adjustments to prison life. The equal but opposite force which binds power and agency in this way is that of the powerless and domination; Inden (1990) explains that beyond agency and the capacity to act purposively in the social world, social actors are also the recipients of actions expelled by others' agency. However the fallacy of labelling remains intact: there will always be a 'less than' social situation to be filled, and by processes of categorisation and demarcation which occur formally and interpersonally as social agents act unto others and themselves in light of these processes, there will also always be an actor marginalised enough to fill that situation. Social structures as well as the purposive actions of social actors create, re-create and reify 'less than' citizenship in and through the symbolic relationships they bear with one another, the institutions within which they find themselves, and, ultimately, with themselves.

### 7.3 Conclusion

This chapter aimed to explore participants' feelings about themselves in response to their acceptance and understanding of their incarceration experiences. 'Difference' emerged as a key theme in the data and harnessed the power to disenfranchise, mobilise, isolate, or demonise, participants, even among, or rather apart from, the already ghettoised and stigmatised prison community. The chapter began by looking at participants' degrees of socialisation while incarcerated, and discovered that this had to be considered both separately and together in terms of official socialisation within the institution as well as informal socialisation with peers. Both forms of socialisation affected participants' self-conceptions, and occasionally inflated the other: for example, those who were less 'prisonised' were less aware of the repercussions of being 'pally' with prison officers and so were informally socially castigated. More formal institutional alignment socially curtailed the virtual identities (Goffman, 1963) of prisoners with learning disabilities as they came to rely on formal institutional activities and engagement in lieu of informal social engagement with peers, or contact with their home worlds. However, this chapter has demonstrated that Goffman's (1961) deprivation approach to official socialisation within 'total institutions' falls short in its inherent assumption that people have and play meaningful social roles in their home worlds before entering custody. The men and women in this study who were more formally engaged had found such roles while in prison for the first time in their lives; prison provided the space for them to master something, feel valued and capable, and become valued social actors playing meaningful social roles. In a similar sense, prison also provided scope to 'meet new people' for a highly marginalised group who are likely to be liberated to their home worlds with a social network one fifth the size of a non-learning disabled person with conviction; that is, comprised of 7 people (Murphy, forthcoming). Participants discussed the ways in which social interactions, including consensual intimate relationships, in prison normalised the experience in a way which allowed them to carve out human connections which were otherwise unavailable to them.

The latter section of this chapter was dedicated to themes around feeling different and managing difference. While some people took steps to mitigate the outward displays of difference, others embraced unique identifying markers or re-appropriated normative forms of discursive othering in order to present themselves as less different, or less contaminated (Goffman, 1963). Frequently, participants reported the negative experience of feeling different and revealed the residual impact this had on their psycho-emotional wellbeing. However, the perceived negative stigma arose in different ways and this was tightly bound with their overarching identity work: for example, those who were convicted for the first time and were also diagnosed with a learning disability experienced higher levels of internal turmoil as they adjusted their own cultural predilections toward disability and prison more generally. This section highlighted how participants aligned the extrinsic nature of being seen as different and the intrinsic reality of accepting this and managing it.

The next chapter considers themes that emerged from the data around responding to and resisting vulnerability, and the conditions that lead to participants' feelings of dependency and institutionalisation.

## 8. Agency and institutionalisation: an oxymoron?

Building on discussion in the previous chapter surrounding identity work, feeling different and managing perceived stigma, this chapter looks at the ways participants discussed their feelings about becoming vulnerable as a result of being incarcerated and their reactions to feeling overpowered, undermined and dehumanised by the prison and its actors. It became apparent that processes which curtailed participants and rendered them dependent upon the supports and care systems inherent within the prison system were also those which caused disenfranchisement, frustration, and aggravation among participants. It was through discussions about being categorised as vulnerable, incapable, and dependent which evoked participants' reflections on their resistance and subversion to these processes of managing 'others'. Being seen as vulnerable was, for some, a welcome relief as they were finally able to receive the appropriate care and support which was often unavailable to them in their home worlds. Whereas, others rejected the label and refuted the associated claims and symbols in favour of a more agentic, self-empowered view of themselves as independent of standardised penal management of vulnerability. The key theme which emerged here was 'latent agency'; participants discussed their acceptance of the label just as openly as others discussed their rejection of its socio-cultural implications, particularly among the prison community. It was often the case that participants' dependency was enforced over a period of time, and shaped, or curtailed, their psycho-emotional wellbeing particularly their virtual selves returning to the imagined home world (Thomas, 2007; Goffman, 1961).

The first section of this chapter begins by looking at participants' views about being made 'vulnerable' while in custody. This was absolutely central in understanding how people with learning disabilities make sense of and adapt to carceral punishment given that almost all participants had, at some point or another, been deemed vulnerable enough to be segregated from the mainstream population. Participants grappled with understanding the various reasons for having been being deemed vulnerable, which received the same institutional response of segregation and/or observation, and shaped not only their prison experiences but also their sense of self.

The removal of the power to disclose information about one's self adversely affected some participants, and informed the concept around agency as latent: it does exist even in highly disciplinary environments, but was only invoked when participants felt powerless or institutional oppressed in the most extreme ways and resulted in participants' sense of self being under attack. The second section of this chapter moves on to look at how, and under which conditions, participants did exert their agency. This sense of agency ranged as some people discussed the strategies involved in surviving prison (Cohen and Taylor, 1972) to being confronted with inter-personal institutional violence (McDermott and King, 1988) which corroded participants' ontological stability, which the last chapter discussed and found to be a precarious and affective process. Finally, the section concludes with a discussion of participants' resistant and subversive techniques that served to inoculate them from, protest against, or reject the structural reach of institutionalisation. Again, these ranged from small everyday acts of rebellion, such as refusing to eat prison food or sleep at the designated times, to larger and more extrinsically significant acts such as self-harm and suicide attempts. It became clear that the processes that were in place to offer blanket protection to anyone deemed at risk, vulnerable, and dependent while in custody were the same drivers which led to participants' structural resistance, but also toward their self-empowerment to be proven otherwise.

## **8.1 The penal management of vulnerability**

This section will consider and explore participants' understanding of being classified as vulnerable while in prison and the ways in which they internalised this exclusive demarcation. Thematically, this was particularly important as many participants reported depending upon the structures and supports available to them while inside, as discussed in the latter half of the following section. While participants grappled with being labelled vulnerable, the internalisation of the concept became problematic among this research cohort as people began to classify themselves as dependent upon the prison, its regimes and routines.

### 8.1.1 Internalisation of prescriptive vulnerability: *‘They just treat you as if you’re a normal prisoner.’*

It was impossible to ignore that vulnerability would become a dominant theme within the research as many interviews and non-recorded exchanges took place within segregated units designed for prisoners with additional support needs. This section will unpack themes depicting participants’ views on their vulnerability in prison. It does this by considering three ways in which participants discussed being categorised, segregated and treated as vulnerable prisoners: a) as a one-size-fits-all prescription of status; b) in communicating a lack of capacity and dependency; and, c) as a binary construct. The section draws on Fineman’s (2008) theory of vulnerability which is understood as a constant and universal condition, experienced potentially by all members of society at any point of their lives. The internalisation of vulnerability became most visible among participants when this label was applied to them and they were segregated further from the mainstream prison population; this form of removal for protection from one’s self or others is the focus of the section to follow.

In the first instance, participants expressed their experience of being categorised and treated as a vulnerable prisoner as a prescriptive, structured, process to which they were subjected. This was an important research finding because just over two-thirds of the participants spent at least part of their most recent custodial sentence segregated from the mainstream prisoner population, and almost all participants had at some stage in their cumulative custodial experiences, also been segregated as a result of being deemed ‘vulnerable’. To be clear, this analysis has deliberately omitted incidences of segregation for punitive purposes. There were various reasons for segregating the participants by way of: Safe Cells for those at risk of self-harming or attempting suicide; separate vulnerable prisoners’ units largely reserved for those with learning disabilities, mental illness, or experiencing trauma or withdrawal/detox; protection for those whose offence category, debts, or enemies would warrant targeted attacks from other prisoners; and, the adapted cell – widely known as ‘the disabled cell’ - for prisoners with physical impairments. Although classification as a vulnerable prisoner occurred in different ways, and beckoned different responses, the process of

being labelled and segregated from the mainstream was occasionally experienced as a further punishment:

**Caitlin:** *How long have you been on protection?*

**Lee:** *Eh, for 4 weeks, know what I mean? I want tae get oot! I want tae leave 'cause I was daein' education. It's annoying me, can't get education.*

**Drew:** *I was in debt of over £100 in debt 'n I didn't have the money tae pay it so I went on protection, so that money went – pfft – tae nothin' 'cause, eh, if you're no' there you canny pay, know what I mean? So I was on protection, I was on protection tae the day I got out.*

**Chris:** *I canny go tae education or anythin' like 'at, naw. I wis 'roon in [the other] section here but I ended up gettin' intae a fight 'n they've put me 'roon there because I only had a few weeks left, so they put me roon there 'cause I only had a few weeks left.*

Each of these participants were removed from the mainstream and placed in segregation for their own protection for having enemies or debts to other prisoners, however they felt that this was a tricky decision to make as once they agreed to be placed on protection, they anticipated staying there for the remainder of their sentence. This, as Lee and Chris pointed out, meant that they could not join a prison work party or attend education<sup>10</sup>. For some people, being deemed and treated as a vulnerable prisoner resulted in further disadvantage. This is supported by Fineman's (2008) argument that those who require additional support are often seen as exceptional, and disadvantaged due to this deviation. However, allocating people into vulnerable units generates a seemingly homogenous population of vulnerable people, and problematises the institutional response to individual need:

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<sup>10</sup> This was a local decision between this specific prison and the partner education provider; this is not the case across all prisons in Scotland as alternative education provision arrangements are made specifically for (offence-based and non-offence-based) protection prisoners and/or 'vulnerable' unit residents on landings, in units, or at within education centres at specific times to avoid mainstream prisoners.

**Martin:** *The way I see it, I'm just the same as [everyone else] but there's a side a' me just now... Like, at the weekend I've just had there, I had a bad weekend... It's just one o' they weekends ye have, you know? But no one understands that. They just treat you as if you're a normal prisoner, I canny go tae anybody because they don't know how tae help me or anythin' like that.*

**Ashley:** *I'm learning that I have to kinda put myself out there because someone with my condition just wants to run oot the room and escape and hide and bury themselves under a duvet 6 feet under but I can't dae that in here, I can't escape, I can't be a typical Autistic person in the jail. I've got to be something else.*

Martin and Ashley both explain that despite being treated differently in prison as a result of their respective learning disabilities, neither felt that they were seen or understood as individuals with unique needs. The over-inclusive nature of labelling, segregating and treating people differently risks obscuring those factors that can and do differentiate people (Fineman, 2008). The two accounts above point toward a valid concern about ontological security of people with learning disabilities while in custody, and demonstrates further their occupation of the margins of an already marginalised society (see also chapter 5).

In the second instance, being labelled a vulnerable prisoner served to communicate participants' positioning within the prison population more generally; one participant referred to those living within a segregated unit for vulnerable people as the 'Care Bears.' Fineman (2008) also highlighted that by asserting that a group has differences from the general population obscures the similarities, and can even warrant assumptions that those who are not labelled vulnerable are invulnerable. Karen discursively grappled with the concept and her removal from the mainstream population and what this communicated about herself:

**Caitlin:** *Have you got anyone you can talk to in here about getting some support set up for when you get out?*

**Karen:** *I know I look vulnerable but I'm not as vulnerable as what I look. See once I get oot? I start fightin', I do, I really start. I'm not that vulnerable that I*

*canny fight my battles 'n say what I- -I think it's just the medication issue, I haveny been well for a couple of days you know. [...] Oh, see I'm poorly, right? Wae being in prison, so you need help with certain situations.*

Karen actively contested the presumptions that underpin my first question and highlighted the power discrepancy between us as well as the routinisation of being presumed 'vulnerable' due to her social situation within the 'vulnerable unit', and more specifically within the 'disabled cell.' This attested to the inescapable nature of being assessed, categorised, governed, and controlled by those with the power to prescribe such fixed and affective labels throughout her life, within the institution, and beyond (see further discussion in chapter 9).

In another sense, it became clear that some participants' self-conceptions did not match with the generically prescribed 'vulnerable' status:

**Drew:** *Noo there's a lot of people in the prison 'ats got learnin' difficul- - They're even sendin' people that's blind, that's got nae legs, eh, on wheelchairs, eh, intae prison 'n 'ats no' right!*

Prior to this exchange, Drew had been contemplating why he had preferred hospital orders over custodial sentences, and largely felt that this was to do with being bullied in prison, however became frustrated at the practice of deinstitutionalisation and what this means for the people he considers 'vulnerable'. Above, Drew expressed discontent at the trans-carceration of people with visible impairments or recognisable support needs who face clear disabling barriers: those were the people he viewed as 'vulnerable', in spite of his lifelong experiences within locked hospital units and diagnosis of having a 'severe learning disability' as just one element of his multiple and complex needs. Moreover, Drew referred to the victims of his offences as 'vulnerable' given that they were much older and frailer than he. In adopting a comparative approach to the notion of vulnerability, Drew's experience demonstrates that the concept itself may be found dominantly within the interactional domain; his understanding of vulnerability was, of course, based upon his wider life experiences yet his interaction with other people, structures and institutions coloured and shaped

his understanding of the concept. Some participants confronted what their vulnerability label meant by looking towards their peers and, in turn, relied on Cooley's (1902) looking glass self for explanation. Paul, for example, recognised that as he was categorised as vulnerable, that meant that everyone else was; he found this beneficial as he was finally able to discuss the historic abuse he suffered privately, safely, with people who had similar experiences. Others, like Simon, felt out of place (Kitchin, 1998):

**Caitlin:** *How do you feel in your hall just now?*

**Simon:** *That's a quite safe hall.*

**Caitlin:** *Do you feel safe in there?*

**Simon:** *Aye. A lot a' loonies but, a lot a' loonies; guys that are that doped up wae medicine 'n, eh, they were walkin' about 'n [their] eyes are poppin' oot their heid, man! Some ae' them, they don't, they don't even recognise ye.*

Simon, and his neighbours Grant, Robbie and Martin, all discussed the same 'loonies' and, although they distanced themselves from contamination (Goffman, 1961), revealed the nuances of the vulnerable label by expressing their anxiety when around people on psychotropic medication. This prescribed and deterministic label, which often is preceded by a one-size-fits-all ticket to segregated living arrangements for duration of the individual's custodial sentence, as discussed above, presents a fracturing between how the individual identifies themselves and how the institution categorises and manages them. Robbie acknowledged that he needed to be removed from the mainstream as he was not coping well, but still distanced himself from symbolic connotations:

**Caitlin:** *Were you in [the vulnerable prisoner unit] before?*

**Robbie:** *Nah, I was just over in the main halls. I think because of the medication that they were puttin' me on at the time, that was making me more, kind of, withdrawn towards people, emm, I wasny comfy in big groups. [...] Then I seen the psychiatrist or psychologist – or one of the two. [...] And they said about goin' tae [the vulnerable prisoner unit] to just sort myself out, so*

*I'll do that, I'm not gonnae stay there long 'cause it's... Gonnae get my life sorted out.*

Despite the inflexibility of being cycled back into the mainstream population, Robbie wanted to highlight the time-limitedness of his time in the vulnerable prisoner's unit, and depicted the disjuncture between his prescribed vulnerable status and self-conceptualisation. However, Robbie explained later that he preferred to be away from the main population as it was more relaxed. The interaction between Robbie and the institution is predicated by a clear imbalance of power: namely, that is, the power to categorise, segregate, and even imprint upon one's self-understanding (discussed further in chapter 9). Here, the power to identify lies dominantly with the institution through the inscription of a perceivably passing label of vulnerability, which becomes particularly difficult to shift for those already under the medicalised gaze (see Cohen, 1979). Thus, in spite of the very real need to provide appropriate care and treatment to those who inhabit a realm which does not fit with the penal environment, the danger in being cast as vulnerable is in the highly communicative element of defining someone in a way that they themselves do not choose to be defined. The unequal power relations between the individual and institution permit the potential inference of 'vulnerability' as permanence in the very process of denying, or depriving, the enactment of agency to self-identify within the institution, but with a lasting effect beyond. This operates in a similar way to sexual orientation being 'outed' by anyone other than the individual; the personal, private self becomes public knowledge over which the outed individual's agency had been altogether removed (Cass 1979; Goffman, 1961: 37). Thus, in being segregated further within an already segregated community, the institutional power to identify and impose identification acutely materialises (the inherent) vulnerability within those subject to such forms of exclusion that are based on institutional responses to context-specific behaviour or pre-determined, deterministic, labels. No participants reported having any consultation over their placement within segregated living units for prisoners considered vulnerable, however one participant explained that she did not expect to ever be permitted access to the mainstream prison population because of her impairments and related support needs. Moreover, although institutional treatment of people deemed vulnerable enough to be segregated from the mainstream population is

in place to protect those prisoners from other people or from themselves, it was often understood as punishment.

### 8.1.2 Back door institutionalisation: *'I know this is a prison but I look at it as a big child's home.'*

Throughout the interviews, participants overlapped anecdotes regarding their experiences of police custody suites, court holding cells, prison cells, secure accommodations and forensic units. This was particularly important on those instances when they were so inter-related that it became difficult to discern one from the other. Through these discussions, three sub-themes emerged around 'familiarity', 'dependency' and 'belonging' as participants demonstrated the multi-directional institutional reach which they faced with highly disciplinary custodial living arrangements. As discussed in chapter 6, seventeen participants spent (part or all of) their childhood as looked after children who lived in, or between a combination of, children's homes, (welfare- and offence-based) secure care and residential schools, or foster care and adoptive services. Moreover, one older participant lived in a locked hospital unit between the ages of 3 – 25. Thus, more than two thirds of the research cohort was familiar with closed carceral spaces to various degrees. This was especially so among participants who had traversed the care systems which spanned their hitherto life-course, and transitioned 'out of care, into custody' (Carlen, 1987) or followed the 'school to prison pipeline' (Arcus, 2012):

**Craig:** *I've, well, since gettin' in proper jail, I've been – 'cause I done a long sentence tae start off wae – I've ended up institutionalised 'n I canny even function oot there, man, I'm just heavy co-dependent noo.*

Craig considered himself as 'institutionalised' and 'dependent' in response to his journey through diversionary schemes for young people at risk of offending, young offenders' institutes and ultimately graduating into the adult prison system, which he marks as 'proper jail'. By labelling himself as a result of the process of deep institutional embeddedness, Craig overtly corresponds with Clemmer's (1940)

concept of 'prisonisation' wherein he identifies more strongly with the customs and mores inherent in prison than outside. He also seeks to inoculate himself from external labelling by proffering this situated self-understanding. Similarly, Nicole drew on her biographical history to explain how she makes sense of being in prison:

**Nicole:** *It is hard because obviously I see- -I know this is a prison but I look at it as a big child's home tae me, do you know what I mean? Because there's hunnors a' lassies, there's hunnors a' staff – I don't see them as screws or prison officers, I just see them as staff, do you know what I mean? They're there tae help with somethin', do you know what I mean?*

By reflecting on her lifelong institutionally embedded socialisation, Nicole revealed her knowledge of and familiarity with the penal field. In order to make sense of her punitive incarceration and the organisation of prison, she drew from her experiences within other locked institutions – the children's homes – to then cast officers and other prisoners into roles of contextual relevance: staff and girls. Her trans-carceral experience became an important frame of reference through which she internalised social positions; ultimately, Nicole rigidly saw herself in the role of incarcerated. Others revealed a similar disposition by drawing heavily on prison argot (Sykes, 1958) to refer to their peers as the 'boys' or 'lassies', prison officers as 'screws' or 'staff' and their cells as their 'room' or 'peter.' The recognisable symbolic markers of the structured prison regime may have been present in previous closed, or low security, institutional living arrangements for participants, and presented hooks for making sense of incarceration. This meant that the two participants who seemed to struggle most with understanding carceral punishment, prison arrangements, and curtailed liberty, were able to discern familiar aspects from previous forms of institutional living. Moreover, while Sue and Jane did not fully comprehend their incarceration, nor the reasons for this, they were able to depend upon the prison regime for its reliable structure.

Familiarity with the carceral institution also pointed towards themes around dependency upon the mechanisms of support and stability that prison offered. A felt sense of marginalisation or feeling 'out of place' within wider social domains

emerged for many people; this was radically reduced within prison settings. Those participants often spoke of the structuring effect of imprisonment, particularly through the implementation of a strict routine:

**Craig:** *I find life really hard on the outside, really hard. I've never been to the gym but yet in here I go every chance I get and I would love to go to the gym out there but there's nobody coming to my door and saying, 'do you want PT [physical training]?' Know what I mean? I don't even eat, well, I do eat obviously but I don't eat meals. I don't have a routine for eating 'cause there's nobody opening my door and saying, 'go and get your lunch.' I crave that because I've had it from a young age...*

By frequently serving short-term custodial sentences, Craig continually fluctuated between having complete autonomy and responsibility over himself to having none; he failed to keep up with the demands of this alteration and, in the extract above, described experiencing a form of social inertia (Durkheim, 1895). As a result, he embodied the sense of being constantly 'betwixt and between' (Baldry, 2011). Craig's gradual dependency on the prison routines was echoed by others, as also discussed in chapter 7, who agreed that having a regular eating, sleeping and exercise routine while incarcerated positively affected their wellbeing in a way which would never be achieved outside due to instable and chaotic housing and relationships, as well as alcohol and drug misuse. Dependency upon the institution also emerged within the interviews as participants described feeling more safe in prison than they did in their home worlds. Compliance with the highly structured prison regime offered a way to stabilise participants' lives, and reduced some of the risks that they faced in their home worlds. John, for example, stated that he was only able to manage his mental ill health while in custody because he was deprived of the factors that hindered his routes to wellbeing:

**John:** *But 'a feel good when 'a come tae jail 'cause 'en 'a'm aff the drink. 'A'm aff the drink 'n 'a feel better... 'n 'a'm healthier instead of ootside drinkin' every day 'n no' eatin', 'n ma mental health just gettin' worse...*

As a result of dependency on, and familiarity with, the manageability of the reliable prison regime as discussed in chapter 7, liberation anxiety often made participants feel forced to demonstrate capability in the normative expectations associated with full liberal citizenship (see Murphy, forthcoming; Watson, 2003) since many were continually or periodically in receipt of some form of care, support or governance within the community (see chapter 6). Participants were, in general, extremely anxious about release and specifically about: presenting as homeless or having precarious living arrangements; being excluded from employment or study opportunities; arranging and attending various appointments within the first week of liberation; adhering to (inaccessible) licence conditions; falling back into lives complicated by drug or alcohol misuse; returning to an abusive or toxic domestic situation; and, simply managing their daily lives.

**Martin:** *I'll maybe go back tae college, but I need tae get myself mentally ready. I need tae get my house sorted, I need tae know where I'm livin'; it's awright gettin' this and that sorted but at the end of the day, I need a roof over my head [laughs] and clothes. I lost everythin' so I'll need to get sorted out.*

**Julie:** *It felt weird when I came oot but! 'Cause I'm like 'at, "whit dae 'a dae noo?"*

**Karen:** *Well I'm goin' back to [X-area], I've got a sister-in-law there that'll put me up then after that I got to go and find my own accommodation [laughs] I'll be awright. I've never had to dae this for a long time, but I had tae dae it years ago when I left him. It's terrible.*

Prison came to represent stability in the face of the complexity of the unknown, abstract, potential of life outside. Through the focus on 'soft' power (Crewe, 2014a), participants honed in on the pastoral elements of their incarceration that, for many, lead to a sense of physical safety and ontological security within the prison's walls. As such, some people came to depend on this as perhaps the only form of something resembling care and support that they had experienced in their lives; the reveals

significant insights into normative socio-culture practices and idealisations of ‘learning disability’ within the wider community.

The manageability of the familiarised social sphere inside the prison’s walls confounded by the feeling of being excluded, or unwelcome, outside became, for many people, a compelling factor toward a sense of ‘belonging’ more in prison than elsewhere. Almost all participants in the study conveyed a felt sense of socio-cultural marginalisation or feeling ‘out of place’ (Kitchin, 1998) within wider social domains; this was radically reduced within institutional settings. Through the insulation of the prison social sphere, as discussed in chapter 8, participants’ entire lives revolved around just one physical field of action and they interacted with just one institution, with markedly less social actors than they would in the community. Some people reported feeling safer within prison than without, referring to the sense of physical security as well as ontological security, as described above. Drew, for example, explained that while he was bullied in prison, this paled in comparison to the degrading, painful and hidden experience of physical torture, financial and psycho-emotional abuse he had endured while living with a relative in the community; he specifically noted that newer prisons with heightened security and preventative measures such as CCTV helped him feel more at ease. Paul also explained that while he had felt afraid and threatened by ‘window warriors’<sup>11</sup>, he had also found peace within himself while inside:

**Paul:** [...] *Actually, I would say that I’ve enjoyed my time in jail.*

**Caitlin:** *Have you?*

**Paul:** *Yeah, because it’s given me the chance to breathe.*

While Paul ‘enjoyed’ his time inside, Craig and Robbie both felt like they ‘needed’ it:

**Craig:** *That was it, simple: I needed the jail. I, I knew what to expect from it and I knew it was gonna help me and I knew that I don’t think there was*

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<sup>11</sup> ‘Window warrior’ is a term given to people who shout obscenities and threats out their windows under the blanket of anonymity, but supposedly would not dare do so in person.

*anything else that could of [sic] helped me at the stage I was at in my life, because, eh, if I never got the jail when I did I dunno where I would be... Really, I don't, man, I don't know if I'd be dead or, or if I'd of [sic] done something a lot worse or I really don't know. You get too used to being here.*

**Robbie:** *Sometimes people wonder why I keep comin' in jail 'n that but sometimes I need tae... Because if you start getting that far downhill outside, you're either gonnae end up in serious trouble or you're gonnae end up dead or somethin'. So you come into prison to sort your head out.*

Chloe took this further still by asking her lawyer for a custodial sentence, and thanked the sheriff for this:

**Caitlin:** *Okay, so you get on alright with [your lawyer]?*

**Chloe:** *Aye, he's good aye. I just tell him when I go tae court I want the jail.*

**Caitlin:** *Really? [Chloe nods] Have you been given other options before?*

**Chloe:** *Aye, probation 'n aw' 'at but... I didny like it, I breached it 'en 'at was me back in again.*

[...]

**Caitlin:** *Did your lawyer talk to you and let you know what was happening?*

**Chloe:** *Aye, and he'll try, he'll try 'n get me oot 'n I'll say, 'look I don't want oot, I just want another sentence.' I thanked the judge 'n everythin', I'm a pure crack pot. I dae, I go up and ask for the jail... Crazy, innit?*

Chloe discussed her limited reach of her resources in the face of the inevitability of technical non-compliance with community-based alternatives to custody, and instead used her limited agency under such challenging conditions, to negotiate her safety, wellbeing and stability for a sustained and definite period of time. The 'shrunkened' social world of prison was familiarised, internalised and deemed more manageable than the vastness of their precarious home worlds; while this is far more complicated than simply stating that the outside/inside are bad/good in such binary terms, many participants felt that they had more unobstructed access to care in prison than in the community. When the pains of liberty can outweigh the pains of confinement for

some, and the latter serves as a route to access care or support, those participants facing multiple disadvantage and victimisation have been drawn into the justice system as a precursor to receive the supports they came to rely on, and even thrive on, while in custody.

## 8.2 Agency and Resistance

While the previous section explored participants' understanding and internalisation of vulnerability and its penal management, this section turns to consider themes of 'agency' and 'resistance'. In appreciating human agency as the ability to act in the social, objective or imagined world, it is worth considering that, those living within total institutions, as well as those segregated further therein, are able to maintain a sense of agency (Inden, 1990). As discussed in chapter 4, this allows a thesis that states that agency is inextricably bound with power (Giddens, 1984), as 'human agency may be frail, especially among those with little power, but it happens daily and mundanely' (Holland *et al.*, 1998: 5). Notably, this section will not discuss 'resilience', in its conceptual form as something 'provided' 'in the face of vulnerability' (Fineman, 2008: 13), but rather considers the repenting, resistant and subversive actions which those in virtually powerless positions draw upon as a last resort and only retort. The first section begins by proposing that agency may, in fact, be best understood as latent among this population and explores participants' realisations of their sense of agency. The section concludes by discussing participants' enactment of agency as a response to perceiving a threat to their sense of power over themselves through resistant and subversive activities, as well as the routes that this opened toward feelings of self-empowerment.

### 8.2.1 Latent agency: '*I've learned to gulp when they're not looking.*'

Participants used various methods to obtain or maintain a sense of agency within such a prescriptive structure, and this often derived from seeking to neutralise or avoid

oppressive interactions with other prisoners, prison officers and staff, or the structure of the regime itself. However, the latter half of this chapter will address themes depicting resistance, subversion and self-empowerment, the section to follow focuses on smaller acts which affirmed participants' ability to act under challenging, oppressive and disabling conditions. The section thematically considers participants' reactions to the total institutional power held over their everyday prison lives as well as the on-going virtual/actual identity project which guided participants' respective sense of self. Within the research, it was in the daily difficulty, and continually shifting at the micro and macro levels, where participants asserted a degree of power over their decisions, their actions, and themselves. The section to follow deconstructs the theme of agency through three main sub-themes: firstly, the section begins by exploring participants' accumulation of cultural capital while in prison; second, it looks at deliberate alterations in actions and importantly those instances where enacting agency feels impossible; finally, reflexively considering the functionality of the research interviews as a source of agency assertion.

Firstly, participants often used comparative tools to situate their sense of agency and some marked this by referring to their local cultural capital as prisoners. When Grant, for example, served his first custodial sentence in one notorious prison, he felt it was essential that his peers knew he had served sentence in other prisons; others like Tony and Robbie drew on their custodial experiences south of the border to convey their capital. It was clear that for many in this cohort, successful adaptation to prison life improved when one knew how to be a prisoner and how the prison operated. Some participants knew what to expect from prison, and how to survive specific jails, through intergenerational, or inter-familial, incarceration. Chris' older brother advised him not to 'mooth aff' [mouth off/be cheeky] with other prisoners; Grant was advised to keep his head down and do his sentence quietly; and Lee had recently found out that his biological father had committed suicide in the same prison he was serving time in. Others were not so (un)fortunate to have any advice prior to their first or early sentences; Ashley and Liam's expectations about prison were entirely based on popular cultural representations of the carceral environment, and cited media dramatisations of prison life such as *Prisoner Cell Block H*, *the Shawshank Redemption*, and *Porridge*. Mostly, participants obtained prison-specific cultural

capital through experience, yet some appeared boastful when they listed the ‘many pages’ of prior charges they had accrued over the years, pointed towards their own governance of being sufficiently prisonised for survival. Some of those more ‘prisonised’ (Clemmer, 1940) and predominantly male participants explained that in order to avoid targeted victimisation stemming from prejudice, it was sometimes necessary to ‘*take a doin*’’, as a means to accrue said capital. Tony, for example, explained this meant fighting and being defeated in the short-term, yet being socially accepted in the longer term for being seen to stand up for himself. In one sense, then, ‘taking a doing’ became a survival technique:

**Tony:** *Aye, I’ve seen people gettin’ bullied, know? They take their tobacco off ‘em ‘n ‘an, know? People are just prone tae bullyin’ for no reason ‘cause they’re weaker than them. You always get that... It’s just a case a’ feelin’ the water tae feel how far they can go wae ye, you know? I’ve had many a doin’!* [laughs] *You’ve got tae stick up for yourself, even if you take the doin’ ‘cause it hurts you in the long run if you let them bully you. I’ve been bullied years ago ‘n it hurts even more just lettin’ them do it than it does standin’ up for yourself; once you stand up for yourself they just leave you alone ‘n pick on someone else that will just take it. But it’s hard, know?*

This was simply not the case among the female participants, and so it seems that this particular enactment of agency was gendered among this specific research cohort. Despite that many participants experienced serious forms of prejudice and targeted violence and other forms of abuse while in custody (as discussed in chapter 7), a small minority used this to their advantage to assert themselves as strong or capable. Uglevik (2014) found that as prisoners are denied the opportunities to assert their agency and individuality, they adapt to demonstrate this in alternate and unexpected ways; he recalled being tested by prisoners through weightlifting. However, Uglevik explained the power of prison culture can be a struggle for newcomers (2014: 476); those serving their first custodial sentences were most aware of accruing the necessary cultural capital to fully adapt to prison life due to the clear distinction from life outside. For first-timers, however, the disjuncture between having no cultural capital represented an impossible situation:

**Martin:** *I'm findin' it hard in here, people don't understand me in here, you know what I mean? It's like, well I'll go speak tae the off- -Tae the guy that's in charge 'n tell him how I'm feelin' but I'm gettin' told that's the sign of weakness if you go tae the officers 'n tell them you're naw copin'.*

Similarly, Ashley discussed how she first realised that physical risks were extremely different and highlighted that blood, vomit, and urine all pose significantly higher risks inside than outside. She also reported that the rules of engagement in prison differed, yet felt that being on the Autistic Spectrum made learning this more difficult:

**Ashley:** *But the thing is fear in here can be misread, so I've always learned to gulp when they're not looking [laughs] because if they think you're scared, they'll feed in on that. People will misread and think I've done somethin' wrong, I'm not happy, I've got an issue with someone or I'm not happy with someone in the room and people misread signals, sort of thing.*

Likewise, she felt her impairment and difficulty reading people or social interactions disadvantaged her further with regards to understanding informal prison mores (Ugelvik, 2014); she felt further at risk of victimisation as a result of the culture, and her perceived social distance. Agency, therefore, was more accessible to those with previous custodial experiences, and seemed even more distant to those without.

In the second sense, some participants felt backed into a corner and forced to enact their agency as a protective mechanism, however this was not always possible. Over the course of the interviews, Chloe had shared that she was being bullied due to her physical and intellectual impairments and that this occurred most frequently on her way to work: when the route was being moved, the women would pass her on the stairs and make comments that others could not hear. Concurrently, she updated me on her progress of quitting smoking, however only explained in our final interview that one officer, whom she felt looked out for her, had advised her to quit smoking and move to the non-smoking unit so that she could avoid her bullies and move about

the estate in peace. Similarly, John made light of having little choice or opportunity to assert his own decisions while inside:

**John:** *'A'm naw gonnae eat Cornflakes either [laughs] or Rice Krispies 'cause that's what you always get fur yer breakfast.*

Whereas, some participants discussed feeling overpowered by police, court, or prison officers and felt forced to respond in extra-normative ways. Karen explained that she was always arrested in public places for shoplifting but she found this extremely embarrassing as she was trying to 'act like the other women' and go shopping for clothes; she cried and would have to actively calm herself down to make sure the officers would take her to the police station rather than 'get carted' to a forensic institution. Simon, however, claimed that he was specifically targeted by officers and felt unable to assert any form of agency to protect himself:

**Simon:** *'A wis blamed fur an attempt murder on a polis. [...] Three days they kept me in the polis station 'n for three days they just kicked lumps oot me, man, then they sent me up tae the court 'n they gave me a remand. 'A wis black 'n blue, man, o'er ma legs 'n intae ma knees 'n whackin' me wae their truncheons 'n aw' 'at, daein' vile 'hings tae us.*

At least five other participants also stated that they had been physically, and sexually on one occasion, overpowered and victimised by officers while in some form of punitive custodial arrangement and felt unable to defend themselves. One of whom reported that prison officers have called her 'weird', 'freak', 'oddball' and 'strange', and some had even watched on without intervening when she was attacked by other prisoners. Comparably, Grant shared his cellmate's experience of verbal degradation by prison officers:

**Grant:** *It's mental torture sometimes. I mean, there's ma co-pilot, he went 'n kicked a chair at an officer because he went doon for meds, he asked for medication - the boy's got schizophrenia or suhin, he must have, there's suhin no' right way him anyway - 'n, eh, he went doon tae ask him aboot it 'n they*

*says, 'go back tae yer cell 'n talk tae yerself about it, we canny dae anythin', go back tae yer cell 'n discuss it wae yerself.' 'N he's like, emm, he got pissed off, obviously. So they're basically laughin' at him 'en he's went 'n kicked a chair 'n hit the desk or somethin' like that 'n he's got put on report fur it- -Got restrained 'n put on report fur it.*

Whether these reports are speculative or untrue is beside the point, it became a common thread across the research sample and revealed the total power of the institution and its actors. Moreover, the depth of such perceivably oppressive technocracy resulted not only in participants' barriers to doing, but their barriers to being (Thomas, 2007; Reeve, 2014). It is in this sense that the prejudicial treatment of impairment perpetuates disablism through barriers to being as well as doing, and in considering the interactions between the institution and individual it becomes clear that this is a symbolic product of an inherent power imbalance between people with learning disabilities and the social world which fails to acknowledge their variation.

Finally, it was an underlying prerogative of the research to ensure that participants' views were heard, using their own language, conceptualisations and perceptions. In recognising impairment as individual human variation rather than deviance or difference (Garland-Thomson, 2011) and considering incarceration without further judgement, the research approach was designed from the outset to take an appreciative position to empathically accept each individual's situation as was, guide the interview approach by 'best of what is' and to sensitively move beyond 'problem-mode' interviewing where possible (Liebling, 1999). I neither asked participants directly about the incident which resulted in their incarceration nor their impairment or related disablism, but rather granted them space and time to explore these if they wished; people were surprisingly open about such personal matters. Similarly, by investing time in the respective research relationships and making use of a multiple interview technique, bookended by warm-up and cool-down sessions when possible, the research approach permitted an appreciative and supportive environment for people to share their views. The conversational nature of the interviews allowed participants to demonstrate that they were active social agents. This was realised as participants took ownership of their involvement in the interaction by evading certain questions or

topics, correcting the interviewer and seeing themselves as experts of their lived experiences. It was extremely important to acknowledge people's decisions to take part in the research as their own choice, and equally important to respect decisions to remain silent, opt out on 'bad days', or discontinue interviews altogether; the on-going consent process facilitated this effectively.

Some people shared that they had simply never been asked their views before; Paul, for example, was extremely grateful at the end of the interview exchange and thanked me 'for asking' and Martin shared that his family felt that he became more confident through taking part in the interviews. Select participants were more comfortable than others with a 'talking' environment and demonstrated this by proffering uninterrupted narratives of detail and anecdote. Most often, being receptive to individuals' unique styles of communication in and of itself allowed people to demonstrate their agency:

**Karen:** *I like to go for a walk, things like that.*

**Caitlin:** *Just getting outside?*

**Karen:** *Yeah. Spasms, oh, God I've got them.*

**Caitlin:** *You've got spasms, is that just at nighttime?*

**Karen:** *Emm you can get them any time in the day, really.*

**Caitlin:** *Oh right, so that helps you not have them if you go for a walk?*

**Karen:** *Yeah, that's right. Exercise is really good, good, look at the kind of day. What is it about today?*

In this exchange, Karen did not follow a conventional line of dialogue when she introduced her 'spasms', however having spent time with her and being able to appreciate her individual communication style, I knew to give her the space to speak at her leisure; this resulted in her revealing more detail to the opening statement – why she likes going for walks in prison – and, ultimately, using her agency to permit me to ask more questions. Some participants made it clear when we approached a topic which was not up for discussion by either redirecting the conversation, telling me they did not wish to speak about it, or by remaining silent. Each of these actions represented agency in action. Thus, some people with learning disabilities within

restrictive settings, who are often categorised and treated as generic ‘vulnerable’ people may solicit a form of latent agency to assert themselves when given the space, time and appreciation to do so.

### 8.2.2 Resistance and subversion: *‘I’ll dae it myself!’*

There were two key themes within the data that uncovered how participants made use of their agency in order to dissipate prescribed notions of vulnerability or oppression within prison, these were: resistance to and subversion from prison structures; and discovery of self-empowerment in spite of the imposed restrictions inherent therein. Firstly, as participants shared anecdotes depicting their disadvantage resulting from the oppressive nature of the penal structure, a picture emerged from those who resisted this and sought to deliberately subvert this. Often this was futile, however the enactment of agency maintained participants’ sense of humanity and dignity. Participants’ subversive activities ranged in severity from tiny daily acts of resistance, such as refusal of food or sleep habits, to extreme forms of rebellion, such as self-harm, suicide attempts or taking prison officers hostage. These active expressions of agency must be considered alongside those experiences of perceived powerlessness. For example, like almost every other member of the cohort, Lee had spent time in the safe cell on suicide watch after he had been ‘stuck in’ by another prisoner for self-harming. Lee’s sense of betrayal at someone reporting this behaviour to an officer derived from the loss of control over his own body. Writing about risk seeking behaviour, Batchelor (2007) spoke to young women and girls in prison in Scotland and found that they chose to self-harm, take drugs or engage in violent behaviour as a means to avoid more profound feelings of powerlessness, numbness, trauma or distress. Similarly, Lyng’s (2004) development of the concept ‘edgework’ is useful here in that the choice to take risks, such as with self-harming, allows the risk-taker to explore the ‘edges’ of cultural boundaries. For Lee, having this sense of autonomy removed inspired the idea that he was subject to additional punishment:

**Lee:** *They kept comin' tae my door 'n I says tae them, 'yous better stay away fae my door, yous are windin' me up,' eh, they're like 'at, 'yeah, you need tae get the shorts 'n 'at on.' I was like 'at, 'naw!' I wisny puttin' them on.*

**Caitlin:** *Did you have clothes?*

**Lee:** *No they, they gie ye...*

**Caitlin:** *You got the karate suit<sup>12</sup>?*

**Lee:** *Aye, aye, they gave you that, aye and shorts and t-shirt but it's like, it's like, I don't know, it was weird. I was like no chance, I'm naw wearin' them! Aye, so I just sat wae a pillow, man. Just sat on the toilet, know what I mean? But there's nae even a toilet door, they take the toilet door aff ye.*

As Lee's already limited control over himself was removed further as a result of being reported to officers, the unwanted surveillance and scrutiny he experienced while in the safe cell invoked his resistance to compliance. Sitting on the toilet, which was peripheral to the cell door window, and refusing to wear the prescribed clothing were Lee's only forms of resistance short of hunger striking or dirty protesting (see for example Jimmy Boyle's prison diaries, 1977, 1985). While his commitment to the safe cell was an institutional reaction to protect Lee from himself, his understanding of this as punitive compelled him to react in such a way as to maintain what little agency he still had; this alluded to his feelings of degradation and dehumanisation. Other participants discussed the activation of agency as a means to resist the totalising effect of imprisonment. In a similar way, Alec, Brian, and Liam all stated that they never ate prison food, and relied exclusively on purchasing snacks, bread, and cereal through the prison canteen and that they hardly slept, or at least certainly not during the times that they were expected to. The latter is particularly interesting in terms of Goffman's (1959) dramaturgical account of front- and backstage of the public/private sphere split; by refusing to go to sleep when the lights go out in the evening, these participants were elongating and savouring their time within the private sphere, backstage. Many participants relayed that privacy was near impossible in certain prisons, particularly the old Victorian-style prisons where shared cells and shower blocks are standard. In any case, by subverting the imposed regimes, the men

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<sup>12</sup> A one-size-fits-all outfit made of anti-ligature material.

were attempting to maintain control over their private lives and choices; agency may have been restricted, but some participants found ways of maintaining a sense of it in resisting the totalising element of externally imposed structures over their physical reality, psycho-emotional wellbeing (Thomas, 2007), or virtual selves (Goffman, 1963).

Subsequently, participants revealed that there were conditions within the penal structure that compelled, encouraged or enforced self-empowerment. Most often, this was a result of work party allocation, as discussed in chapter 8, often to an area with which they had never been acquainted before, and uncovered unknown skillsets. For some, these revelatory skills complemented behaviours they had previously recognised as inhibiting or negative; for example, associated with Paul's Autistic Spectrum Condition was his diagnosis of Obsessive Compulsive Disorder which, he felt, had always held him back. He was employed within the Industrial Cleaners work party and felt empowered to channel his energy and compulsion in a balanced way. Meanwhile, for others like Chloe, the work party presented the opportunity not only to demonstrate 'sameness', but also to express demarcation from others through mastery:

**Chloe:** *I dae, I dae try 'n dae stuff that other people can dae. Like this mornin' I, I mopped all the floor [in the laundry], like there's somebody supposed tae dae one end 'n another person supposed tae dae another 'n I just says, "ah, fuck it, I'll dae it myself!" 'N I done it myself.*

The pride Chloe expressed in demonstrating that she can not only do 'the stuff that other people can', but that she can do it better than them. Tony also demonstrated mastery through his work party placement in the prison barbershop, despite that his previous – and limited – prison work experience was in painting and decorating; he was given a Mars Bar from his first client. However, his real sense of self-empowerment within this position derived from the shift in power when the 'beasts'<sup>13</sup> came to the barbers and laughed as he recalled giving them squint haircuts, and stated:

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<sup>13</sup> In prison culture, 'beasts' are typically considered those segregated from the mainstream as a result of their crimes being either violent or sexual assault against women or children.

*'that's oor punishment for them'*. By comparing to a group deeply 'othered' by prison culture, and clearly distinguishing himself as separate from membership within this undesirable group, Tony used his agency to neutralise the potential of his own social exclusion; the social categorisation among prisoners which is inherent in the culture may be used as a means to delineate the impact of 'othering'. In this sense, both Chloe and Tony used their agency to assert that they preferred, in fact, to be considered as individuals who were not only capable, but in fact oftentimes more than capable of looking after themselves and in achieving social success.

### 8.3 Conclusion

Frineman's (2008) vulnerability theory (discussed above and in chapter 5) calls for a substantive equality approach in order for fairer treatment throughout; Craig substantiated this eloquently by discussing his own fluctuating levels of vulnerability where he felt he needed a top-up of care and support from time to time, and he knew that prison could provide this:

**Craig:** *See people that would come in and be in the position and they would sit 'n tell you that the jail does nothin' tae help ye 'n nothin' tae support you when you get out? They're full a' shite because there's loads a people... There's people that have helped me since I've been a YO [Young Offender] that, maybe they don't help me anymore 'n it's doon tae somebody else noo, but they helped me along the way. The way I like tae think aboot it, 'n I know this sounds really daft, but see if I ever wrote a book or made a CD or finally done somethin' creative, which is whit I've always wanted tae dae? I would thank them in it because they did help me 'n they, eh, believed in me 'n it feels like ye need tae come tae prison for somebody tae believe in ye. I don't get that oot there.*

Craig believed that there was more support within prison than without, and he was grateful for this. However, help and support ought never be perceived as conditional that the recipient must be incarcerated in order to receive this. Even in spite of facing

conditions of adversity, unknowingness and brutal harassment both interpersonally and at the hands of an oppressive structure, hope and human flourishing will persist. While segregation from the mainstream is intended to protect ‘vulnerable’ prisoners, the process of categorising and demarcating contributes towards exclusion and, in turn, further dependency upon the structure itself. It may be that all prisoners are equal in their punishment, yet some prisoners are more equal than others. As such, cognitively impaired prisoners are structurally marginalised, disadvantaged and rendered liminal within the carceral sphere, and are subject to intensified ‘pains of confinement’ (Sykes, 1958) more acutely, in many instances of their daily lives, than non-disabled prisoners.

Restrictions on the things people with learning disabilities can do within prison convey strong cultural messages about who they feel they can be, or become; this becomes more complex, yet more dangerous, as ‘soft’ power in prison permits the purpose of incarceration to be understood as more pastoral than punitive. The insular social carceral domain becomes familiarised, internalised, and more manageable than the home world; while this is far more complicated than simply stating that the outside/inside is bad/good, many participants revealed that more routes to care were available through those normative ‘pains of confinement’ (Sykes 1958). Just as the Howard League (2015) presented findings to argue that women who face multiple disadvantage and victimisation should not be criminalised as a means to receive support, so too must prison not be a precursor for people with learning disabilities to receive support, nor to generate hope, re-establish holistic wellbeing or improve their wider opportunities. The continued institutional management of people with learning disabilities perpetuate the socio-spatial positioning of this group at the margins of society, devaluing cognitive diversity and complicating disadvantage further by instilling a sense of dependency on institutional contact.

## 9. Discussion and Conclusions

This study set out to explore how people with learning disabilities make sense of and experience imprisonment. The study aimed to examine how people with learning disabilities felt about their incarceration by exploring how they discursively accounted for and situated it within their wider lives, while also considering the key challenges they faced while in prison. It was a key tenet of this study to draw together two distinct fields of study (prison sociology and learning disability studies) that do not normally speak to one another given that I demonstrated in chapters 2 and 3 that there is a significant gap in knowledge from both fields regarding people with learning disabilities' prison experiences, or justice pathways more generally. I designed the research in such a way that would build upon the wealth of empirical knowledge from both fields of study in order to find the most appropriate way in which to engage inclusively with people with learning disability, to do so within a challenging environment of the prison, and through which to discuss potentially sensitive and distressing subject matter. I found that using a range of methodological tools (set out in chapter 4) gave me the most effective means to achieve this. By speaking directly to people with learning disabilities while they served their custodial sentences, or very shortly after being liberated in the case of the four community-based participants, I have included the previously unheard voices of a marginalised population to wider criminological debates about the experience of incarceration. Furthermore, with this account being theoretically, conceptually, and empirically informed by both prison sociology and learning disability studies literature, these narratives about offending and imprisonment can also inform wider disability studies debates about deviance, crime, and criminal justice. The findings revealed that some people with learning disabilities experience some painful elements of imprisonment in the same way that the wider prison population do, but more importantly the research has indicated the specific ways in which people with learning disabilities experience the pains of confinement more acutely, or more severely and with much further lasting effect, than their neurotypical counterparts (see chapter 3, and below).

It became clear during fieldwork that the participants felt that there was a lack of community-based support to lead a 'normal' life or to successfully complete alternatives to custody. The study also sought to consider how participants adjusted to the demands of prison and of being a prisoner, particularly with regard to their interpretation of how prison affected their sense of self and of self-worth. It was imperative to recognise and appreciate the research cohort as extremely heterogeneous, given that they varied in almost every aspect of their social identities and institutional identifiers. In fact, the cohort only converged unanimously at the intersection of: a) having a learning disability; b) experiencing multiple (two or more) 'complex needs'; and, c) being (or having been) in prison. While the individual combinations of 'complex needs' and their respective journeys to incarceration differ vastly across the sample, the participants were cast into very similar roles when they reached prison: disempowered and excluded. Compounded with the experience of having an impairment within an environment designed by and, largely, for non-disabled people, and despite many people felt 'safer' in prison than in the community, participants' psycho-emotional wellbeing was corroded as a result of the 'grip' of the prison (Thomas, 1999, 2007; Reeve, 2014; Crewe, 2011b, 2015).

The findings also revealed that learning disabled prisoners felt left out of, and confused by, the penal processes to which they were subject. They internalised the communicative elements of their incarceration as well as their social positioning within inherent hierarchical power relations and became dependent on the prison. While in prison, people with learning disabilities lead curtailed lives due to the inaccessibility of the socio-cultural and material environment and its risk-focussed demands; they are systematically disadvantaged resulting in their exposure as dependent or incapable. However, their lives inside were not always as curtailed as their lives outside. As the material environment of the prison fails to adapt to meet the needs of people with learning disabilities, they are deemed vulnerable and removed from the mainstream population or forced into unequal power relations with their peers due to wider hegemonic notions of 'learning disability' inherent in society.

This chapter seeks to conceptually and theoretically bridge the diverse frameworks of prison sociology and learning disability studies in order to demonstrate the importance

of the findings from this study. It starts with a summary of the data chapters before presenting the key themes that have come out of the data. The overarching theme identified throughout this research has been that of ‘power’, but three further sub-themes have emerged within this: exclusion as ‘laminated’; capacity assumptions that homogenise prisoners through ‘soft’ penal power creating psycho-emotional disablism; and, finally, agency as ‘latent.’ The chapter then moves on to reflect upon the overarching research study to identify the limitations of the study with a view toward informing future research opportunities.

## 9.1 Overview of findings

This section provides an overview of the four data chapters before discussing the key themes identified throughout the thesis in the subsequent section. The first data chapter (chapter 5) addressed the gap in existing knowledge about how people with learning disabilities find themselves in prison. It began by using a ‘complex needs’ approach to depict participants’ multiple and overlapping experiences of social disadvantage and marginalisation, spanning: health inequalities; unemployment; exclusion from mainstream education; precarious housing and homelessness; problematic substance misuse; and, previous custodial experiences. Although unique in the respective combinations of ‘complex needs’, participants depicted a deep sense of social marginalisation when discussing their liberal lives in the community. The vast majority (17) had been in care during their childhood and/or adolescence, and others still had experiences of hospitalisation due to mental ill health. Overwhelmingly, the participants had been deemed ‘at risk’ and ‘vulnerable’ at some point of their lives prior to their re-classification as ‘a risk’ to the public to warrant their punitive incarceration.

It often seemed that participants had been failed by support services in the community; many described having felt unable to fully understand court proceedings, bail conditions, and community-based sanctions. Remand and recall to custody court disposals were very highly used among the cohort through technical non-compliance with community-based sanctions, bail, or early-release conditions because participants did not understand what was being asked of them, or it had not been explained

sufficiently. As such, participants felt excluded from and let down by the processes to which they were subjected. They felt constricted by the complexities of the seemingly shifting demands held over them, and some relayed feeling ‘set up to fail’ by inaccessible justice pathways for people with learning disabilities.

The second data chapter (chapter 6) then explored how participants’ made sense of prison within the wider context of their lives. It began by exploring participants’ contradictory constructions of prison: feeling safe, while also being routinely oppressed or directly victimised; and, feeling stuck, while having respite from the chaos of life outside for self-improvement and self-care. By disentangling pre-conceived binary notions of prison as a negative and painful experience, the chapter built on the overarching findings from chapter 5, where participants discursively accounted for their liberal lives prior to prison as continuously inhabiting liminal socio-cultural, economic, and material realms. It found that participants did render prison painful, but not always as painful, chaotic, and unpredictable as life outside.

It continued by further unpacking participants’ symbolic adaptations to imprisonment and considered this through the use of a spectrum from maladaptation to structured acceptance. It found that these were not static terms of relevance, but were connected to the meanings they applied to prison at that particular point in their lives and based on their *a priori* institutional experiences. Those who adapted more successfully to the demands of prison tended to be more institutionalised, and some responded favourably to the reliability and familiarity of the regime drawn from their biographical histories from other closed institutional settings. Finally, the chapter concluded by contributing significantly to knowledge with regard to people with learning disabilities’ daily experiences of systematic discrimination, bullying and targeted victimisation while incarcerated. It highlighted the inescapable nature of these incidences due to normative expectations of compliance and order through ‘soft power’ (Crewe, 2011a).

Chapter 7 then explored participants’ feelings about themselves in response to their symbolic acceptance and understanding of their incarceration, based on findings from chapter seven. It was concerned with prison socialisation in the formal sense of

compliance and meaningful productivity, as well as the informal sense of peer association. Social interaction in prison was important to the majority of participants to generate or mimic 'normal' coping strategies to the demands of life and experience deep connection through shared cultural experience. Formal socialisation provided the means through which participants could demonstrate mastery and become valuable social actors playing meaningful social roles. Both informal social interaction and formal socialisation were absent from participants' lives in their home worlds, and presented many for the first time a way to achieve legitimate identity work.

The chapter then explored participants' feelings of being 'Othered' and considered different kinds of 'difference' to highlight that those experiences – while regarding distinct identity markers - were deeply entwined and interrelated. It found that participants invoked various ways of managing their perceived stigmatisation, exclusion, and oppression: for some, the multiple and confounding assaults on the self were so negative and damaging to their psycho-emotional wellbeing that their sense of self was unravelled; others accepted the process of labelling and forged further hierarchies of difference to survive the infractions.

The final data chapter (chapter 8) discussed themes around agency and resistance in relation to the penal management of vulnerability. It became apparent that the processes that curtailed participants and made them feel dependent upon the prison through its supports, and incapacitating effect, were the same markers that caused disenfranchisement, frustration, and aggravation. While being treated as vulnerable was a welcome relief for some participants who could finally receive care and support that was otherwise unavailable to them, others found it disempowering and oppressive.

The chapter also drew on Fineman's (2008) universal theory of vulnerability to better make sense of vulnerability as a continuum. Participants used their agency to dissipate prescribed notions of vulnerability by actively resisting or subverting prison structures: these deliberate actions ranged from small acts of defiance like refusing to eat prison food or sleep according to regime times, to larger acts of rebellion such as fighting, self-harm or suicide attempts. Participants enacted their agency when they

felt powerless; in this sense, I argued that in spite of the reach and all-encompassing nature of structure, particularly in prison environments, latent agency was accessible when participants' sense of self, survival, humanity or dignity were under threat.

## 9.2 Discussion of key themes: Power

It was clear from early on in the data analysis that power was a key theme. Participants were aware of the 'ever-presence' of power within penal institutions (Foucault, 1977), and felt constrained by the often inaccessible psychological demands of 'softer' late modern imprisonment (Crewe, 2011a). As discussed in chapter 3, penal power is diffuse and invisible (*ibid.*) and prisoners are encouraged to self-govern all aspects of themselves in accordance with institutional aspirations (Liebling, 1998) while engaging meaningfully with the punitive element of their sentence in order to progress toward their liberation. Without adequately adapted structures in place, participants felt forced to get by independently and were at risk of engaging in risky interactions with their peers or remaining incarcerated for longer. When they were treated as vulnerable, they depicted feeling constrained. Participants contrasted between the intersecting complexities in their home worlds and the insular prison regime; even though prison life was distinct challenging for people with learning disabilities, life in the community was even more painful. Participants discussed the conditions under which they used their efficacy to achieve their own ends (Jenkins, 2008), and for many this was rooted in moderating their behaviour or actions in order to remain within the penal system, as their curtailed lives in the community were so difficult to manage. Binary institutional conceptualisations of power are problematic; they represent hegemonic discourses about learning disability at the extremes (see chapter 2), and (re-)create normative expectations suited to those without learning disabilities (see chapter 6).

The theme of power emerged further through three sub-themes: exclusion as 'laminated'; the detrimental psycho-emotional impacts of capacity assumptions; and agency as 'latent'. These key themes are present throughout the data chapters and, together, depict the ways in which participants navigated those hegemonic notions of

learning disability and the ways in which this is deemed to fit, or ‘misfit’ (Garland-Thomson, 2011; see chapter 2), within formal and informal power hierarchies that characterise late modern imprisonment. Each theme is discussed below.

### 9.2.1 Laminated exclusion

Before I began fieldwork, I anticipated that the theme of ‘exclusion’ would feature prominently in participants’ wider social narratives and self-conceptualisations. It emerged very strongly across multiple thematic areas and deeply informed participants’ understanding of the social responses to their intersecting and overlapping unmet needs, as described in chapter 5. It became clear that the various cluster themes depicting participants’ feelings of exclusion were pervasive, controlling many aspects of their lives which were confounded with overlapping experiences of oppression, and multiple forms of disadvantage. All participants’ lives were largely shaped by processes of exclusion which confounded in them feeling left out, rejected or unwelcome, or a burden within various social domains; the communicative element of such extensive cumulative exclusion resulted in feelings of social incompatibility. Some participants internalised this cultural message of social exclusion so deeply that they felt entirely to blame for the lack of ‘fit’ which Garland-Thomson (2011) describes as occurring between people with impairments and ‘unsustaining’ socio-cultural and material environments (see chapter 2). When I considered these experiences through a critical realist paradigm (see chapters 2 and 4), and drew upon the notion of ‘laminated’ systems, or stratified layers, of social reality (Collier, 1989; Bhaskar and Danermark, 2006; see Table 1 and chapter 2), I realised that the participants’ experiences of exclusion were ‘laminated’ as the further excluded they became, the deeper they internalised their oppression as social disenfranchisement. This is further supported by Cohen’s (1985) discussion of the Criminal Justice System’s practices of ‘mesh thinning’ and ‘net widening’, and feeds into wider discourses of hegemonic notions of ‘normal.’ Through their ‘laminated’ experiences of exclusion, participants were continually engaged in a power struggle with the governing institutions with which they are forced to interact.

In chapter 5, I used the lens of marginalisation to depict the circuits of inclusion and exclusion (Rose, 2000) participants faced in their interactions with the systems which served to define, classify, and control their lives. I found that it was insufficient to use the lens of ‘liminality’ to consider and make sense of the social situations of people with learning disabilities and their trajectories into the Criminal Justice System (Baldry, 2010; Baldry *et al.*, 2015; see also chapter 3). In its original conception, ‘liminality’ depicts the social position of those living at the threshold of society (Turner, 1967, 1995), marking the transition between point A and point B (i.e. between childhood and adulthood, or custody and community). The concept suggests the normativity of living ‘betwixt and between’ and permits a functionalist understanding of temporary social disadvantage as a ‘social fact’ (Durkheim 1895). Rather, conceptually shifting from a ‘liminal’ to ‘marginal’ lens challenges presumptions about social exclusion being ‘normal’ while accepting that, for some, the social conditions which produce social disadvantage may not be transitory at all. This conceptual realignment also acknowledges the experience of inertia of social disadvantage, and permits further exploration of this through an anomic lens (Durkheim, 1895).

Although exclusion through practices of labelling was a dominant finding of the research, I was also interested in incidences where people had not been labelled but still experienced exclusion. For some, like Paul and Jake, the fact that their impairment had not been labelled created the conditions for their social exclusion, but they were able to reconsider those experiences retrospectively in order to reveal the extent to which systems failed them. The timing of identification was key; an example I used in chapter 7 also demonstrates the ways in which Paul, Ashley and Liam experienced existential crises as they were diagnosed with their impairment at the same time as they faced the ‘entry shock’ of first time incarceration (see Crawley, 2007; Crawley and Sparks 2005a, 2005b)

Some participants were able to conceal their impairment and effects due to its largely hidden nature; Brian shared in chapter 7 that he selectively disclosed his learning disability to people only when he felt it was absolutely necessary. Many other participants discussed their practices or desire to conceal those parts of their identities

that did not fit with normative ideals through the expectation of prejudicial treatment. This corresponds with Shakespeare's (1994) theoretical development of the damage to the self-identities of disabled people which negative cultural representations can impart; he explains that disabled people are 'dustbins for disavowal' as they represent non-disabled people's fear of human frailty. However, conceptually, this serves to challenge those wider socio-structural practices and cultural attitudes that perpetuate the 'laminated' exclusion of those who do not 'fit' (Garland-Thomson, 2011) by virtue of their 'Otherness.'

### 9.2.2 Capacity assumptions: the effects of psycho-emotional disablism

The thesis demonstrated examples of psycho-emotional disablism which can occur within prisons for people with learning disabilities in distinct ways and with potentially lasting affect. This was particularly important in considering the ways in which participants navigated the 'tight' structural and psychological demands of the 'new' pains of late modern penal technologies, as outlined in chapter 3 (Crewe, 2011b, 2015). The participants in the study were frequently subjected to normative expectations in adhering to the demands of prison life; these transpired most prominently in normative assumptions about their capacity. As discussed in chapter 2, psycho-emotional disablism refers to the ways in which negative perceptions of others can impact on the self-perception of the disabled person by limiting psycho-emotional wellbeing (Thomas, 1999: 47). Psycho-emotional disablism can corrode an individual's sense of self-worth (Reeve, 2014) and can interrupt their belief in what they can do and who they can become. Reeve (2014) explains that direct psycho-emotional disablism stems from social interactions that disabled people have with others or with themselves, and indirect psycho-emotional disablism transpires through the hurtful experience of being excluded through structural barriers; psycho-emotional oppression is referred to as 'barriers to being', and may stem from or be accompanied by socio-structurally oppressive 'barriers to doing' (Thomas, 2007). Such negative socio-cultural attitudes can oppress disabled people further when they internalise these doctrines of devaluation and disavowal (Reeve, 2004; Shakespeare, 1994).

I demonstrated in chapter 6 that participants experienced routinised forms of oppression, or ‘barriers to doing’, as they struggled to meet the normative expectations inherent in daily prison life. Participants faced ‘daily denials’ (Watson, 2003) in the form of structural barriers to their full social participation; namely, this was reported through the material barriers presented by paper-based request systems and the proliferation of complex forms. This not only reflects a wider penal discourse that homogenises the prisoner group in terms of cognitive functioning, it is also complicit in materialising hierarchies among prisoners. I evidenced this through the harmful social relationships which some participants felt forced to enter in order to avoid social ostracism for appearing ‘pally’ with officers, and impeding traditional subcultural prison values (Sykes, 1958). These structural barriers cultivated in prison in ways which they would not in participants’ home worlds: for example, in the community Drew received weekly pill boxes from his local pharmacist, in which all the medications were organised for him, whereas in prison he received his weekly dose in their original packaging; he found this difficult to manage and relied on other prisoners to help him, despite that he was often targeted for his pills which carry a high currency through illegitimate barter. Similarly, Karen found the prison canteen purchase form too complex and relied on other prisoners to manage her account; this usually cost her a Mars Bar, but she had been manipulated into spending her entire allowance on others in her unit. This was further constrained as she was unable to join a prison work party to earn financial subsidy. Sue expressed similar concerns, but comparatively had 24-hour support workers who managed her finances in the community. Through these structural oversights, the prison fails to meet the needs and basic rights of people with learning disabilities. Although this thesis did not set out to assess practice or to inform policy, it is clear that adjustments are necessary in order to address the structural oppression of people with learning disabilities within Scottish prisons; this request has been outlined previously in 2008 by the Prison Reform Trust’s *No One Knows* series (discussed in chapter 3), and again in 2014 by the Scottish Government’s *Keys to Life* strategy to improving the quality of life for people with learning disabilities.

Crewe (2011a, 2011b, 2015) explains that the ‘softening’ of late modern penal structures has increased their bureaucratisation, particularly as power is more diffuse and decentralised (Foucault, 1977; see also chapter 3). The nature of control is depicted as ‘informational’ through observation, paper trails, CCTV, and actuarial governance; Crewe (2011b: 522) argues that this shift renders prison experiences ‘tighter’ through the increased demands on prisoners’ self-governance and responsabilisation. The invisible but all-encompassing ‘grip’ of penal power, Crewe (*ibid.*, 2009, 2015) explains, is most evident in its psychological technologies of distant observation, assessment, and self-governance. I found evidence that intrusive, yet diffuse, penal power was further compounded by those normative assumptions that homogenise prisoners with full ‘capacity’; systematic structural oppression and the particular demands of bureaucratic penal technologies represented distinctly challenging prison experiences for people with learning disabilities. Therefore, participants were often further suppressed, by virtue of their impairment, by having to demonstrate their capacity on top of surviving the pains of imprisonment (outlined in chapter 3); this suggests that people with learning disabilities are especially susceptible to the ‘new’ pains of confinement.

I used the metaphor of ‘anthropomorphism’ in chapter 5 to depict the ways in which participants internalised ‘informational’ governance; institutionally informed frames of reference shaped participants’ self-authorship. Some people demonstrated secondary deviation (Lemert, 1951) as they validated their sense of self and personhood through these official documents. This was especially evident as Drew and Charlie depicted themselves with long records or histories and, therefore, difficult and troublesome; Craig considered himself a ‘menace to society’; and, Martin thought others would view him as a ‘bad bugger.’ In this way, the prison, health, and criminal justice records were imagined to hold their own form of efficacy and telling. I picked this thread up again in chapter 6 explaining the experience of subjection to ‘background reports’ representing a particularly painful element of being on remand; Karen summarised the painful experience of waiting and ‘not knowing’ effectively: ‘Background reports? Well, they’re a mystery!’ Participants often assumed I had seen their records before I met them and, in turn, revealed their disenfranchisement with regard to controlling their own narratives.

In chapter 6, I discussed the difficulties some participants had in understanding the reason for their punishment (Jane, Alec), their sentence (Sue, Drew), or their progression plan (Paul, Charlie). Being able to fully comprehend and engage with each of these aspects are presumed within late modern penal structures. Crewe's (2011b) concept of 'tightness' conveys the painful experiences of responsabilisation and self-governance (Hannah-Moffat, 1995; Garland, 1997), where prisoners feel 'stuck' in the prison web through fear of failure or technical non-compliance. For example, Drew struggled to articulate how long his sentence was, but continued to complete behavioural programmes such as one that focussed on targeting anger management and violence reduction despite never having been convicted of violence-based offences. Over long periods of time, these normative institutional practices can corrode self-understandings, displace ownership of the self, and eradicate autonomy: after having been in prison for 17 years, with multiple failed attempts at the Top End<sup>14</sup>, Charlie had displaced his sense of self-ownership, internalised his progression failures, and was resigned to incarceration as his fate. By pathologising their actions and, in turn, themselves as a result of the extrinsic structural barriers they faced, some participants experienced significant 'barriers to being' and experienced the 'tightness' of prison even more acutely.

In a notable paper, Jenkins (2008) reconsiders Goffman as an 'important theorist of power' through his committed focus on micro-level interactions which depict how power works and is exercised; how it is produced, reproduced and experienced. Jenkins (2008: 164) dutifully explores the concept of 'procedural forms', which are inherent within any given institution or social system, through Goffman's (1983) discussion of the 'interaction order' and highlights that as a site of power, procedural forms serve not to so much to be obeyed as to be observed. He elaborates that efficacy resides in those micro-level interactions in order to generate socio-cultural and material conditions of normativity, which cycle into macro-level discourses (Jenkins,

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<sup>14</sup> Prisoners serving long term or life sentences in Scotland must meet a series of progression criteria. The 'Top End' is defined in the Prison Rules (SPS, 2011) as "that part of a closed prison which the Governor has designated as a part of the prison to which there may be allocated prisoners who are considered to be given a range of privileges and who would be eligible to be considered for special escorted leave."

2008: 162). The form and function of such interactions have been observed by many participants in their recognition of the ‘grip’ within which penal power holds over them during and beyond their incarceration.

Although I contend in the subsequent thematic strand that participants also suffered from standard assumptions of their lacking capacity, it is useful to consider capacity beyond binary notions of having or lacking. Using a critical realist approach toward understanding multiple forms of discrimination and oppression can validate the need to discern different kinds of difference (Shakespeare, 2014, Watson, 2012; see also chapter 2); drawing from substantive justice, some people may need to be treated differently in order to be treated the same. Normative assumptions of capacity and related psycho-emotional disablism emerge as a result of soft penal power and render some aspects of late modern incarceration distinctly painful for people with a learning disability in ways that differ from neurotypical prisoners. I have sought to elaborate on this further by conceptually bridging together learning disability studies and prison sociology.

### 9.2.3 Agency

Agency was a strong theme throughout the research and it transpired most distinctly through participants’ resistance to external assumptions about what they can or cannot do. In chapter 8, I discussed this through the notion of latency – it seemed to emerge most clearly and strongly when participants’ sense of self, or psycho-emotional wellbeing, was at risk of profanation. Although some participants felt oppressed by normative assumptions of capacity in terms of engaging meaningfully with their punishment, sentence or progression plan, or the demands of daily life in prison – particularly within the mainstream – others felt constrained by institutional assumptions of their lacking capacity and treatment as a vulnerable person. Located within the social interaction between the individual and institution there may be a disjuncture between individuals’ projected identity and that which is institutionally prescribed; the inner world of individuals’ self-conceptions is openly questioned, their privacy profaned (Goffman, 1961), and a resolute label ascribed to them most

intensely when categorised and further segregated within an already excluded micro-society as a ‘vulnerable’ prisoner. In chapter 8, I demonstrated the frustrations participants experienced through the application of a universal vulnerability theory in terms of managing their identities and maintaining a sense of self. Some participants resented their externally prescribed vulnerability status and characterised the inscription of such a label as the fracturing of their outward identity projection as they felt, experienced, or anticipated being stigmatised as a result.

The socio-cultural and material conditions which create the ‘vulnerable’ status fragmented participants’ sense of self, to which some responded through resisting penal power: Lee refused to comply with safety measures by opting to be naked rather than wearing anti-ligature clothing when in the safe cell; and, Alec, Liam, John, and Brian ignored the regime, refused to sleep at regular times, and would not eat prison food. Whereas others refuted the character assumptions associated with the label ‘vulnerable’; Karen, Chloe, Grant, Ashley and Paul all demanded to be recognised as more than the label, and sought to demonstrate other aspects of their identity which they deemed more socially successful. Goffman’s dramaturgical approach (1956, 1961) purports that the creation of selves – that is, the undoing, changing and re-doing thereof – is bound within structured interaction rituals, wherein all social actors assume their roles and interact with one another in accordance to presupposed and set parameters. He accounted for the ‘mortification’ of the pre-prison identities (see chapter 3), wherein the prisoner is stripped of their outwardly symbolic identity markers in order to better assimilate as an ‘inmate’ without an individual identity (Goffman, 1961). While this can also be read through the ‘deprivation model’ (Sykes, 1958; see chapter 3) insofar as the process impacts upon the sense of self, it is also important to maintain Mead’s (1934; see chapter 4) depiction of the self as perpetually incomplete. In this sense participants’ resistance to their structural incapacitation, therefore, unveils their agency where power is conceived as a ‘matter of efficacy: the capacity of individuals and groups to get things done, to achieve their own ends’ (Jenkins, 2008: 159). This supports Toyoki and Brown’s (2014) methodological challenge to appreciate prisoners’ stigmatised identities as an effect of power (Goffman, 1961), through the stigmatised individual’s own perspective and discursive reasoning, and in relation to their wider social contextualisation. In spite of the layers

of exclusion, assaults on the self, and intersections of oppression faced by people with learning disabilities in custody, participants' resilience showed that the self can persist even under the challenging conditions and suspended realities constituted by the psychological demands of late modern imprisonment (Crewe, 2011b).

In chapter 8, I also demonstrated that the impact of having a vulnerability status externally prescribed while in prison as it generated cycles of dependency upon the routine and related supports. Although I discussed, in chapter 6, the ways in which participants spoke of 'needing' prison, relying on it to balance themselves or as a form of respite from the chaotic nature of their home worlds, participants rendered and treated as vulnerable seemed to depend on the structures far more acutely. Comments from Craig (chapter 6) summarised this effectively:

**Craig:** *I feel safe in here and I don't, I don't know if- Like, see all the things that are put in place tae stop ye from comin' back? They, they, they end up bein' the things that are – not the things that you come back for – but... I don't know how tae explain it...*

The creation of dependency is closely bound with the pathological approach to learning disability (see chapter 2), but is also predicated and produced by unequal power relations between the individual and institutions, as well as their social positioning within wider society. Chloe's considered and deliberate decisions to return to prison by purposively acting in the knowledge that her behaviour would warrant a custodial sentence, discussed in chapter 5, echoes the meanings Craig attaches to what prison can offer him: safety, security, and support. Very few participants received appropriate community-based support for their impairments and their related effects, therefore by having their difference acknowledged and appreciated some of those participants were finally able to receive the care and help they needed in order to better manage their daily lives. Moreover, like many other participants, Chloe's unmet and complex needs shaped the relative comparisons she made between prison and her home world; she used her limited agency to achieve her own end (Jenkins, 2008: 159) by doing a cost-benefit analysis (of sorts) to reveal that the pains of liberty she experienced far outweighed the pains of confinement. Prison sometimes succeeds at

times in supporting people with learning disabilities in managing their daily lives in ways that they cannot in their home worlds, however in so doing it fails to support them to engage meaningfully with the punishment to which they are subject. Those supports become the reason people use their agency to remain or return, as they know what to expect from prison, and when relatively compared to the harsh realities of their home worlds, as depicted in chapter 5, it may not be such a bad option for some people.

Exploring participants' prison experiences as part of their wider self-narratives cemented the notion that concepts such as 'learning disability', 'prisoner', 'vulnerable' or otherwise, were reductive of their overarching identities. These concepts were fluid and became more and less prominent at times, occasionally requiring deliberate action to protect, enact, or conceal them. Binary assumptions about capacity are short-sighted in understanding the complexities of this highly marginalised group, and further silences their experiences. Given the opportunity, people with learning disabilities have much to contribute with regards their own lives and experiences; the participants themselves noted that they had rarely, or never, been asked about their prison experiences as learning disabled people and how this fits into or shapes their wider lives and self-narratives. I do not claim to have given voice to these accounts, rather the study served to provide a platform for participants to express themselves, using their own terms of reference to discursively account for their own experiences.

### 9.3 Limitations of the study and toward future directions of research

The following section critically and reflexively evaluates the overall study. Given that this is such an under-researched area of study, this section seeks to serve as a constructive appraisal to better inform future directions of study. The main limitations have been clustered and two main strands have been identified – research design and research implementation. These will be addressed in turn, concluding with their implications for future research.

Firstly, the overall study could have been better informed through the direct participation of self-advocacy groups particularly with regard to the design and appropriateness of my interview topic guides, as well as Easy Read and/or plain language information sheets and consent forms. Particularly as a researcher without a learning disability, an independent perspective from members of self-advocacy groups could have highlighted potential issues which I otherwise could have missed. Moreover when I started the research process, I did not have any experience in formally working with people with learning disabilities, however I do have a close family member with a profound learning disability which drove my real-world understanding of the need for inclusive research. To address this at the design stage, I consulted with support workers at Cornerstone particularly when I created the Easy Read interview information and consent packs (see Appendices 3 and 5) which were distributed to all participants alongside plain language equivalents (see Appendices 2 and 4). Moreover, I had obtained ethical approval from the University to obtain verbal consent from participants where appropriate and necessary, direct consultation with self-advocacy groups during the research design stages would have given me a deeper understanding of addressing this with participants – many of whom were very well practiced in concealing their impairment effects. While for this particular study it was not appropriate to consult with external organisations given the specific ESRC Collaborative Studentship arrangements with Cornerstone, the practical support and guidance offered by experienced practitioners within the charity was invaluable. Furthermore, the acknowledgement of individual contributors from self-advocacy groups could be achieved more fully through various other forms of research.

The second limitation around the research design was the inconsistency with access arrangements within the prisons. Although ethical access was granted from SPS Headquarters, each prison has distinct local management teams. It was agreed with the SPS HQ ethics committee that I would conduct my research incrementally and be connected ahead of time with one local management contact. This approach was successful in terms of my own data management, however meant that I had to negotiate local access with all four prisons; these differed drastically as outlined in the

table below. Not only did the length of access vary from prison to prison, so too did the location of interviews.

While prison research must be flexible and researchers must adapt to the setting, the specific research locations were often problematic for engaging effectively with this cohort of participants (see table 6, chapter 4). One participant in prison D associated the doctor's room with visits to the doctor and nurse, and frequently during narrative flows returned to discuss her health concerns; another participant in prison C had only ever seen his social worker in the Links Centre interview room and was suspicious of my role; and participants in prison B made inappropriate jokes that I was their physiotherapist, mainly in reference to the massage bed set up in the same room. Perhaps most problematically, participants in prison A were all taken to the Agents' visitation waiting room at the same time and forced to wait for each others' interviews to finish, this not only 'outed' their learning disability to each other, but also caused fatigue and frustration which I was met with as soon as they were allowed to enter the interview room, which was usually reserved for interviews with their lawyers or social workers. However, while the multiple interview approach helped ease the demands of the environment, these frustrations and confusions could have been avoided had I visited the specific interview settings ahead of time and communicated earlier with my local contact. These approaches together should be taken into account in designing future research.

Finally, in terms of research implementation, there were limitations with the sampling approach and identification of people with learning disabilities. While the overall study benefitted enormously from the existing partnership agreements and access arrangements held between the SPS and Cornerstone, participation was often hindered by Cornerstone's referral and screening procedures, and in turn completely relied on *ad hoc* referrals from prison officers. As a result, I met with potential participants who did not, in fact, have a learning disability and had to be turned away from participation. One person in prison B had been referred and after I explained the research, he explained that he did not have a learning disability at all and had forged Cornerstone's screening assessment on advice from the prison priest who – he claimed – had told him which questions to get 'wrong'. He explained that he had done

so to increase his chances of getting a house upon his liberation. He was not invited to complete the study and I sent a generalised statement to Cornerstone to highlight the issue. This issue is inherently linked with one major implication for policy, discussed below, regarding the lack of a standardised approach to identify prisoners with learning disabilities not only in Scottish prisons, but throughout all stages and forms of engagement with the Scottish Criminal Justice System. As a final note, the sample was completely lacking in ethnic diversity: there were no BME participants at all, although 98% of prisoners in Scotland are white (Graham, 2007) it is still necessary to consider the specific experiences of BME prisoners who may have learning disabilities but the geographic field of study may need to be expanded to England and Wales or perhaps within the United States of America.

## 9.4 Conclusion

This thesis has provided a nuanced analysis of the ways in which a group of people with learning disabilities make sense of and adapt to imprisonment. It explored this through the use of innovative, flexible, and responsive research methods and approaches which sought to centralise the participant throughout all stages of the research process. By bridging together criminology and disability studies to explore this unique intersection at the margins of society, this research has successfully demonstrated the value of bringing together two distinct fields of knowledge.

Throughout the study, I sought to work inclusively with the participants; this is demonstrable most clearly through the inclusive research design of flexible interviews (multiple and semi-structured) as well as the production of Easy Read documentation. I have used my own name, rather than 'interviewer', in the research exchanges demonstrated throughout the thesis as I felt it was important to acknowledge my presence in the interviews. Methodologically, this research has contributed significantly to knowledge about researching with a 'hard to reach' population and within a challenging research environment; the interviews provided a wealth of rich qualitative data to give a much needed insight into the prison experiences of a deeply marginalised group.

The theme of power emerged strongly throughout the process of data analysis; this became crystallised through three further sub-themes (see also discussion in chapter 3). Firstly, it examined the participants' manifold experiences of exclusion as 'laminated', or layered, as such continuous forms of exclusion became internalised and further deepened their sense of social disenfranchisement. Secondly, it discussed 'capacity assumptions' and the ways in which binary assumptions of having or lacking capacity presents structural barriers to people with learning disabilities in prison and, as a result, adversely impacts their psycho-emotional wellbeing. Finally, it drew together the common threads where participants discussed using their agency to preserve or create a sense of self in response to institutional pressures, or when they perceived threats to their self-narratives; these existed both in the institutional inscription of 'vulnerability' but also in the relative 'pains' of living in the community amidst the complexities and marginality that characterised their home worlds. These thematic areas contribute significantly toward a rich understanding of the complexities faced by people with learning disabilities as they make sense of and situate their imprisonment within their wider lives and self-narratives.

While this thesis did not set out to review practice, assess services, or make policy recommendations, I have provided sufficient evidence to suggest that the policy response should not be to build more services, programmes, or supports into the prison but rather to ensure that these are more widely available in the community. Prison must be viewed as just one system of governance among many which affect the lives of people with learning disabilities (just as it does those without a learning disability); by embedding the system within the wider nexus of government and control, a more nuanced understanding can be achieved of the cycles exclusion, oppression, and institutional dependency.

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## Appendix 1: Participant information sheet (Prison participants) [Plain language]



University of Glasgow | College of Social Sciences



### **Participant Information Sheet**

Invitation to participate in a research study called:

**'The Experiences of People with Learning Disabilities within the Scottish Criminal Justice System.'**

You are being invited to take part in a research project. Before you decide if you will take part or not, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask any of the contacts listed at the end of this document if there is anything that is not clear or if you would like more information.

Thank you for reading this.

#### **Researcher background**

My name is Caitlin Gormley, I am a postgraduate research student at the University of Glasgow. As part of my PhD project in Sociology/Criminology, I would like to speak to people who have learning support needs and have been to prison or have been given a community-based sentence. Cornerstone are helping me to find people to speak to.

#### **What is the project about?**

At the moment, not a lot is known about how people with learning support needs feel about going to prison. This project is about how people with learning support needs make sense of the Scottish criminal justice system if they have gone to prison or have been given a community-based sentence.

I would like to find out what these people think about their behaviour that got them arrested and about how they felt about going through the criminal justice system as an offender. I also want to hear about how these people adjusted to being in prison or doing their community-based sentence, and how this made them feel.

### **Why have I been asked to take part?**

You have been invited to take part in the research because you are being supported by Cornerstone.

I am interested in hearing about how you felt about being arrested, going to court and being in prison or doing your community-based sentence. Your voice and opinion are really important for me to find out more about how people with learning support needs make sense of the criminal justice system in Scotland.

I will be speaking to 20 people in total who are also being supported by Cornerstone's Community Justice Services. Some of these people are still in prison. I will also be speaking to some Cornerstone staff, prison staff, forensic professionals and social workers.

### **What does taking part involve?**

Taking part in this research project will involve me interviewing you to ask you some questions about your experience of going through the criminal justice system.

You and I will have three or four interviews which will only last around 30 minutes. We will spend some time getting to know each other before the interview starts. I will remind you of everything you have said to me at the end of the last interview to make sure you are happy with it.

If you would like someone else to be present at the interview with you, just let me know. This person could be your Cornerstone support worker, a family member, a friend or neighbour that you trust.

### **Do I have to take part?**

No, you do not have to take part if you do not want to.

It is up to you to decide whether or not to take part in this research. You can take a few days to think about it if you are not sure and you may wish to talk to someone about it before you decide.

If you agree to take part in the research but change your mind later, you can stop or leave at any time without giving me a reason. It is important for you to know that if you choose not take part, this will not affect your involvement with Cornerstone in any way.

### **Will I be identified from the research?**

If you agree to take part in the project, I will record our interview conversation on a voice-recorder so that I have an exact account of what we have spoken about. This will be kept in a secure place which can only be accessed by me. I will be the only person who hears and knows what you have said in the interview.

At the end of the research, I will give you a different name so that you cannot be identified from my project. I will also give different names to the places that you go to and the names of your friends and family that you mention to me.

### **What will happen to the results of the research project?**

The results of this research will be submitted to the University of Glasgow as a PhD thesis in July 2015. A report with the results of the project will also be given to Cornerstone to communicate with the people they support and their partners in different organisations.

I will create an easy-read version of the results of the research for anyone who prefers this format. Please do remember that you will not be identified from these results.

### **What do I do now?**

If you do wish to take part in the project, please let your Cornerstone support worker know so that we can arrange to all meet together to talk about this face-to-face. Then you and I will decide together the dates for the interviews to take place.

### **Contact for further information**

You may also want to contact the researcher or the researcher's supervisors for further information. You can find contact details for these people below:

#### **Principal Researcher:**

Caitlin Gormley – Postgraduate Research Student, University of Glasgow  
[j.gormley.1@research.gla.ac.uk](mailto:j.gormley.1@research.gla.ac.uk) - 0141 330 7137

#### **Researcher Supervisors:**

Michele Burman – Professor of Criminology, University of Glasgow

[Michele.Burman@glasgow.ac.uk](mailto:Michele.Burman@glasgow.ac.uk) – 0141 330 6983

Nicholas Watson – Professor of Mental Health and Wellbeing, University of Glasgow

[Nicholas.Watson@glasgow.ac.uk](mailto:Nicholas.Watson@glasgow.ac.uk) - 0141 330 3916

Lynn Jolly – Community Justice Services Manager, Cornerstone

[Lynn.Jolly@cornerstone.org.uk](mailto:Lynn.Jolly@cornerstone.org.uk) - 0141 550 7580

This project has been approved by the Ethics Committee of the College of Social Sciences, University of Glasgow. Should you have any concerns regarding the conduct of the research you may contact the College of Social Sciences Ethics Officer: Dr Mo Hume - [Mo.Hume@glasgow.ac.uk](mailto:Mo.Hume@glasgow.ac.uk)

## Appendix 2: Participant information sheet (Cornerstone participants)



University of Glasgow | College of Social Sciences



### **Participant Information Sheet**

Invitation to participate in a research study called:

**'The Experiences of People with Learning Disabilities within the Scottish Criminal Justice System.'**

You are being invited to take part in a research project. Before you decide if you will take part or not, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask any of the contacts listed at the end of this document if there is anything that is not clear or if you would like more information.

Thank you for reading this.

#### **Researcher background**

My name is Caitlin Gormley, I am a postgraduate research student at the University of Glasgow. As part of my PhD project in Sociology/Criminology, I would like to speak to people who have learning support needs and have been to prison. Cornerstone are helping me to find people to speak to.

#### **What is the project about?**

At the moment, not a lot is known about how people with learning support needs feel about going to prison. This project is about how people with learning support needs make sense of the Scottish criminal justice system if they have gone to prison.

I would like to find out what these people think about their behaviour that got them arrested and about how they felt about going through the criminal justice system as an offender. I also want to hear about how these people adjusted to being in prison, and how this made them feel.

### **Why have I been asked to take part?**

You have been invited to take part in the research because you are arranging to receive support from Cornerstone when you complete your prison sentence.

I am interested in hearing about how you felt about being arrested, going to court and being in prison. Your voice and opinion are really important for me to find out more about how people with learning support needs make sense of the criminal justice system in Scotland.

I will be speaking to 20 people in total who are also being, or arranging to be, supported by Cornerstone's Community Justice Services. Some of these people are already receiving support in the community. I will also be speaking to some Cornerstone staff, prison staff, forensic professionals and criminal justice social workers.

### **What does taking part involve?**

Taking part in this research project will involve me interviewing you to ask you some questions about your experience of going through the criminal justice system.

We will spend some time getting to know each other before the interview starts. The interview will last no longer than 1 hour and a half. If you prefer, we can meet 3 times to do shorter interviews which will last around 30 minutes each time.

I will remind you of everything you have said to me at the end of the last interview to make sure you are happy with it.

### **Do I have to take part?**

No, you do not have to take part if you do not want to.

It is up to you to decide whether or not to take part in this research. You can take a few days to think about it if you are not sure and you may wish to talk to someone about it before you decide.

If you agree to take part in the research but change your mind later, you can stop or leave at any time without giving me a reason. It is important for you to know that if you choose **not** take part, this will **not** affect your involvement with Cornerstone in any way.

You should also know that if **you do decide to take part**, this will **not** affect your sentence in any way.

### **Will I be identified from the research?**

If you agree to take part in the project, I will record our interview conversation on a voice-recorder so that I have an exact account of what we have spoken about. This will be kept in a secure place which can only be accessed by me. I will be the only person who hears and knows what you have said in the interview.

At the end of the research, I will give you a different name so that you cannot be identified from my project. I will also give different names to the places that you go to and the names of your friends and family that you mention to me.

### **What will happen to the results of the research project?**

The results of this research will be submitted to the University of Glasgow as a PhD thesis in July 2015. A report with the results of the project will also be given to Cornerstone to communicate with the people they support and their partners in different organisations such as the Scottish Prison Service.

I will create an easy-read version of the results of the research for anyone who prefers this format.

Please remember that you will not be identified from these results.

### **What do I do now?**

If you do wish to take part in the project, please let a Cornerstone support worker know so that we can arrange to all meet together in the link centre to talk about this face-to-face. You can also ask a prison officer to tell the Cornerstone support worker for you.

Dates for the interview, or interviews, will then be arranged with prison staff.

### **Contact for further information**

You may also want to contact the researcher or the researcher's supervisors for further information. You can find contact details for these people below:

#### **Principal Researcher:**

Caitlin Gormley – Postgraduate Research Student, University of Glasgow

[j.gormley.1@research.gla.ac.uk](mailto:j.gormley.1@research.gla.ac.uk) - 0141 330 7137

**Researcher Supervisors:**

Michele Burman – Professor of Criminology, University of Glasgow

[Michele.Burman@glasgow.ac.uk](mailto:Michele.Burman@glasgow.ac.uk) – 0141 330 6983

Nicholas Watson – Professor of Mental Health and Wellbeing, University of Glasgow

[Nicholas.Watson@glasgow.ac.uk](mailto:Nicholas.Watson@glasgow.ac.uk) - 0141 330 3916

Lynn Jolly – Community Justice Services Manager, Cornerstone

[Lynn.Jolly@cornerstone.org.uk](mailto:Lynn.Jolly@cornerstone.org.uk) - 0141 550 7580

This project has been approved by the Ethics Committee of the College of Social Sciences, University of Glasgow. Should you have any concerns regarding the conduct of the research you may contact the College of Social Sciences Ethics Officer: Dr Valentina Bold – [Valentina.Bold@glasgow.ac.uk](mailto:Valentina.Bold@glasgow.ac.uk)

## Appendix 3: Easy Read Participant information sheet (Prison participants)

### Participant Information Sheet



This letter is to ask if you want to take part in a research project called:

#### 'The Experience of People with Learning Disabilities within the Scottish Criminal Justice System'



It is important for you to understand what the research is about and what will happen.

Please read the following information carefully before you decide if you want to take part.



You can discuss it with others if you wish.



Ask me if there is anything that is not clear or if you would like more information.

Thank you for reading this.

This is who is doing the research:



My name is Caitlin Gormley.

I am a student at the University of Glasgow.

For my research project I would like to speak to people with learning support needs who have been to prison.

Cornerstone are helping me to find people to speak to.

This is what the project is about:



I am interested in finding out how you feel about being arrested.

I would like to know what you think about going to court.

I want to hear your views about going to prison and how this made you feel.

This is why you have been asked to take part:



You have been asked to take part because you are arranging to be supported by Cornerstone's 'Positive Tracks' programme when you leave prison.



Your voice and opinion are really important for me to find out about how people with learning support needs experience the criminal justice system.

This is what will happen if you take part:



I will interview you to ask you some questions about your experience of the criminal justice system.

The interview will last no longer than 1 hour and a half.

If you prefer, I will interview you **three times** to. These interviews will only last **thirty minutes** long each time we meet.

This is about your decision to only take part if you want to:



**You do not have to take part if you do not want to, it is your choice.**



**If you do not want to take part, this will not affect your support with Cornerstone.**

**However, if you do take part, this will not affect your sentence.**



If you say yes but decide later that you do not want to take part, you can stop at any time without giving me a reason.

This is how I will keep your identity safe:



I will record our interviews on a voice recorder so that I have an account of everything we have said.



This will be kept in a secure place which can only be accessed by me.



I will change your real name to a different name so that no one will know that you have taken part in the research.

I will give different names to the places that you go and the people that you know if you mention these to me.

What to do if you want to take part:



If you want to take part in my project, please speak to a Cornerstone support worker at the prison links centre.

Or you can ask a prison officer to tell the Cornerstone support worker.

What will happen next:



We will all meet together to talk about this more at the links centre.

Contact for further information:



If you have any questions you may want to contact me or my research supervisors.

Our contact details are below.

**Main Researcher**

Caitlin Gormley

Postgraduate research student  
University of Glasgow



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**Researcher's Supervisors**

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## Researcher's Supervisors:



### Michele Burman

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This project has been approved by the  
Ethics Committee of the College of  
Social and Political Sciences,  
University of Glasgow. Should you  
have any concerns regarding the  
conduct of the research you may  
contact the College Ethics Officer: Dr  
Valentina Bold –

[Valentina.Bold@glasgow.ac.uk](mailto:Valentina.Bold@glasgow.ac.uk)



Appendix 4: Easy Read participant information sheet  
(Cornerstone participants in community)

## Participant Information Sheet



This letter is to ask if you want to take part in a research project called:

'The Experience of People with Learning Disabilities within the Scottish Criminal Justice System'



It is important for you to understand what the research is about and what will happen.

Please read the following information carefully before you decide if you want to take part.



You can discuss it with others if you wish.



Ask me if there is anything that is not clear or if you would like more information.

Thank you for reading this.

This is who is doing the research:



My name is Caitlin Gormley.

I am a student at the University of Glasgow.

For my research project I would like to speak to people with learning support needs who have been to prison or have got a community based order.



Cornerstone are helping me to find people to speak to.

This is what the project is about:



I am interested in finding out how you feel about being arrested.

I would like to know what you think about going to court.

I want to hear your views about going to prison or doing a community based order and how this made you feel.

This is why you have been asked to take part:



You have been asked to take part because you are being supported by Cornerstone's Community Justice Services.



Your voice and opinion are really important for me to find out about how people with learning support needs experience the criminal justice system.

This is what will happen if you take part:



I will interview you **three or four times** to ask you some questions about your experience of the criminal justice system.

These interviews will only last **thirty minutes** long each time we meet.

You can bring a support person with you if you want to.

This is about your decision to only take part if you want to:

**No**



**You do not have to take part if you do not want to, it is your choice.**



**If you do not want to take part, this will not affect your support with Cornerstone.**



If you say yes but decide later that you do not want to take part, you can stop at any time without giving me a reason.

This is how I will keep your identity safe:



I will record our interviews on a voice recorder so that I have an account of everything we have said.



This will be kept in a secure place which can only be accessed by me.



I will change your real name to a different name so that no one will know that you have taken part in the research.

I will give different names to the places that you go and the people that you know if you mention these to me.

What to do if you want to take part:



If you want to take part in my project, please speak to one of your Cornerstone support workers.

What will happen next:



We will all meet together to talk about this more.

At this meeting, you and I will make an interview plan together.

Contact for further information:



If you have any questions you may want to contact me or my research supervisors.

Our contact details are below.

**Main Researcher**



Caitlin Gormley

Postgraduate research student  
University of Glasgow



0141 330 7137



[j.gormley.1@research.gla.ac.uk](mailto:j.gormley.1@research.gla.ac.uk)

**Researcher's Supervisors**



Lynn Jolly

Community Justice Services  
Manager, Cornerstone



0141 550 7580



[Lynn.Jolly@cornerstone.org.uk](mailto:Lynn.Jolly@cornerstone.org.uk)

## Researcher's Supervisors:



### Michele Burman

Professor of Criminology,  
University of Glasgow



0141 330 6983



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### Nicholas Watson

Professor of Mental Health and  
Wellbeing, University of Glasgow



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Nicholas.Watson@glasgow.ac.uk

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This project has been approved by the  
Ethics Committee of the College of  
Social and Political Sciences,  
University of Glasgow. Should you  
have any concerns regarding the  
conduct of the research you may  
contact the College Ethics Officer: Dr  
Mo Hume - [Mo.Hume@glasgow.ac.uk](mailto:Mo.Hume@glasgow.ac.uk)



## Appendix 5: Consent form - Plain language

### Consent Form for Interviews

**Title of Project:** The Experiences of People with Learning Disabilities within the Scottish Criminal Justice System.

**Name of Researcher:** Caitlin Gormley

It is important that you only take part in this study if you want to and that you understand what taking part will involve.

This form should only be signed once you have had time to read the Participant Information Sheet provided, and you have asked any questions that you may have.

1. I confirm that I have read and understand the Participant Information Sheet for the above study and have had the opportunity to ask questions.
2. I agree that my participation is voluntary and I understand that I am free to withdraw at any time, without giving any reason. I also understand that I do not need to respond to questions that I do not want to answer, without giving any reason.
3. I consent to the interview being digitally recorded (audio only).
4. I have been told that my identity will not be revealed in any publication related to this research and I consent to the measures taken to secure confidentiality.
5. I agree to take part in the above study.

\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Caitlin Gormley  
\_\_\_\_\_  
Researcher

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Appendix 6: Easy Read consent form



University of Glasgow | School of Social & Political Sciences



### Consent Form for Interviews

easy read  

**Title of Project:** The Experiences of People with Learning Disabilities within the Scottish Criminal Justice System.

Researcher's name: Caitlin Gormley

Please tick the boxes to say that you agree, like this:



I understand what the research is about and have asked questions that I had.



I decided to take part in the project by myself.



I understand that I can leave the interview at any time without saying why. I know that I do not have to answer any questions that I do not want to.



I agree to our voices being recorded during the interview.



I have been told that everything we speak about will be kept private. I understand that only the researcher will know what I have said.



I understand that I will be given a different name so that no one can identify my from the final research report.



I agree to taking part in the interviews with the researcher.

\_\_\_\_\_  
Your name

\_\_\_\_\_  
Today's date

\_\_\_\_\_  
Your signature

Caitlin Gormley  
My name

\_\_\_\_\_  
Today's date

\_\_\_\_\_  
My signature

# Appendix 7: Broad interview topic guide - participants in prison

## Interview topic guide

**Research project title:** 'The Experiences of People with Learning Disabilities within the Scottish Criminal Justice System.'

Researcher: Caitlin Gormley

NB: these are topics and example questions which will allow the researcher to maintain some guidance during multiple, short, semi-structured interviews with these participants.

### Before arrest

What did you do during the day before you were arrested?

What were your living arrangements like?

Did you get into trouble at school/what was school like/what did you think about school?

Did you receive any help or support before you were arrested?

Had you been in trouble with the police before?

### Being arrested and at the police station

What was initial arrest like? How did you feel?

Did anyone other than a police man/woman or solicitor (ie Appropriate Adult) help you understand what was happening when you were being interviewed at the police station?

What did you think about being in the police station as an accused?

Did you know what would happen after you had been charged?

### Going to court and receiving a sentence

What happened when you went to court?

Did you understand why you were there and what would happen?

What sort of help did you receive in court? Was there anyone in court who helped you understand what was happening?

How did you feel when you were given your sentence?

### Serving sentence

Did you understand why you were in prison when you first got here?

What is prison like? Can you tell me about your daily routine?

What kinds of support do you receive to help you with daily living? (ie with reading prison information, filling in forms to see GP/choosing meals/arranging visits from friends and family)

What sort of activities do you do in prison? Do you do any programmes or classes?

How do you feel about being away from your family and friends? Do you stay in contact with them?

### Community Reintegration

What would you like to do when you leave prison?

How will you prepare for leaving prison?

What kind of support do you want to receive from Cornerstone? Is there any other kind of support that you would like to receive?

How do you think this will help you?

## Appendix 8: Participant biography vignettes

### Biography vignettes– Thesis Appendix

#### Alec

Alec was a very bubbly, light-hearted man in his early fifties, but looked much younger and often joked about his age and greying hair. He was sometimes difficult to understand due to his strong accent and often slurred his words; interviews usually lasted 20 minutes. At the time of our interviews, Alec was on remand for domestic abuse. He had quite chaotic upbringing as a looked after child and started drinking heavily as a pre-teen. He admitted that the majority of his offending was related to his drinking and that he could not remember the details of many of his arrests as a result. Alec has several (adult and teenage) children, to different mothers, and is still in contact with his oldest daughter who suffers from a terminal illness. He did not attend school and cannot read or write anything other than his own name but stated that he had been identified with a learning disability upon arrival in prison. He explained that he has memory problems because of his drinking habit and seemed to have quite a limited vocabulary; he often mixed up his words or could not find the word he was looking for and would describe the noun/verb/name to me for clarification. He asks his cellmate to read and respond to his mail and fill in all prison forms.

#### Simon

Simon was in his late thirties, though looked much younger and spoke slowly, occasionally slurring, in a monotone due to his heroin use. Simon was friendly and was able to hold conversations and tell stories effectively although he needed time to digest questions before answering. He had a large scar across his cheek and walked slowly with some difficulty; he later shared that he was the victim of a hit and run car crash when he was in (mainstream) high school, which resulted in brain injury during the developmental years. Simon also has epilepsy, but never told me this until the third time we met, and explained that he does have learning support needs. Our interviews lasted around 25 minutes each, as Simon usually started asking questions about me towards the end although it took quite a while to gain his trust. Simon was a petty, repeat offender with a long history of charges and convictions including car theft, housebreaking and assault. He was on remand at the time of interviews; his index offence was carrying a concealed weapon. He had spent a lot of time in prison and YOIs, and explained that he once served a short-term sentence in a case of mistaken identity.

#### Martin

Martin was a polite man in his early thirties and was happy to take part in the interviews from the moment we met. This was the first time he had been arrested and was on remand during the interviews but was later convicted and charged with an 18 month custodial sentence for fire raising. He was extremely embarrassed about this incident and explained that it had been an accident, although he accepted responsibility for the incident he seemed to feel that the weight of the criminal justice system was falling on him. He comes from a well-to-do family and, as such, had the resources to afford a good lawyer. Martin has poor mental health and had been received daily support in the community from both health professionals and charitable support services. He was placed on remand out of concern for his own safety and spent the first few weeks in prison under observation, or 'in the karate suit', as he had made various threats on his own life. He has found his adjustment to prison extremely difficult and tries to keep to himself as much as possible. He vaguely explained that he had been bullied in prison but was curt on this matter and did not wish for me to discuss this with officers or senior staff members. Martin

avoided talking about his learning disability. He had attended mainstream education and was unaware of any learning support needs until he entered prison.

### Grant

Grant was in his late twenties and seemed to relax instantly during the interviews, often sitting in 'power postures' with his arms spread behind his head and legs widely stretched. He was diagnosed with dyslexia in primary school and was moved to a special education secondary school. Grant then spent some time in the military, including a sentence in military prison for assaulting a fellow officer, before being dishonourably discharged so that he could spend time with his newborn daughter. He was well-known to the police for various petty offences, car thefts and drug-related offences and has spent time in numerous prisons. At the time of interviews, Grant was on remand but was not keen to discuss any details of what he had been accused of while the Dictaphone was on. Similarly, he refused to discuss his gang involvement nor his lengthy relationship with his lawyer on tape. He was extremely open about these things when the recorder was off, though I assured him that I would not include this information in my research.

### Charlie

Charlie was in his late thirties and but looked much younger. When we met, he had been in prison for 17 years and was reattempting the 'top-end' of his 13-year tariffed life sentence for a gang-related attempted murder. Charlie was brought up in the care system and attended residential special education schools but protectively explained that his mum and dad were not able to look after a large family due to their own drinking problems. One of his younger brothers is also in prison and another recently passed away from a drug overdose. Charlie has previously served short-term prison sentences at various prisons across the country including the Young Offenders' Institute and also had community-based sentences which resulted in a warrant to arrest him for breaches. He also spent a lengthy spell at the State Hospital earlier in his life-sentence, this along with has resulted in an 'up-tariffing' of his overall sentence by 4 years. He had been diagnosed with a learning disability and that he had difficulty remembering things. Charlie was uncomfortable with story-telling and tended to list his responses, keeping them short while interrupt questions and considerably using neutralising statements such as, "so that was alright", "basically, aye" and "so I'm happy with that" or approval-seeking statements such as, "know what I mean?"

### Paul

Paul was in his early twenties, made a real effort with his appearance and was extremely polite (- he often apologised for swearing). He was initially sentenced to two and a half years imprisonment with an Order for Lifelong Restriction after offering an early guilty plea to assault to severe injury however he has spent just over four years in prison due to a misunderstanding of his eligibility for parole. Paul was excluded from secondary school after being accused of threatening a teacher with a knife and was placed in a residential special education school where he suffered various forms of abuse from staff and bullying by other pupils. Over the course of his custodial sentence, Paul had spent time in three prisons and previously had only spent a few hours in a local police station cell but currently holds a highly-trusted job which he speaks of with enjoyment. Paul was a very elegant and proficient storyteller; he would explain the fine details of each event, situation or local in an extremely visual manner and would articulate crude words, local dialect or prison argot with several synonyms. Paul was diagnosed with Asperger's Syndrome while in prison; he welcomed this diagnosis by stating that it would help him to understand why he is 'so different'. Paul was offered an Appropriate Adult at the police station but he declined this as he wanted to explain exactly what had happened.

## John

John was in his early twenties and was often agitated and distracted during our interviews. John was not an easy speaker, often passed over details of events and recounted stories more than once. He only seemed to start to trust me during our third interview. He was serving an 8 month sentence for shoplifting; this was his first sentence in an adult prison. He spoke regularly about his heavy drinking habit, and often relayed this as the source of his lengthy offending history. John has mental health problems which cast a long and heavy shadow over the other issues he faces; he has spent time in a low-secure forensic unit (including one occasion where he self-referred himself for respite). He enjoys the quietness of forensic units and admitted that he could easily live out the rest of his days there. His anxiety issues prevent him from taking part in any education programmes or work parties and he states that he prefers to stay in his cell, alone, with the door closed. He does not use the gym facilities in prison due to the open showering arrangements which make him anxious. John attended a special education school and was diagnosed with ADHD as a teenager and has been on medication for this.

## Julie

Julie was in her mid-twenties and was recovering from a chest infection throughout the course of our interviews. At the start, she was open and seemed to be a good story-teller, although she occasionally whispered to indicate that she did not want what she was saying to be included in the interviews; I explained that I would honour this and later omitted those statements from transcriptions. Julie has a quiet temperament and is very agreeable in her nature and she often used laughter to deflect from her true feelings about things – this can be seen, for example, when we discussed the day her third child was taken away from her. Julie was charged with fire-raising and spent 6 months on remand followed by a further 4 weeks in prison for breaching her bail conditions. She is currently serving an 18-month Supervision Order along with a 225-hour Community Payback Order. This was her first offence however she is familiar with the criminal justice system as her long-term partner received an 8 year custodial sentence for a crime at which she was present just 2 months prior to the fire-raising incident. She shied away from all discussions relating to learning disabilities or difficulties and made it clear that this topic was not on the table. She attended a special education school and explained that she had never been in trouble in school nor with the police.

## Craig

Craig was one of the youngest participants, in his early twenties, and speaks with a soft voice. He was diagnosed with ADHD while at school, and although he was in mainstream education, he was often removed from classroom settings for misbehaving then stopped attending school at a young age. He was first arrested at 12 years old for fire raising, this then started a long history of theft and drug-related offending. Craig had been convicted with charges relating to domestic abuse, but was guarded about the details. He has an extremely negative self-perception and uses terms like ‘bad boy’ to describe himself, while regularly demonstrating his low self-esteem by explaining how he is a ‘waster’. I tried to use appreciate inquiry techniques with Craig, however he seemed to be wary of this and confided in me that he was worried he was ‘spinning a sob story’.

## Robbie

Robbie was in his late thirties but his many tattoos make him seem much younger. He was very open with me from the first interview and shared that he is addicted to prescription drugs; this has been the root of many of his previous convictions including an armed robbery. While in the community, Robbie’s doctor and probation officer agreed that he should be on daily medication, meaning that he had to go to the pharmacy every day to collect his antipsychotic and pain killer medication, however in prison he is given weekly medication which he must manage himself. On one occasion, Robbie refused to see me to be interviewed and later

apologised and explained that his medication had been ‘messed up’ and he could not get out of bed for a week. Robbie was convicted with an index offence of robbery and sentenced to just under 4 years in prison, including his early-plea reduction. Robbie spent his childhood in care due to his physically aggressive father and attended a special education school. He explained that he had difficulty making it to appointments, and later shared that he found it difficult to tell the time with clocks and that he found it extremely difficult to fill out forms.

## Tony

Tony was the oldest of my participants, in his fifties, but dressed much more youthful. He had been living in the community with support from Cornerstone for the past 8 months and, prior to his most recent prison sentence, had not been in prison for 8 years. Tony had a long history of offending, including various custodial sentences; the longest of which he had served was 6 years. His most recent offence was robbery, which was similar to his previous charges. He spoke about how prison had changed, and he explained that it was a shock to find female prison officers in the halls as well as homosexual prisoners integrated with other prisoners. Tony has never been in paid employment, although is skilled in various vocations due to numerous training courses in prison. He attended a List-D, or residential special education, school and spent time in YOIs. Tony was identified with a learning disability at the end of his most recent prison sentence when an officer referred him to Cornerstone, and explained that this helped him understand some things he had struggled with – particularly including filling in forms and various other daily tasks. He has struggled, in the past, with alcohol addiction but told me that he has not drunk since he left prison. He has also been volunteering regularly and has become a carer for a close friend.

## Liam

Liam was in his forties but looked much younger and had only recently found out that he had a learning disability. After being charged with theft, he received his first custodial sentence for the first time he had ever been in trouble with the law. He explained that he knew this was wrong, but because he had access and had not been caught, he continued to do this over a period of time. His workplace discovered this and took him to a tribunal; no police were involved and no lawyer was present, nor offered, at his hearing. His case was later passed to the courts and he was sentenced to one year in prison. Liam had a few rough nights in the reception prison, sharing a cell with someone experiencing drug withdrawals, and was moved to another cell within a few hours. As his sentence was so short, he was unable to take part in any education programmes or work parties. He is currently looking for work or placement opportunities and is trying to re-establish his relationship with his wife and children.

## Shaun

In his late twenties, Shaun was coming towards the end of his first custodial sentence for violent assault. Although he was serving a long-term sentence for a first conviction, it was important to Shaun that I know he had never been in prison before and became quite agitated when I questioned otherwise, but did admit that he had many run-ins with the police and explained that this was how people end up in prison. The interview exchange was limited to only one occasion as Shaun would not turn up to three subsequent pre-arranged meetings. Despite various reminders in different formats, Shaun refused to attend. He was extremely evasive during the interview and there were often lengthy silences, answers in brief and frequent cursing. He seemed apathetic and hostile within the interview setting, however as soon as the dictaphone was visibly switched off, Shaun explained his dislike of social workers yet the room we occupied was where he frequently met his criminal justice social worker in preparation for his upcoming liberation process. He seemed to distrust professionals. As a looked-after-child, Shaun spent his entire childhood between various foster homes and residential children’s homes and, after receiving a learning disability diagnosis as a child, was

moved from mainstream to special education. Shaun was uncomfortable discussing his learning disability.

### Chris

Chris was in his early-thirties and categorised himself largely as a person with heroin addiction, for which he was seeking support and was serving the majority of his present prison sentence on protection after being the victim of targeted assault. He was serving his third custodial sentence which stemmed from the same single incident: having been originally sentenced to an 8 month custodial sentence for housebreaking, he then deliberately breached his electronic tag early release conditions, and returned to prison for the remainder of his original sentence and was later sentenced to community service to undertake upon completion of the second custodial sentence. Finally, by not turning up to community service, Chris was sent back to prison for another short-term sentence. Chris was one of the few participants to have been brought up with his biological family, however was removed from mainstream education and placed within a special school to deal with his disruptive classroom behaviour related to his impairment effects: namely, concentration as he had a diagnosis of dyslexia from young childhood. The interview exchange was limited to one long sitting as Chris was to be liberated straight to a rehabilitation centre the subsequent day, although was extremely keen and eager to take part in the research.

### Lee

Lee was in his mid-twenties, serving a short-term sentence on protection for the remainder of his sentence after a fight with other prisoners. While the present sentence was for carrying a knife and breaches of probation orders (curfew), Lee had served one previous sentence for accumulated charges including: drunk and disorderly, housebreaking and assaulting a police officer. Although he had been arrested many times in the past, his custodial sentences had only began in the year prior to the interviews. He was a keen participant and shared that he had always been extremely drunk at the time of arrests and rarely remembered what had happened. Lee had been brought up in care and was adopted with his biological sisters at a young age. He was diagnosed with a learning disability (Cat's Eye Syndrome) as a young child and his adoptive mother was advised that he would be better suited in special education; however, she demanded that mainstream education would adapt and provide the appropriate assistance. While Lee accepted and embraced his LD diagnosis and could identify the various impairment effects and barriers he faced, he did not fully understand it and shared that it had never been explained to him.

### Brian

In his late-twenties, Brian was serving his longest of many short-term sentences - 8 months. All his prior convictions were related to drinking and anger, and while he had never been in prison for long enough to enrol in any behaviour programmes, he had completed these in the community but found it impossible to transfer the skills he learned for dealing with his anger into a closed setting. Brian was brought up in care and attended special education given his LD diagnosis from childhood. He was extremely ashamed of his diagnosis and took great lengths to conceal this; he only shared the fact with his lawyer because he was asked to provide proof of his benefits. Brian often spoke in a general sense, but was happy to share his own experiences when prompted. With optimism, he explained that when released he needed to find a job to provide for his family as his girlfriend was pregnant with their third child.

### Drew

Drew was in his mid-fifties and was in the middle of serving a long-term sentence for burglary and fraud; while this was typical of his long history of convictions and custodial sentences, he found it extremely difficult to understand his sentence due to an additional recall to custody order. Drew had been hospitalised as a very young child after being both diagnosed with a

severe learning disability, acquired brain injury from a head trauma during a car crash and from suffering extreme neglect by his father. He lived within a secure forensic institution until his mid-twenties then spent the following thirty years living between various closed forensic institutions and prison. When in the community, he lived with his aunt and uncle. Drew was an extremely vulnerable person with high support needs, and was experiencing severe bullying in prison. The bullying he described would fit the criteria of Disablist Hate Crime given that he was targeted by non-disabled peers when assaulted, harassed, financially abused or verbally degraded; this was also his experience in the community, even with family members. He preferred to live in hospitals as he felt safer, more included and less likely to be the victim of 'bullying'.

### Jake

Jake was the youngest participant and had recently been liberated from the young offender's institute and was being supported by Cornerstone in the community at the time of interviews. Jake spent his childhood in secure care for both welfare and punitive purposes having been first convicted at the age of 12. With previous convictions often related to alcohol misuse, violence and gang fighting, his most recent custodial sentence was for carrying an offensive weapon. Jake was very open about his history of drug misuse, which had been an issue since the age of 16, although he was not receiving any support or rehabilitation for this. He had only been screened for a learning disability when the young offender's institute referred him to Cornerstone, however seemed to accept this and stated that prior to having the label he had never received any kind of support – in this sense, he saw the label as providing him with opportunity he would never have had. While in the community, Jake was taking a Cornerstone-supported college course in order to help with general life skills although, and unfortunately, we only met twice as he had been arrested and held on remand during the course of interviews.

### Jane

Jane was on remand when we met and was not only in prison for the first time but this had also been her first police encounter. In her early thirties, Jane had always lived at home with her parents until they accused her of having assaulted them: a charge which she denied. However, Jane was receiving frequent visits and canteen money from her parents. She was extremely confused about the proceedings and seemed not to fully understand her imprisonment, nor the environment itself. She was living within a vulnerable prisoners' unit and, at the time of interviews, was having difficulty with her cellmate, with whom she had become intimate, and who subsequently had attacked her. Jane also had a hearing impairment which she did not immediately reveal. She explained that she was socially isolated within the prison environment and preferred to socially engage with prison officers where possible. Jane's parents had discussed the possibility of her attending a day or residential service prior to her offence, and this was a continuing source of anxiety.

### Leanne

Leanne was in her early twenties and was permanently placed within a vulnerable prisoners' unit for her history of self-harm and suicide attempts. We met on two separate occasions, however on the second meeting Leanne had confided that she had attempted suicide the previous night but was unsure of what help was available to her. Following the meeting, and with her consent, I made arrangements with Leanne's personal officer to ensure that the appropriate measures were taken. Leanne had been in prison before and explained that her offending began following the death of her father, when she – like many other women in the study – 'just went off the rails' and had not been supported to deal with her grief. Leanne had mental ill health and had had a learning disability diagnosis from childhood, having been placed in special education. However, Leanne had been bullied while at school from peers who attended mainstream education, and ultimately this became inescapable hate incidences. Her victimisation extended into her adult life and followed her into prison, where she was

frequently bullied and victimised as a result of her mental ill health and learning disability. Leanne attributed both unresolved guilt from the death of her father and the bullying to her self-harming.

### Chloe

Chloe was in her mid-twenties and had spent much of her adult life in prison, freely admitting that she felt safer there than in the community and occasionally committed offences in full knowledge that she would end up back in prison. She attended special education as a result of a childhood diagnosis of learning disability as well as having cerebral palsy – neither of which she acknowledged as restrictive – and reported that she had been bullied and abused, financially, emotionally, sexually and physically, throughout her life. Chloe was concerned about people treating her differently, and made effort to demonstrate that she was not only just as capable as non-disabled people, but actually more capable or talented. She grew up living with her grandmother after being neglected and abused by her mother, and explained that as an adult her mother had regularly stolen her DLA benefits. As a young girl, she had been sexually abused by a group of boys who were never convicted for their crime. When her grandmother passed away, she ‘went off the rails’ and started drinking heavily and smashing windows. She was extremely socially isolated with very few friends inside or outside, and no family ties. She had served many short-term custodial sentences as well as community based sanctions. As a typically bubbly person, Chloe’s demure changed dramatically over the course of our meetings and she shared that she was being bullied on her wing. At her request and with her consent, I set up a meeting with a ‘care’ officer whom she trusted in order to deal with this.

### Sue

Sue was one of the oldest participants in the study, in her mid-fifties, and was living within the vulnerable prisoners’ unit. Her conviction history was all around violent behaviour, however this typically occurred with professionals or those she perceived with power over her (ie family members) when she felt scared. Sue shared that she had ‘got out of hand’ when her mother passed away and continued to live with her father for a short while. Diagnosed with a learning disability as a child, she had attended special education but had a very strong relationship with her non-disabled brother, who continued to visit her and financially contribute toward her prison canteen. Sue had full-time care provision while in the community and found daily life in prison difficult to manage. Sue was confronted by others and humiliated on a daily basis about her difficulty to upkeep her personal hygiene, and often only attended to this when someone asked her to. I terminated the interview process early during one interaction when Sue became extremely upset following an altercation with her cellmate, which nullified her eligibility for early release with electronic tag.

### Ashley

Ashley was in her early twenties, a few years into a life-sentence for murder and had been diagnosed with an Autistic Spectrum Condition while on remand awaiting trial. While she had attended mainstream education and lived with one of her parents throughout her childhood, she revealed that it had been a life of neglect and of sexual, physical and emotional abuse in the home as well as bullying, harassment and social exclusion outside. Ashley had been sexually abused and, as a result, had become a very young mother. She had self-harmed during her trial, but felt relief when she received her diagnosis and felt that this explained why she had always felt different. In the police station while on trial and later in prison, Ashley had been physically assaulted by other prisoners due to her crime. She was frequently verbally harassed by prisoners and prison officers alike, and felt like she was always explaining her condition to people who did not understand.

## Nicole

Nicole was in her early twenties and serving her second custodial sentence, although she likened prison to being 'just a big children's home' given that she had spent her whole life between welfare-based residential units and the foster system. She was diagnosed with Foetal Alcohol Syndrome and learning disability as a child, but also had mental ill health and other physical impairments. She had a history of alcohol misuse and recreational drug use. In the community, Nicole lived with her partner who she stated was also her carer. While on remand during her first custodial sentence, she had not understood this and set her cell on fire. She had previously completed community based sanctions and explained that she enjoyed being mentored by her probation officer who had convictions. She explained that she was worried people thought that she made up her impairment and support needs, and was often a victim of hate crime as other women crudely antagonised her about her learning disability.

## Karen

At the time of interviews Karen was on remand, but was beginning to get impatient with waiting for background reports to be carried out; she was unsure how long she had been in prison. She referred to her learning disability as her being 'a bit backward', and although she had attended a special education school, she fought to be treated the same as anyone else. She had been in and out of prison most of her adult life, but always for very short sentences for minor offending (usually shoplifting). Her mental health problems meant that she had occasionally been hospitalised, although she found this extremely traumatising and was afraid of this happening again. In prison, lived in disabled cell in the vulnerable unit and found daily life in prison fairly difficult. I met Karen almost every day I visited the prison because she could only engage in the interview for very short periods, however she contributed significantly once she got used to me.